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HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 5 October 2016

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 13 October 2016**
Time **1.30 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

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

Other Members of the Council for information

Please note that there will be Member Training commencing at 10.00am regarding Highway Authority Assessment of Planning Applications; Committee Report Format; Interim Policy Guidance Reports and 400m Separation Distance for Livestock Buildings

AGENDA

Page No

1. MINUTES 1 - 6
To confirm the minutes of the meeting held on 15 September 2016 (P.11 - P.12), attached.
2. APOLOGIES FOR ABSENCE.
3. UPDATE ON IMPLEMENTATION OF PUBLIC RIGHT OF WAY RISK ASSESSMENT AND MITIGATION CONDITION - FORMER YORK TRAILERS SITE, YAFFORTH ROAD, NORTHALLERTON (13/01956/FUL) 7 - 10

Report of the Executive Director
4. PLANNING APPLICATIONS 11 - 102

Report of the Executive Director.

Please note that plans are available to view on the Council's website through the Public Access facility.
5. 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, 15th September, 2016 at Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

Councillor	M A Barningham	Councillor	C Patmore
	Mrs B S Fortune		B Phillips
	K G Hardisty		C Rooke
	J Noone		Mrs I Sanderson

Also in Attendance

Councillor	R A Baker	Councillor	N A Knapton
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Apologies for absence were received from Councillors P Bardon, D M Blades and S P Dickins

P.11 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 18 August 2016 (P.9 - P.10), previously circulated, be signed as a correct record.

P.12 **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) 16/00373/FUL - Demolition of existing farm buildings and construction of 4 new dwellings, conversion of existing chapel building to a dwelling and ancillary works, associated parking and formation of new access at Ainderby Hall, Ainderby Quernhow for T M Jopling & Partners

PERMISSION GRANTED

The decision was contrary to the recommendation of the Executive Director. The Committee concluded the development would secure significant improvement to the environment in accordance with CP4.

(The applicant's agent, Mr Malcolm Tempest, spoke in support of the application).

- (2) 16/01470/FUL - Change of use of ancillary accommodation to separate residential dwelling unit at 2 Aiskew Crossing, Bedale Road, Aiskew for Mr & Mrs Curtis

PERMISSION GRANTED

(The applicant's agent, Mr Rod Hepplewhite, spoke in support of the application).

- (3) 16/01207/FUL - Construction of industrial building, service yard, security fencing and associated car park at Plot 1A Conygarth, Leeming Bar Industrial Estate for Lifetime Home Improvements Limited

PERMISSION GRANTED

- (4) 16/01468/OUT - Construction of 3 dwellings with provision of new access to the public highway at West View, Bagby Lane, Bagby for Mrs Debbie Price

PERMISSION GRANTED

(The applicant's agent, Mr Tim Axe, spoke in support of the application).

- (5) 16/00887/FUL - Proposed replacement dwelling and construction of detached dwelling at Rosedene, Carthorpe for Mr I Lancaster

PERMISSION GRANTED

- (6) 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

PERMISSION GRANTED

- (7) 16/01263/OUT - Outline planning permission with some matters reserved (appearance, landscaping, layout and scale) for construction of one detached dwellinghouse at Thornflatt Cottage, East Harlsey for Mr & Mrs Allick

PERMISSION REFUSED

(The applicant's agent, Mr Fahim Farooqui, spoke in support of the application).

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

The meeting was adjourned at 12.15pm and reconvened at 1.30pm.

- (8) 15/02856/FUL - Construction of a retirement village (Use Class C3) comprising 80 1 and 2 bedroom apartments and associated community facilities (element of extra-care) at Cleveland Lodge, Great Ayton for Mr Jonathan Raistrick

DEFER to enable further consultation with the applicant on issues raised regarding over development beyond allocation, design not in keeping with character of locality (in particular height, size and massing), affordable housing, access and car parking.

(The applicant's agent, Mr Jonathan Saddington, spoke in support of the application).

(Mr John Fletcher spoke on behalf of Great Ayton Parish Council objecting to the application.)

(Kelly Dunn spoke objecting to the application.)

- (9) 16/01387/FUL - Change of use of annexe to dwelling house at Annexe at Glebe Farm, Low Street, Kirkby Fleetham for Mrs Lynn Ryder

PERMISSION REFUSED

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

(Alison Booth spoke on behalf of Kirkby Fleetham Parish Council in support of the application.)

- (10) (a) 16/01540/FUL - Construction of four dwellings with associated access, parking and landscaping at land to the south of Bravener Court, Newton on Ouse for Mrs Toni Johnston

(b) 16/00009/TPO2 - Confirmation of Hambleton District Council (Newton on Ouse) Tree Preservation Order 2016 No: 9 at land fronting Back Lane opposite junction with Sills Lane, Newton on Ouse

16/01540/FUL - PERMISSION REFUSED

16/00009/TPO2 - CONFIRMED

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

(Mr Reginald Parr spoke objecting to the application.)

Disclosure of Interest

Councillor(s) Rooke disclosed a personal interest and left the meeting prior to discussion and voting on this item.

- (11) 16/01560/FUL - Change of use from office (B1) to private physiotherapy clinic (D1) at Suite 1 Evolution Business Centre Unit 6, County Business Road, Darlington Road, Northallerton for Mr Andrew Wilston

PERMISSION GRANTED

- (12) 16/00393/FUL - Conversion and alterations to former agricultural building to form a four bedroom dwellinghouse with detached garage, associated parking, access drive and demolition of Dutch barn to form garden at Pigeoncote Farm, Raskelf for Ms Caroline Lane

PERMISSION GRANTED

- (13) 16/00870/TPO - Works to trees subject to Tree Preservation Orders 1996/14 & 1997/02 at The Avenue, Snape for Snape with Thorp Parish Council

PERMISSION GRANTED with no obligation to replant the felled trees subject to the application.

The decision was contrary to the recommendation of the Executive Director. The Committee concluded that the works were appropriate for the management, quality and appearance of the landscape. The Committee considered and approved a further recommendation to make a Tree Preservation Order in respect of the 'young avenue' of trees.

(Ms Edna Kirby spoke objecting to the application.)

- (14) 16/01472/FUL - Change of use of a holiday unit to a dwelling at Parr Cottage, Snape for Mr D Shipp

PERMISSION GRANTED

- (15) 16/00883/OUT - Outline application (all matters reserved) for of 5 bungalows, car ports, car parking and associated infrastructure at Land south of White Bear Farm, South Back Lane, Stillington for Ambleside Homes

PERMISSION GRANTED

(The applicant's agent, Mr Jonathan Saddington, spoke in support of the application).

The meeting was adjourned at 3.32pm and reconvened at 3.42pm.

- (16) 16/00876/FUL - Construction of two storey dwelling and detached garage at Land adjacent to The Hawthorns, Thornton le Moor for Mrs Myers

PERMISSION GRANTED

(The applicant's agent, Mr Brian Myers, spoke in support of the application).

- (17) 16/01421/FUL - Creation of 7 additional touring pitches within the existing caravan site and the change of use of land to create a touring caravan storage area and new visitor car park at Canada Fields, Moor Lane, Yafforth for Mr Kevin Tiplady

PERMISSION GRANTED subject to amendments to condition 5.

- (18) 16/01391/FUL - Change of use of agricultural land to domestic and construction of 4 dwellinghouses, with associated parking, visitors parking, turning area and bin collection enclosure at Thrintoft Grange, Thrintoft for Pilcher Homes Ltd

PERMISSION GRANTED

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

- (19) 16/01612/OUT - Outline application with all matters reserved for the demolition of office/warehouse building and construction of four dwellings at R Thompson Joinery Limited, South Back Lane, Tollerton for Mr N R Thompson & Mr N C Thompson

PERMISSION GRANTED

(The applicant's agent, Mr Jonathan Saddington, spoke in support of the application).

- (20) 16/00755/FUL - Outline planning application for the construction of a detached dwelling with garage and access drive at The Laurels, Main Street, Tollerton for Miss Lynne Dawson

PERMISSION GRANTED subject to prior completion of a planning obligation to secure visibility at the proposed access.

- (21) 16/01347/FUL - Extension to The Croft to create an ancillary annexe and creation of a new two storey dwelling on hardsurfacing to the northeast with vehicular access via the neighbouring private drive together with associated works at The Croft, South Back Lane, Tollerton for Mrs M Hardy

PERMISSION REFUSED

The decision was contrary to the recommendation of the Executive Director. The Committee concluded the proposed new dwelling was out of character for the conservation area in siting, size and design and the proposed access to the new dwelling would not provide easy access to all potential users.

(Sharon Olliver spoke objecting to the application.)

- (22) 16/00953/OUT - Outline planning application with all matters reserved for construction of detached single storey dwellinghouse at Land adjacent to Sunnyside, Welbury for Mr and Mrs L Meynell

PERMISSION GRANTED

- (23) 16/00602/OUT - Outline application for the construction of a single dwelling at Glebe Farm, Tofts Lane, Welbury for David Moore

PERMISSION GRANTED

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

The meeting closed at 5.15 pm

Chairman of the Committee

HAMBLETON DISTRICT COUNCIL

Report To: Planning Committee
13 October 2016

From: Executive Director

Subject: **UPDATE ON IMPLEMENTATION OF PUBLIC RIGHT OF WAY RISK ASSESSMENT & MITIGATION CONDITION – FORMER YORK TRAILERS SITE, YAFFORTH ROAD, NORTHALLERTON (13/01956/FUL)**

Northallerton North and Brompton Ward

1.0 PURPOSE OF THE REPORT

- 1.1 The Committee previously considered the details required by a planning condition relating to public safety in respect of a Public Right of Way (PROW) crossing the East Coast Main Line (ECML) close to the Former York Trailers development site.
- 1.2 Concern had been expressed by Members regarding the suitability of the mitigation measures being put forward by the applicant. Members were last briefed on this matter in April 2016 and this report has been prepared to up-date Members on activity in relation to this matter.

2.0 BACKGROUND

2.1 The site is being developed by Barratt/David Wilson Homes, who secured planning permission for 241 dwellings in May 2014 on completion of a legal agreement. Construction is now well advanced with a significant number of dwellings completed and occupied.

2.2 The permission included a condition, number 16, requiring a risk assessment and mitigation measures in respect of a nearby PROW crossing the ECML:

16. *PROW Level Crossing – Risk Assessment & Mitigation*

Prior to occupation of the first dwelling, a full risk assessment of the impact of the development hereby approved upon the public right of way level crossing with the East Coast Mainline. Any mitigation measures identified within the risk assessment shall be implemented and maintained in accordance with the approved details prior to occupation of the first dwelling.

Reason: To safeguard the amenity of the future residents and other users of the PROW level crossing in accordance with the aims of Policies CP1, CP2, DP1, DP3 and DP4 of the Hambleton Local Development Framework.

- 2.3 The developer complied with this by submitting a risk assessment and mitigation measures on 29 January 2015.
- 2.4 The risk assessment included a safety audit of the ECML crossing carried out by a consultant, Road Safety Initiatives. The safety audit proposed mitigation measures intended to improve the safety of the crossing.
- 2.5 Network Rail, British Transport Police and the Rights of Way Authority were all consulted. In view of Member concerns regarding the safety of the crossing, officers requested safety advice from the Health & Safety Executive and the Royal Society of Prevention of Accidents (RoSPA). Neither organisation has a statutory duty to comment on the submission and

both declined to comment. However, RoSPA recommended a specialist safety consultant, TMS Consultancy, and TMS was engaged by Hambleton District Council to review the risk assessment and mitigation measures.

- 2.6 The proposed additional mitigation measures suggested by TMS included a traffic light system. However, on consultation with Network Rail this was found to be ineffective for operational reasons. An alternative solution of a diversion of the footpath was then discussed with Network Rail, which undertook to progress the matter, seeking internal agreement for works on railway land, adjacent to the track.
- 2.7 In applying a planning condition and subsequent enforcement of that condition the following points are noteworthy:
- Planning controls, including conditions, cannot require developers to resolve problems that already exist, unless they are a direct barrier to the development going ahead. The PRow and its crossing of the ECML have been in place for many years.
 - Planning conditions cannot apply to land outside the control of the developer. The PRow and its crossing of the ECML lie outside the development site and are not under the control of the developer. Therefore the condition cannot require the developer to stop up or divert the PRow. However, it can require the developer to undertake reasonable mitigation of any identified risk arising from the development taking place in close proximity to it. The risk assessment is intended to assist in this.

3.0 CURRENT POSITION

- 3.1 Agreement within Network Rail and the railway operators has been achieved for the principle of the use of the land adjacent to the railway for a diverted footpath.
- 3.2 An application has been submitted by Network Rail to North Yorkshire County Council to divert the footpath, south along the east side of the railway, re-joining the public footpath network at Springwell Lane.
- 3.3 The application is pending determination by the County Council at this time, which is assessing a number of objections that have been submitted against the proposed diversion. The County Council is examining options for negotiation with those objectors who have raised material objections to the proposed Diversion Order in order to establish whether or not a Public Inquiry will need to take place. The County Council has been asked what the likely time scale for this will be and any advice received will be reported to the meeting.
- 3.4 The County Council has received four objections and one request for clarification for the proposed diversion. It advises that one objection is largely irrelevant, two are marginal but one is considered to be significant.
- 3.5 Network Rail has taken up the option to negotiate with the objectors to determine if their concerns can be withdrawn by revising the scheme. The County Council has not agreed a timescale for this but considers that a month or so would seem reasonable. Depending on the outcome of these negotiations Network Rail will then decide whether to proceed with the diversion.
- 3.6 If Network Rail does proceed the County Council's internal process to determine their stance will take about a month, followed by another month to advertise the order and a then probably another two months to review the case and prepare it for the Secretary of State if formal objections are received. The lead in to the inquiry would be six months or so and one would expect a decision a month or so after the enquiry. As such the most likely earliest resolution date would be autumn of next year if a Public Inquiry is necessary.

- 3.7 In the interim, the developer remains in breach of condition 16 because the mitigation measures identified within their risk assessment have not been implemented. This is not considered to make enforcement action expedient for two reasons. The first reason is that Network Rail has carried out improvements to the crossing and advises that the measures identified by the developer would make little practical difference. The second reason is that there is currently no direct pedestrian connection between the development site and the PRow.
- 3.8 Notwithstanding this, the developer has been advised to seek a variation of condition 16 in order to provide clarity on how the safety issues will be managed pending the County Council's consideration of Network Rail's proposed diversion.
- 3.9 For the time being the access point from the application site remains closed off with security fencing and the developer has agreed that the connection will not be made until the matter of the diversion is resolved. An application for an amendment to the condition attached to the permission is being prepared.

4.0 OTHER PRow ISSUES

- 4.1 Discussions are under-way between the developer, the County Council's highways team and Network Rail, with regard to the connection of the footpath in the opposite direction, leading toward the town centre, through to the end of Tannery Lane. The requirement in the Planning Permission is for this to be up-graded to a cycle way.
- 4.2 Various issues have been raised in the pursuit of this connection. Two issues in particular have slowed down progress on this matter: the ownership of the land neighbouring the route and the Network Rail bridge.
- 4.3 Additional land is required in certain locations along the route in order to facilitate the widening of the route to allow the up-grade to a cycleway. Some of the land is owned by the County Council and discussions are on-going between the applicant and the County on this basis. It was not possible to progress negotiations with the landowner to the south of the route. Resolution of this will still leave a couple of pinch points along the route, whereby the width will fall below the minimum requirement for a cycleway although the County Council has agreed that this is better than downgrading the proposed route back to a public footpath only and has accepted this principle.
- 4.4 The second issue revolved around the use of the Network Rail bridge, in terms of the structural condition of the bridge, for use as a cycle way and in terms of whether or not the parapets of the bridge were high enough for use as a cycleway. Terms have now been agreed for this element of the scheme.

5.0 RECOMMENDATION

- 5.1 It is recommended that the report be noted.

MICK JEWITT

Background papers: None

Author ref: PJ

Contact: Peter Jones
Development Manager (North)
01609 767099

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PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 13 October 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 13 October 2016

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	16/01531/FUL Mrs H Laws Aiskew Page no. 15	Alterations and extensions to existing flats and demolition of pizza shop and construction of a detached building to provide 5 flats For: Mr J Costandi At: 5 Northallerton Road, Leeming Bar RECOMMENDATION: REFUSE
2	16/01677/MRC Mr A Thompson Bagby Page no. 21	Proposed removal of condition 11 (provision of affordable housing) for application reference number: 15/01499/OUT - construction of five dwellings For: Mr K Almond At: Land opposite Church Close and on the east side of Church Lane, Bagby RECOMMENDATION: GRANT
3	16/01723/FUL Mr P Jones Bedale Page no. 29	Construction of a new car park (including provision for coach, caravan/motorhome, motorcycle and bicycle parking), including access, associated infrastructure and landscaping For: Hambleton District Council At: Land to the south east of Bedale BALB Roundabout (A684 North End), Bedale RECOMMENDATION: GRANT
4	16/01364/FUL Mrs C Strudwick Easingwold Page no. 39	Construction of an agricultural livestock building For: Mr John Bullock At: Low Moor Acres Farm, North Moor Road, Easingwold RECOMMENDATION: GRANT
5	16/01787/FUL Mrs H Laws Exelby Page No. 47	Construction of dwellinghouse and attached double domestic garage and the formation of new access For: Mr & Mrs John Clark At: The Old Forge, Exelby RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
6	(a) 16/01370/FUL & (b) 16/01721/FUL Mrs H Conti Felixkirk Page no. 53	(a) Retrospective change of use of ancillary land associated with public house for use as staff car park with secure enclosure and proposed construction of 2m high close boarded fence (b) Retrospective application for construction of a storage area covered by a flat roof with double external doors; between kitchen and external stores For: Provenance Inns Ltd At: The Carpenters Arms, Felixkirk RECOMMENDATION (a): GRANT RECOMMENDATION (b): GRANT
7	15/01474/FUL Mr T Wood Husthwaite Page no. 63	Construction of single storey dwelling and garage For: Mr & Mrs Ian Harper At: Black Bull Cottage, the Nookin, Husthwaite RECOMMENDATION: GRANT
8	16/01853/FUL Kirkby Mrs A Sunley Page no. 71	Revised design for the alterations and extensions to dwelling (original design approved under reference 15/00990/FUL dated 24th September 2015) For: Mr & Mrs T Weston At: Holiday Cottage 1, Dromonby House, Kirkby in Cleveland RECOMMENDATION: GRANT
9	16/01110/FUL Mr A Thompson Sutton-on-the-Forest Page no. 75	Revised proposal for the construction of 46 luxury holiday lodges, clubhouse and associated infrastructure For: The Luxury Lodge & Holiday Company Ltd At: Land to the east of Willow Dene, Sutton on the Forest RECOMMENDATION: REFUSE
10	16/01362/FUL Mrs H Laws Well Page no. 95	Change of use of agricultural farm yard to domestic use; demolition of existing building and construction of a single storey building for use as a domestic garage/store For: Mr Gary Elsworth At: Well Hall Farm, Bedale Road, Well RECOMMENDATION: GRANT

Parish: Aiskew
Ward: Bedale
1

Committee Date: 13 October 2016
Officer dealing: Mrs H M Laws
Target Date: 30 September 2016

16/01531/FUL

**Alterations and extensions to existing flats and demolition of pizza shop and construction of a detached building to provide 5 flats
At 5 Northallerton Road, Leeming Bar
For Mr J Costandi**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site lies in a central position within the village close to the roundabout junction of the A684 with Leases Road. The site fronts onto the northern side of the A684 and is currently occupied by a building with land including some car parking to the rear. The site bounds the Wensleydale Railway line to the north; the rear of the terrace of dwellings on Leases Road and the side of the neighbouring semi-detached dwelling at 5 Mattison Close.
- 1.2 The existing building is currently occupied by a pizza takeaway and two, two-bedroom flats. The single storey section to the side of the building would be removed to allow an alteration to the existing access at the side of the building. It is proposed to retain the flats and change the use of the remaining pizza shop space to incorporate it into the existing ground floor flat. It is also proposed to alter and extend the building by adding pitched roofs to the existing flat roofed sections at the rear.
- 1.3 The land to the rear of the building is currently used for parking in association with the pizza shop and the flats. It is proposed to construct a building towards the rear of the land as an apartment block.
- 1.4 The proposed building would accommodate a total of five, two-bedroom flats; two on the ground floor, two on the first floor and one on the second floor, within the roof space, served by four dormer windows on the rear elevation and four rooflights on the front elevation. A shared area of amenity space is proposed to the rear of the apartment block.
- 1.5 The proposed ridge height of the building would be approximately 8.4m; the proposed footprint would be approximately 15.7m x 9.5m. The floor area in four of the flats would be 61.51sqm; the floor area in the top floor flat would be 83.45sqm.
- 1.6 It is proposed to alter the existing access and construct a new road with a turning head. A total of 12 parking spaces are proposed to serve the seven flats.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 2/89/004/238 - Outline application for a detached bungalow; Refused 4 July 1989.
- 2.2 2/90/004/0238A - Outline application for a detached bungalow; Refused 21 January 1991.
- 2.3 04/02306/FUL - Two semi-detached houses and alteration to shop front; Granted 15 February 2005.
- 2.4 05/02512/FUL - Alterations and extensions to part of the existing shop and store to form a flat; Granted 11 January 2006.

- 2.5 06/01726/FUL - Change of use of shop to hot food takeaway: Granted 9 October 2006.
- 2.6 06/01811/FUL - Three dwellings; Granted 6 November 2006.
- 2.7 07/01389/FUL - Single storey extension to hot food takeaway; Granted 17 July 2007.

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 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 DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP17 - Retention of employment sites
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - Objects on the grounds that (a) a three storey building is not in keeping with local design; (b) the sewer in the A684 is already over capacity; and (c) the access and egress from the proposed site onto the busy A684 is within 20 metres of the mini roundabout which is already problematic.
- 4.2 Highway Authority – no objection; conditions recommended.
- 4.3 Ministry of Defence - no safeguarding objections.
- 4.4 Network Rail - no objection subject to conditions.
- 4.5 HDC Environmental Health Officer - there will be no significant effect on local amenity, therefore no objection.
- 4.6 Scientific Officer (Contaminated Land) – no objection subject to a condition.
- 4.7 Public comment - A letter has been received from the residents of 7 dwellings on Leases Road adjacent to the application site whose comments are as follows:
- The previous plan for two houses was acceptable but a block of five two bedroom flats far exceeds the original accommodation requirements;
 - The height of block means it could overshadow gardens;
 - Dormer windows could infringe on residents' privacy;
 - Bad vision and access from Northallerton Road;
 - Access to the rear of Leases Road has already been restricted due to the high fence, which has narrowed the pathway needed for bins;

- Sewerage capacity; and
- The flats could accommodate more than 20 people, leading to overcrowding and noise pollution.

5.0 OBSERVATIONS

- 5.1 The issues to be considered include (i) the principle of residential development in this site; (ii) the loss of the existing business; (iii) the design and layout of the proposed scheme; (iv) the effect of the development on the character and appearance of the surrounding area; (v) the impact on residential amenity; and (vi) highway safety.

Principle of development

- 5.2 The site lies within the Development limits of Leeming Bar, which is defined in the LDF as a Service Village (Policy CP4). In the September 2014 review of the Settlement Hierarchy the village is redefined as a Secondary Village but this means it is still capable of forming a sustainable community and the principle of additional residential development is therefore acceptable.

Loss of existing business

- 5.3 The proposed development would result in the loss of the pizza shop business. Policy DP17 aims to retain premises that are used for employment purposes and one of the core planning principles of the NPPF is economic development. However, this must be considered alongside the impact on local amenity that would also result from the closure of the takeaway. One of the criteria of Policy DP17 would allow an alternative to an employment use if it would result in a substantial benefit, for example, removing a use which creates residential amenity problems such as noise or odours. In this case the only complaint received by the Council's Environmental Health related to the bins and this was not upheld but it is considered that there is a potential for disturbance.

Form, design and impact on character

- 5.4 The proposed building would be set behind the frontage of Northallerton Road and would therefore be a form of backland development. The building would be in line with the existing dwelling at Mattison Close, which forms part of a separate cul de sac development, and would lie at right angles to the dwellings on Leases Road. It is considered that this relationship to either side would not be incongruous or out of keeping with the general pattern of development in the village.
- 5.5 The building would be similar in height to its neighbour at Mattison Close although it would be a bulkier structure with a greater depth. A double height gable section is proposed for the front elevation, which is a similar feature to the existing dwelling and a brickwork finish is proposed, which is a traditional material and appropriate for Leeming Bar. The dormers proposed for the rear elevation would ensure that the overall height of the building can be kept as low as possible whilst still providing accommodation at second floor. The dormer structures would be in proportion with the scale of the building and would not detract from its appearance. It is considered that the proposed development is therefore in accordance with LDF Policies CP17 and DP32.
- 5.6 The removal of part of the pizza building would increase the openness of the streetscene but would not detract from the surroundings. It is suggested that the alterations would lead to an improvement in the site's appearance with the opportunity to provide an element of landscaping adjacent to the access to soften the currently harsh impact of the hard surfaces in the immediate vicinity.

- 5.7 The proposed alterations to the building include the construction of pitched roofs in place of flat roofs at the rear of the building. The proposed roofs would have a low pitch, set below the ridge of the existing part of the building. The additional height of the roofs would be minimal in order to protect the appearance of the building and amenity but would provide a subtle improvement to its design.

Impact on residential amenity

- 5.8 The rear gardens of the dwellings on Leases Road are relatively long and the distance from the rear wall of the main part of those houses to the boundary of the application site is approximately 15m. The proposed building would lie approximately 1 metre from the boundary. This therefore would result in a distance of 16m from the rear wall of the houses to the side gable of the proposed building. In this case the distance between the principal elevation of the neighbouring houses and the side elevation of the proposed development is considered to be sufficient to ensure no significant impact on daylighting within the neighbouring property. However, in this instance the gable would be wide and tall and would lie directly along almost the entire rear boundary of the dwellings at numbers 14 and 16 Leases Road providing a dominant and overbearing aspect to those residents. The sense of enclosure for the residents would be significantly affected due to the presence of the building, with its height extending far above the boundary fence, in such close proximity. Additionally the height and form of the gable and its orientation is considered to result in potential for overshadowing to the garden ground of the adjacent neighbours. However, the applicant has submitted an analysis based on the Building Research Establishment's 'Site Layout Planning for Daylight & Sunlight' which shows that the practical impact on amenity from overshadowing is minimal. In conclusion, it is considered that in respect of the sense of enclosure the proposed development would harm residential amenity and therefore be contrary to LDF Policy DP1.
- 5.9 Planning permission was previously granted separately for the construction of two houses (in 2005) and three houses (in 2006), both pre-dating Local Development Framework (LDF) policies. Neither of these schemes was implemented and both permissions have lapsed. The approved scheme for three houses formed a terrace of two-storey properties with accommodation within the roof space. The ridge height of the building was approved at approximately 8.25m and the depth at 10m and therefore with a similar sized gable to the scheme now proposed. The distance to the boundaries to either side was similar to the currently proposed scheme (the approved footprint is 15m x 10m). The effect on the residents of the dwellings on Leases Road would have been similar to that now proposed but this scheme, approved in 2006, was prior to the adopted LDF and the current policies in respect of design and neighbour amenity and prior to the publication of the NPPF, which requires development to seek a good standard of amenity for all existing and future occupants of land and buildings.
- 5.10 The effect of LDF policies and the strong emphasis on design quality on the NPPF has been to raise the quality of new development and to provide greater protection to neighbouring residents. Therefore, while the proposal is of similar proportions to the scheme approved in 2006, it is not compatible with the standards now expected of new development.

Highway safety

- 5.11 The proposed removal of part of the existing building at the frontage of the site would open up the street scene in this part of the village. The access is currently of a poor standard and the Highway Authority has no objection subject to recommended conditions.

6.0 RECOMMENDATION

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

1. The proposed development would cause a substantial loss of amenity to neighbouring residential property on Leases Road by reason of an overbearing impact to garden ground and an increased sense of enclosure to the existing neighbouring properties contrary to LDF Policies CP1 and DP1, which require proposals to adequately protect amenity.

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Parish: Bagby
Ward: Bagby & Thorntons
2

Committee Date: 13 October 2016
Officer dealing: Mr A Thompson
Target Date: 14 October 2016

16/01677/MRC

Removal of condition 11 (provision of affordable housing) for application reference number: 15/01499/OUT - outline application for the construction of 5 dwellings (all matters reserved)

**At Land to the East of Church Lane, Bagby
For Mr K Almond**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The outline planning application (15/01499/OUT) was reported to Planning Committee at its meeting of 4 February 2016, where it was resolved that planning permission would be granted subject to conditions.
- 1.2 The assessment of the application took account of the Ministerial Statement "Small-scale developers" of 28 November 2014, which had prevented an affordable housing contribution being secured in line with Council policy, being declared unlawful and quashed by the High Court. On that basis, the Planning Committee's planning permission had been granted subject to securing 40% affordable housing in line with Development Plan policy by an appropriate condition. 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 again it prevents affordable housing contributions being secured from schemes of this scale.
- 1.3 The application site comprises a roughly rectangular area of grazing land, equating to approximately one third of a hectare, situated on the eastern side of Church Lane and to the rear of Hill View, a dwelling on the main village street. A modern development of six dwellings, Church Close, lies on the opposite side of Church Lane. The site is outside of Development Limits.
- 1.4 The site is bounded by dense, mature landscaping to the north, east and west and from Hill View to the south by a hedgerow.
- 1.5 The site is not recorded to be at risk of flooding.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/01499/OUT - Outline application for the construction of 5 dwellings (all matters to be reserved) – Granted 09.02.2016

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits

Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 27 March 2012
Interim Policy Guidance Note - adopted by Council on 7 April 2015

4.0 OBSERVATIONS

- 4.1 Bagby & Balk Parish Council – Objects: the majority of councillors feel the developer should not be able to change conditions after they have been set and the conditions should remain.
- 4.2 Public comment – None received.

5.0 OBSERVATIONS

- 5.1 As highlighted above this submission is to amend a condition of an outline planning application where all matters, inclusive of design, layout, scale, appearance and access, had been reserved for future consideration. The application therefore seeks to establish whether the principle of development is still acceptable without the provision of affordable housing. If planning permission is granted a 'new' permission will be given and it is therefore relevant to give consideration to all the policies relevant to the decision to be made.
- 5.2 The proposed development must be considered under the current LDF policies and with regard to the NPPF. The policy emphasis within the LDF is to concentrate development within defined Development Limits and the NPPF seeks to avoid the introduction of isolated homes in the countryside.
- 5.3 The Core Strategy has established a Settlement Hierarchy which provides a spatial guide to the location of development. The village of Bagby contains no designated Development Limits. With this in mind DP9 of the Development Policies will only permit development in exceptional circumstances, having regard to the provisions of Policy CP4. No exceptional circumstances have been highlighted in this instance.
- 5.4 Notwithstanding the above it also necessary to pay careful consideration to the NPPF which promotes sustainable development, encouraging the provision of housing in rural areas where it will help to maintain the vitality of rural communities.
- 5.5 To maintain consistent interpretation of the NPPF and to bridge the gap between it and LDF policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in Rural Areas in April 2015. The IPG details how development in and around villages will be considered in conjunction with an updated Settlement Hierarchy (2014).
- 5.6 The approach to the consideration of new housing development depends in the first instance on the nature and number of services and facilities within the village where the development is proposed. This is defined by the Settlement Hierarchy. Service Villages and Secondary Villages are considered to be sustainable settlements and Bagby is listed within the 2014 Settlement Hierarchy as a Secondary Village, whereas it did not feature in the 2007 Hierarchy. It is therefore currently recognised in policy terms as a sustainable location for development, even though it was not considered to be when the LDF was adopted.
- 5.7 To draw support from the IPG, the development would need to meet a number of criteria, in that it would need to contribute towards achieving sustainable

development by maintaining or enhancing the vitality of the local community and also achieve all of the following (the assessment of which follows each criterion):

Development should be located where it will support local services including services in a village nearby

- 5.8 In view of Bagby's status as a Secondary Village, this criterion is met.

Development must be small in scale, reflecting the existing built form and character of the village

- 5.9 Bagby is characterised by a linear pattern of development which fronts the main village street. The northern side of the road includes examples of developments, such as Church Close and Sandown Close, which are set behind the village street frontage. The proposed development is considered to be consistent with this approach and has the ability to provide a form of development consistent with the character of the village by dwellings fronting Church Lane. Considering the scale and character of the village, the provision of 5 dwellings would be "small scale" as outlined under the IPG and appropriate to Bagby.

Development must not have a detrimental impact on the natural, built and historic environment

- 5.10 The historic pattern of development in Bagby has evolved in recent years, the aforementioned development of Church Close being a prime example. The redevelopment of this site would continue that approach, but with the opportunity to secure more traditional frontage development. The site could therefore be developed in a way well related to the built form of the village. The development of this site is not considered to pose a risk to any designated heritage or natural assets, the nearest being St Mary's Church (approximately 40m from the site), Bagby Hall (approximately 80m from the site) and East Farm House (approximately 50m from the site), all listed grade II.

Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements

- 5.11 The site is closely associated with the village and the open countryside beyond would therefore be perceived as remaining intact. To the north of the village street, St Mary's Church forms the outer limit of the village and the development of the site would not alter that, or lead to the coalescence of settlements.

Development must be capable of being accommodated within the capacity of existing or planned infrastructure

- 5.12 The small scale nature of the development and the close proximity to the established pattern of development is such that, in the absence of evidence to the contrary the scheme is considered to be capable of being accommodated within the capacity of existing or planned infrastructure.

Development must conform with all other relevant LDF policies

- 5.13 As noted above this application seeks to establish the principle of development only. Consequently, compliance with all other relevant LDF policies relating to issues inclusive of design, layout, scale, appearance and access, are reserved for future consideration. 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 regrettable but it is considered this does not result on balance in the scheme being unacceptable.

- 5.14 With the above in mind it is concluded that the principle of development is still acceptable in this instance, with all matters reserved for future consideration.

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 two years from the date of the decision to planning permission 15/01499/OUT (i.e. 09.02.2016) and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) three years from the date of planning permission 15/01499/OUT (i.e. 09.02.2016); ii) The expiration of one year 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, (b) the siting, design and external appearance of the building(s), 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. Prior to any above ground construction 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. Prior to any above ground construction commencing a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 5. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels of the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
 6. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (i) The details of the access shall have been approved in writing by the Local Planning Authority. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site 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: (i) tactile paving; (ii) vehicular, cycle, and pedestrian accesses; (iii) vehicular and cycle parking; (iv) vehicular turning arrangements; (v) manoeuvring arrangements; and (vi) loading and unloading arrangements. All works shall thereafter accord with the approved details unless otherwise agreed in writing by the Local Planning Authority and no part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been brought into use.
9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (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 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 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 soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.

5. To safeguard the character and appearance of the area and neighbour amenity in accordance with LDF Policies DP1, DP32 and DP33. Submission of these details is required prior to commencement in order to ensure that the height and appearance of the dwelling will be appropriate to the locality.
6. To ensure appropriate on site facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4. These details are required prior to the commencement of development to ensure that road safety requirements are met.
7. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety. These details are required prior to the commencement of development to ensure that road safety requirements are met.
8. In accordance with LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
9. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
10. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in condition 10.
2. The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk.
3. An explanation of the terms used in condition 8 is available from the Highway Authority.
4. The works referred to condition 8 shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.
5. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
6. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:
 - 1 x 240 litre black wheeled bin for general waste
 - 1 x 240 litre green wheeled bin for garden waste
 - 1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
 - 1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services. If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977

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Parish: Bedale

Ward: Bedale

3

Committee Date: 13 October 2016

Officer dealing: Mr Peter Jones

Target Date: 27 October 2016

16/01723/FUL

Construction of a new car park (including provision for coach, caravan/motorhome, motorcycle and bicycle parking), including access, associated infrastructure and landscaping work

At land to the south east of Bedale BALB roundabout (A684 North End), Bedale for Mr Clive Thornton (Corporate Facilities), Hambleton District Council

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The application site is an area of agricultural field on the northern boundary of Bedale, between the new Bedale relief road and the built up area on the northern edge of the town.

1.2 The Bedale relief road is built up along the northern boundary of the site, approximately 5m above the level of the field. The site runs generally downhill to the east towards the Bedale Beck and would occupy approximately one third of the field. There is a field access approximately 100m to the south of the roundabout at the end of the relief road offering agricultural access to the field. The bank between the site and the bypass is grassed. The boundary of the site with the road frontage is currently formed by a post and rail fence and a recently planted hedge. The boundary to the site (Bedale side of the site) is formed by a grown-out hedge of mixed species contained a number of mature trees which contribute to the strong vegetated boundary along the northern edge of Bedale.

1.3 On the west side of the A684 there is a footpath that runs into Bedale Town Centre with access through Bedale Park, whilst there is no footpath on the east side of the road from the site. The route into Bedale from the new roundabout is lit by street lighting.

1.4 The application site is allocated in the Hambleton District Local Development Framework for the development of a car park, Allocation Policy BC1 (Gateway Car and Coach park, north of St. Gregory's Church, Bedale). The allocation states:

This site is allocated for a car and coach park with associated facilities, subject to:

- i. the number of car and coach parking bays being sufficient to cater for the requirements of Bedale town centre;
- ii. suitable access to the site being gained directly from the existing A684;
- iii. design, layout and landscaping being of high quality and sensitive to its proximity to the Listed Buildings of St. Gregory's Church and House and Bedale Hall; and
- iv. provision of public conveniences, information boards, a picnic area and footpaths and cycleways connecting the site to Bedale town centre and Bedale Station and the Renaissance Park via Bedale Beck.

1.5 The application is for the construction of a car park. The proposed layout would provide 100 car parking spaces, of which 6 are designated for disabled users, 5 coach spaces and 20 spaces for caravans and motorhomes. An area is also to be provided for motorbikes and bicycles to park.

1.6 A variety of supporting documentation has been received with the application, comprising:

- Planning, Design & Access Statement (prepared by WYG Planning, July 2016)
- Extended Phase 1 Ecology Survey (Confidential and Public Issues) (prepared by WYG Ecology, July 2016)
- Bat Activity Survey Report (prepared by WYG Ecology, July 2016)
- Breeding Bird Survey Report (prepared by WYG Ecology, July 2016)
- Freshwater Species Survey Report (prepared by WYG Ecology, July 2016)
- Great Crested Newt Survey Report (prepared by WYG Ecology, July 2016)
- Heritage Assessment (prepared by WYG Environment, June 2016)
- Written Scheme of Investigation for Geophysical Survey (prepared by WYG Environment, April 2016)
- Archaeological Geophysical Survey (prepared by AOC Archaeology Group, May 2016)
- Written Scheme of Investigation for Geophysical Survey (prepared by WYG Environment, April 2016)
- Geophysical Survey (prepared by AOC Archaeology Group, May 2016)
- Written Scheme of Investigation for Archaeological Evaluation Excavations (prepared by WYG Environment, June 2016)
- Transport Assessment (prepared by WYG Transport, July 2016)
- Phase I Geo-environmental Desk Study (prepared by WYG Environment, April 2016)
- Geo-environmental Interpretive Report (prepared by WYG Environment, July 2016)
- Flood Risk Assessment & Drainage Report (prepared by WYG Engineering, July 2016)

2.0 RELEVANT PLANNING AND ENFORCMENT HISTORY

2.1 None for this site.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Allocations Document Policy BC1 - Gateway Car and Coach Park, North of St Gregory's Church, Bedale - adopted 21 December 2010
 Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP13 - Market towns regeneration
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP19 - Recreational facilities and amenity open space
 Development Policy DP1 - Protecting amenity
 Development Policy DP3 - Site accessibility
 Development Policy DP4 - Access for all
 Development Policy DP6 - Utilities and infrastructure
 Development Policy DP19 - Specific measures to assist market town regeneration
 Development Policy DP28 - Conservation
 Development Policy DP29 - Archaeology
 Development Policy DP30 - Protecting the character and appearance of the countryside
 Development Policy DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policy DP32 - General design
 Development Policy DP39 - Recreational links

4.0 REPRESENTATIONS AND CONSULTATIONS

- 4.1 Site Notices were placed in a number of locations around the site on 1 August 2016.
- 4.2 Public comments - One representation received, on behalf of The Bedale Estate, objecting for the following reasons (summarised):
- The concept of a car park only with poor pedestrian access into Bedale Town Centre will not fulfil the requirement of attracting passing traffic to stop;
 - The Estate considers that their alternative scheme (referred to in paragraph 5.3) would be more effective; and
 - The proposed junction from the roundabout is dangerous and unlikely to be useable by coaches and HGVs.
- 4.3 Bedale Town Council - Wish to see the application approved.
- 4.4 Aiskew & Leeming Bar Parish Council Parish Council - No objection.
- 4.5 Environment Agency – No objection subject to conditions.
- 4.6 Swale and Ure Drainage Board - No objection subject to the drainage strategy being implemented and the scheme being maintained in accordance with the Flood Risk Assessment.
- 4.7 County Archaeologist - A former enclosure within the development area is likely to be Iron Age or Romano-British in date. No objection subject to archaeological trial trenching being carried out to fully assess the impact of the proposal on the significance of the archaeological deposits. Recommends that this is undertaken prior to determination of the application.
- 4.8 Highway Authority – The principle of access from the newly constructed roundabout has been agreed and a Stage 1-2 Road Safety Audit has been undertaken. This has identified matters which will require addressing in the detailed design but it is considered that none of these are insurmountable. No objection subject to minor amendments which can be secured by condition.
- 4.9 NYCC SUDS Officer - No objection, recommends a planning condition for the detailed design and associated management and maintenance of surface water drainage.
- 4.10 Highways England - No objection.
- 4.11 Environmental Health Officer – Comments awaited.
- 4.12 Historic England – No objection but urges that the following issues are addressed Historic England does not object to the application but urges that the issues raised in their consultation response are addressed ideally in advance of consent being granted or by condition. The issues raised are summarised below:
- Potential for archaeological impacts
 - Impact on setting of Grade 1 listed buildings (Bedale Hall and the Church of St Gregory) and Conservation Area
 - Careful design of lighting and detailed design and materials would assist in mitigating the “less than substantial harm” caused by the proposed development. How this mitigation should be achieved should be detailed on the drawings.

- Additional screen planting should be incorporated covering key views
- Interpretation panels could be introduced highlighting the key heritage assets
- In order to address possible Iron Age archaeological finds the trenching methods proposed should be modified.

4.13 Ancient Monuments Society - No comments.

4.14 NYCC Landscape Architect – Raises the matters summarised below:

- No formal landscape appraisal has been undertaken;
- As the site is allocated the key issues are design and mitigation of adverse impacts;
- Further information is obtained on the likely effectiveness of mitigation of landscape and visual impact on key views over time, and at different seasons, and during daytime and night time. Cumulative effects with the bypass and realigned A684 need to be taken into account;
- The amount of signage, fencing, lighting and other small scale infrastructure associated with the development is kept to an absolute minimum as it would have a cumulative urbanising impact in association with the existing road infrastructure. Clarification may be needed on further road signage to make motorists aware of the car park;
- The landscape framework is strengthened in order to ensure clear visual separation between the car park, adjacent roads and adjacent areas remaining as open space. There may be some conflict between the aims of integrating the car park development into the landscape through generous tree and shrub planting, and safety and security for users;
- More information is requested on the protection of the hedge and the mature trees to be retained on the south eastern boundary to ensure that the layout will not cause detrimental effects on rooting protection zones and future growth. Ideally more space would be allowed so that boundary planting could be made more substantial;
- As mitigation/compensation for unavoidable adverse effects consideration is given to undergrounding the 11 kv overhead power line. This would reduce the visual clutter in the area and have a positive effect on the setting of the CA. However it would still act as a constraint to planting as it does at present;
- A soil management strategy is requested, to ensure that damage to soil that is to be re-used is minimized and in situ soil that is to remain is protected. There will be a large quantity of surplus soil to be disposed of or redeployed;
- A long term mitigation and management plan for existing and proposed planting and ecological enhancement is requested and implemented;
- An Ecological Management Plan will be required;
- An Ecological Clerk of Works may be required if the developer does not have sufficient skills in this arena;
- Little in the way of compensatory improvements within Bedale as the existing car parks will be retained in the town;
- Car park will now be very prominent in views from the bypass into the town;
- The car park will create a more urban fringe to Bedale, rather than the existing change from urban to rural; and
- Planting the embankment to the south of the access would be beneficial.

5.0 OBSERVATIONS

5.1 The main issues to consider in the determination of this application are whether the proposed development would (i) meet the requirements of the allocation in terms of the provision of suitable car parking services for Bedale; (ii) have a detrimental impact on the landscape, the character and appearance of the Conservation Area or

the setting of listed buildings; (iii) have any detrimental impact on road safety; (iv) have any harmful impact on protected species; (v) harm residential amenity; or (vi) threaten archaeological remains.

Policy and Allocation

- 5.2 The proposal for the Gateway Car and Coach Park is set out in the Local Development Framework as site BC1. This states that the development of the site will provide parking and associated facilities and provide the opportunity for those travelling along the diverted A684 to stop and visit Bedale whilst also reducing the pressure for parking spaces and congestion within the town centre. It should be noted that the allocation site extends closer to the town, incorporating land to the south of the hedge line that forms the southern boundary of the application site.

The original allocation included additional facilities including toilets. The proposals now include a footpath link into the grounds of Bedale Hall which provides a pleasant link into the services within Bedale, including the tourist information centre adjacent to Bedale Hall.

- 5.3 The Bedale Estate, which owns the land, has objected to the proposed development, in part because it considers there is a better way of developing the site, providing more services and a visitor attraction, which would be more effective in encouraging motorists to stop and visit Bedale. The Estate is of course at liberty to submit an application for the site which, like this current application, would be considered on its merits. However, the Estate's belief that it can bring forward a better scheme is not a reason to refuse planning permission for this proposal.

Landscape Setting and Heritage Assets

- 5.4 The landscape of the immediate area is characterised by the transition between the built up area of Bedale and rolling agricultural land to the north and east of the site, in particular the route of the beck running from north to south with its accompanying tree line. The site itself is currently a rough field which slopes gently upwards from the beck toward the A684 adjacent to Bedale Golf Club. The landscape has recently been significantly modified by the introduction of the relief road, which intersects the wider field that the application site once formed part resulting in an urbanisation of this area.
- 5.5 The relief road now offers views of the listed St Gregory's Church and the wider northern edge of Bedale Conservation Area and has resulted in a significant change to the character of this area.
- 5.6 Whilst the proposed car park would undoubtedly have an impact on the character and appearance of the landscape setting of Bedale, the site is at low level when compared to the new relief road and as such, whilst this would offer views across the car park which would be difficult to screen, the proposed development would not intervene in views of the Church or the Conservation Area.
- 5.7 The Authority's Conservation Officer has raised a number of issues about the detail contained within the application and the potential impact on the setting of the Listed Buildings and Conservation Area as also highlighted within the consultation responses from Heritage England and North Yorkshire County Council.
- 5.8 The allocation criteria includes the requirement for a suitable access off the existing A684 and the design, layout and landscaping being of high quality and sensitive to its proximity to the listed buildings of St Gregory's Church, St Gregory's House and Bedale Hall. It has been suggested that the existing field access would be less

obtrusive. However, this has been discounted in the proposals due to the difficulties and cost of creating a right turn lane in this location.

- 5.9 A positive impact of the relief road is that it has opened up new views towards the town, particularly towards St Gregory's Church. It has also allowed for the appreciation of the enclosed landscape sheltered by the significant woodland to the east which curves from north to east along the line of Bedale Beck.
- 5.10 The negative impact is that this end of the town has been significantly urbanised and the character is somewhat different, setting the Grade I church within a less rural environment.
- 5.11 It is clear that the by-pass sits at a much higher level than the proposed car park. The bridge over Bedale Beck slowly drops down toward the roundabout, but the roundabout remains much higher than the application site. This elevation provides clear views into the application site from above. This elevation was anticipated through pre-application work and the design for the car park was envisaged to be low impact, using a landscape strategy to guide the design and landform whilst utilising natural materials and appropriate planting.
- 5.12 The level of harm to heritage assets is considered to be 'less than substantial'. The NPPF requires this level of harm to be weighed against the public benefit of the development. The Council must be satisfied that this weighting is sufficiently achieved and that all other alternative options have been considered. Effectively, it is a question as to whether the benefits of the proposed car park will sufficiently offset the harm caused by the proposed development.
- 5.13 The weighing of harm against public benefits relates to the principle of development in this location, a matter that was considered and dealt with in the Local Development Framework, so it is not necessary to consider alternative locations at this stage. The location is dictated by the position of the by-pass and the A684 and the need to locate the car park close to the town centre. The identified public benefit is the continued economic well-being of Bedale and this was considered sufficiently important to outweigh the likely impact on the heritage assets of St Gregory's Church and the Bedale Conservation Area.
- 5.14 The detailed design should be informed by a Landscape Strategy in order that the adverse impacts of the scheme are sufficiently mitigated. The Landscape Strategy should consider the use of alternative surface treatments which will have less visual impact on the site overall. Alternative surfaces would include grass reinforcement and resin bound gravel which has a softer appearance than tarmac.
- 5.15 It is clear that additional design work is required in order to successfully mitigate the harmful impacts of the proposals. However, it is considered that this can be achieved by condition.

Highway safety

- 5.16 The Highway Authority has worked with the applicant in order to agree the principles of the access from the roundabout and the basic layout of the proposed car park, taking into account the nature of the proposed car park users, including buses. The Highway Authority has identified various details that will require further work but have otherwise recommended approval subject to conditions to allow the submission of these details.

Protected Species

- 5.17 Ecological surveys of the site have been undertaken. The survey work has not identified any constraints which would preclude development from going ahead. However, a number of recommendations have been made which should be adhered to through the development of the scheme.

Residential Amenity

- 5.18 The proposed car park would be over 100m from the nearest dwelling and separated by a tall, mature hedge. It is considered that the proposed use of the car park would have no additional impact on the occupiers of nearby residential property.

Archaeology

- 5.19 It is clear from both the submitted Archaeological Report and the consultation response from North Yorkshire County Council Archaeologist that the site has a high potential for archaeological finds. The type and nature of proposed development is such that the impacts of the development can be readily mitigated through detailed design and layout, following on-site archaeological investigation. Whilst NYCC has suggested that this work be carried out prior to the grant of planning permission, this is a matter for the Planning Authority. Given the nature of the proposal and the propensity for mitigation of any harmful impact through both design measures and use of appropriate building techniques it is considered appropriate in this case to secure the on-site trial trenching by planning condition.

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. 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 the detailed design of the following works in the highway, designed in accordance with Design Manual for Roads and Bridges (DMRB) works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority together with a programme for their delivery: (a) the amendments to the BALB roundabout to provide access to the site; and (b) the pedestrian route linking the site to Bedale Town Centre. The detailed design shall be in accordance with DMRB. It shall take account of the matters raised in the Stage 1-2 Road Safety Audit in accordance with HD19/03 - Road Safety Audit undertaken on the initial design and shall address all recommendations of the Audit in the proposed works.
 3. 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 2: (a) the amendments to the BALB roundabout to provide access to the site; and (b) the pedestrian route linking the site to Bedale Town Centre.
 4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details based upon the submitted

drawing A096284-21-C-H.01.02-P2 and including the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (a) the access road from the roundabout; (b) provisions for safe pedestrian routes through the site for all users; (c) provisions for safe waiting for coach passengers; (d) provisions for the safe manoeuvring of coaches within the site; and (e) construction details for works abutting the highway.

5. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 4 have been constructed in accordance with the drawing approved in writing by the Local Planning Authority in consultation with the Highway Authority and 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.
6. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
7. No external lighting equipment shall be used other than in accordance with details previously approved in writing by the Local Planning Authority in consultation with the Highway Authority.
8. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: (a) the parking of vehicles of site operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; (d) erection and maintenance of security hoarding; (e) measures to control the emission of dust and dirt during construction; (f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and (g) HGV routing to avoid Bedale Town Centre.
9. Prior to the commencement of development full details of the layout of the proposed car park shall be provided for the approval of the Local Planning Authority. These details shall be developed in the light of a landscape assessment of the development and shall cover the following matters: (a) detailed layout of the site; (b) details of proposed parking bays including method of delineation; (c) full landscape plan and planting scheme including species, size and locations of planting; (d) details of any proposed lighting; (e) details of all on-site signage proposed including its size, form and materials; and (f) a breakdown of all proposed surfacing materials.
10. There shall be no raising of ground levels in Flood Zone 3, and all spoil is to be removed from the floodplain.
11. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable

drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated from the site during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed 5 litres/second. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

12. The proposed development shall be progressed in strict accordance with the approved Flood Risk Assessment / Drainage Strategy and any approved amendments thereto arising from detailed design. Additionally, a maintenance regime as recommended in the Flood Risk Assessment shall be set up and operated throughout the life of the development.
13. Prior to any operations taking place on site, including site clearance operations, the requirements of the submitted scheme of archaeological investigation shall be implemented subject to the following minor variation unless otherwise agreed in writing by the Local Planning Authority: (a) the most northerly of the proposed trial trenches be formed in a square plan; and (b) an additional trial trench be located in the most northerly portion of the proposed development site. Following completion of the field work the findings of this work shall be utilised to inform the detailed design of the proposed car park and associated development to the satisfaction to 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 accordance with policy DP3 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
3. In accordance with policy DP3 and in the interests of the safety and convenience of highway users.
4. In accordance with policy DP3 and in the interests of highway safety and visual amenity.
5. In accordance with policy DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
6. In accordance with policy DP3 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
7. In accordance with policy DP3 and in the interests of highway safety and visual amenity.
8. In accordance with policy DP3 and in the interests of highway safety and visual amenity.
9. In order to allow the details of the scheme to be considered and to ensure that the proposed development is harmonious within its landscape setting in accordance with

Policy DP30.

10. To ensure that the proposed development does not result in a loss of flood storage and does not push flood flows onto others.
11. To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.
12. In the interests of water management on the site and in order to prevent flooding in the vicinity of the application site.
13. In order to protect significant archaeological finds on the site and to establish suitable mitigation measures to protect those finds in accordance with Local Development Framework Policy DP29.

Parish: Easingwold
Ward: Easingwold
4

Committee Date : 13 October 2016
Officer dealing : Caroline Strudwick
Target Date: 12 September 2016
Date of extension of time (if agreed): 21 October 2016

16/01364/FUL

**Construction of an agricultural livestock building.
at Low Moor Acres Farm North Moor Road Easingwold North Yorkshire
for Mr John Bullock.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Low Moor Acres Farm is situated to the north west of Easingwold. The farm consists of 60 acres of land with several strands of agriculture on site, including horse livery, arable crops and cattle. The main enterprise on the farm is a contract pig fattening unit finishing approximately 4000 heads of pigs each year. The farm has a capacity to house 1100 pigs at any one time. Of these 540 pigs are accommodated within buildings that have planning permission and 560 pigs are accommodated in buildings that have been formed by extension or rebuilding that does not have planning permission.
- 1.2 This application seeks permission for an additional livestock housing unit to accommodate a further 700 pig places resulting in a total of 1800 pigs being on the farm at any one time. It is not considered by the applicant that there are any existing buildings available on site suitable to provide further pig places. The application does not seek retrospective approval for the unlawful buildings and extended building.
- 1.3 The rearing of 2000 or more pigs would require a permit to be sought from the Environment Agency however; this proposal is for 700 additional pigs bringing the total to 1800.
- 1.4 The livestock housing unit proposed is for two portal steel frame constructions next to each other to form one development. Together they will provide a total covered area of 46.57m by 39.6m (1844 sq m). Height to the eaves is proposed to be 4.26m and to the ridge 5.48m.
- 1.5 The building are shown to have concrete panel walls to 2m high, these are to be clad in green sheeting up to the eaves. The roof is to be fibre cement. The north west and south east elevations are to have gated accesses.
- 1.6 It is proposed that the building will have a concrete floor which will extend beyond the northwest elevation by approximately 6m to provide a loading and unloading area and space for machinery to manoeuvre when mucking out, bedding up and feeding.
- 1.7 The site comprises the farm house and other agricultural buildings.
- 1.8 The site is accessed from North Moor Road, where there are a number of residential neighbours, including residents at Poplar Farm, Green Acres and Brown Ridge, the curtilage of which are all within 200m of the site. North Moor Road itself is a narrow rural lane, with several other farms and commercial premises off it.
- 1.9 The site is located outside the Development Limits in the open countryside and in Flood Zone 1. There is a Public Footpath Right of Way running along the western boundary of the site between Low Moor Acres and Poplar Farm.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 06/02354/FUL Change of use of existing agricultural building to engineering workshop; Permission Granted January 2001
- 2.2 07/00821/FUL Single storey extension to existing dwelling; Permission granted May 2007
- 2.3 15/01519/FUL Construction of a double span agricultural livestock building; application withdrawn January 2001
- 2.4 16/01755/FUL Retrospective planning consent for the Change of Use of a former agricultural store to a residential two bed dwelling. Period of consultation ongoing.
- 2.5 There is an ongoing enforcement case regarding the unauthorised development of livestock houses on site, resulting in the creation of space to accommodate 560 pigs (15/00228/CAT3). The number of livestock on site and the impacts of the farming activities on the environment are changed as a consequence of the alleged unauthorised development. This application is therefore assessed on the estimated impacts of the lawful development.
- 2.6 16/00124/CAT3 Static caravan in use as an annexe to the dwelling to provide additional accommodation for an agricultural worker , the investigation is ongoing.

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 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 DP32 - General design
- Development Policies DP26 - Agricultural issues
- Development Policies DP26 - Agricultural issues
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP42 - Hazardous and environmentally sensitive operations
- National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Easingwold Town Council - received 20th July. Wish to see REFUSED as the proposed building is too large for the surrounding area and it will have an adverse impact on nearby residents. No additional response received during the second consultation period.
- 4.2 Highways - Concerns are expressed that North Moor Road serving the site is a single track road with limited forward visibility. There is existing traffic generation with the operation of the site and the proposal will increase that, however, it is considered that the increase is minor and would not have a severe impact on highway safety. Therefore any objection on highways ground would not be sustainable. A condition to protect the public right of way is recommended.

- 4.3 Kyle and Upper Ouse Internal Drainage Board - received 14th July. No observations to make.
- 4.4 Environmental Health - received 2nd September. Advises conditions to control odour, noise and flies. Additional comments received 29th September in response to the submission of a waste management plan, there were no further comments to make.
- 4.5 Ramblers York Group Footpath Secretary - Received 4th August. Observations made requesting that the grass verges of North Moor Lane should be kept in a good state, with large or heavy vehicles sticking to the carriageway. Welcome the proposed tree planting alongside the Public Footpath, on the boundary with Poplar farm, on the boundary, to avoid encroaching upon the usable width of the footpath. Prefer native species, rather than species such as Leylandii.
- 4.6 Public comment and site notice - 17 comments have been received supporting this application. 13 have been received objecting to the application. The main thrust of these objections is:
- Odour issues associated with an increase in activity.
 - Increased numbers of flies.
 - Insufficient land to accommodate increase in manure production on site.
 - North Moor Lane is too narrow to accommodate increased HGVs and tractors, also the surface is in a poor condition and is prone to flooding.
 - North Moor Lane is frequently used by walkers, cyclists and horse riders, increased traffic endangers those using it for those purposes.
 - The area is a residential area and unsuitable for intensified pig farming.
 - Risk of water course contamination from run off from the storage of manure.
 - Multiple enforcement issues on site which should be resolved before additional applications are decided.

Officer note: It is noted that all support comments have been submitted by individuals who do not live within that 400 metre vulnerable area, whereas objection comments have been made solely by those who do live within that 400m area. It should also be noted that a number of these comments, both objections and supports are multiple submissions.

Support for the application centre on

- The farm is well kept and well run
- There has been no experience of significant odour or noise when nearby
- North Moor Road is already used as a cut through by people accessing the A19 from north Easingwold
- The expansion of the farm secures the ongoing success and future
- British farming should be supported

5.0 OBSERVATIONS

- 5.1 Key issues include the location of the proposed development, the potential impact upon the appearance of the countryside, highway safety and impact upon residential amenity.
- 5.2 The farm is located to the south of North Moor Road. Within 400 meters of the proposed livestock are 7 protected buildings, including Poplar Farm, Green Acres and Brown Ridge. Poplar Farm lies immediately to the west of the Low Moor Acres

Farm and would be located approximately 200m from the proposed pig building. Green Acres is sited 220m from the proposed building and Brown Ridge would be some 230m from the proposed building.

Impact upon the countryside

- 5.3 The site is set in a rural location but in reasonable proximity to a pocket of isolated residential dwellings on North Moor Road. The operational part of the farm is south east from the frontage on North Moor Road.
- 5.4 The proposed livestock housing would be located further south east of the existing development. It would be largely hidden from North Moor Road. Limited views would be afforded from Husthwaite Road to the east and Thirsk Road to the west, however both of these roads are buffered by mature hedgerows and the proposed building would fit within the general agricultural character of this site and its surroundings.
- 5.5 Additionally, there is proposed hedge planting on the south western boundary of the site to soften the views in to the site from the three closest dwellings. The impact upon the character and appearance of the countryside would therefore be acceptable.

Highway Safety

- 5.6 An additional increase of 700 pigs on top of the 1100 presently on site (540 lawful and 560 unlawful) will involve more vehicular activity associated with the delivery of piglets, feed, the removal or waste and the removal of fattened pigs at the end of each 15-week fattening cycle. In each 15 week period there is to be a total of 30 tractor movements and 7 HGV movements to facilitate the pigs being delivered to the farm, feed going in, and houses mucked out and then pigs removed. These are cumulative, not daily movements, but they are not equally distributed across the weeks and so some days will see significantly heavier traffic than others. Even taking into account the delivery of feed and removal of waste, it is not considered that the intensification of the use of North Moor Lane would have any adverse highways impacts. North Moor Lane is only a narrow rural lane, however, this is no different to the majority of rural roads in the District and the road is not heavily trafficked. NYCC Highways has stated no objections on highways grounds but recommend that a condition should be placed on any permission granted to protect the PROW running by the site. As such, there are no objections to the proposals from a highways perspective.
- 5.7 Concern has been raised over the likely impact of the HGV and tractor activity in terms of congestion and frequency on North Moor Lane, endangering others using the road. HGV movements are predicted to increase from 23 to 55 movements in a 15 week period, and tractor movements from 96 to 164. These are spread across the 15 week period, with a maximum number of 16 (13 Tractor, 3 HGV) movements in one day, but some days there are no HGV or tractor movements. HGVs transporting finished livestock will normally load at 6.00am/ 6.30am depending on the time of year and be on site to around 9.30am. This would avoid leaving the farm during normal commuting or school run hours. Feed deliveries and movement of farmyard manure connected with the pig enterprise is normally between the hours of 8am to 6pm, there are no exact times stating regarding these movements however the increase in HGV traffic, when spread across a day, would not be significant. NYCC Highways consider that the increase is minor and would not have a severe impact on highway safety.

Residential amenity

- 5.8 There have been a number of objections made by the nearby residents, these centre on odour and the increase of traffic on North Moor Lane. The issues of highway capacity and highway safety have not given rise to objection from the Highway Authority. The issue of amenity due to the increase in movements is considered below.
- 5.9 The principle issues to consider are those associated with added noise, odour and flies. It is concluded in the Odour Assessment, carried out by YES consultancy that "there is unlikely to be an adverse impact of odour offsite from these activities taking place in the new livestock building."
- 5.10 Comments from colleagues in Environment Health make reference to the odour management plan, conditions have been advised to ensure that an odour management plan is implemented to ensure potential odour are minimised and that the number of pigs should not exceed 1800 at any one time.
- 5.11 In terms of noise, the applicants submitted a noise report assessing the impacts of the operational machinery and processes at the site, but not the animals themselves. There have been no comments made during the consultation period which relate to animal noise. Although the number of pigs would increase as a result of this proposal the distance to noise sensitive properties is greater and in the absence of previous complaint relating to animal noise there is no justification to object to the application on this basis.
- 5.12 The noise assessment, carried out by YES consultancy, concluded that "noise monitoring and noise predictions carried out by the YES Consultancy found that noise from the proposed pig unit would be unlikely to have an adverse impact on the residential amenity of the nearby residential properties, with predicted levels being below the currently representative background noise levels." The background noise predicted to come from the new pig house is likely to be below background noise levels already experience on the farm due to its location from the nearest residential dwelling. It is also considered, in paragraph 6.11 of the report that the structure of the walls, roof and existing farm buildings will form a buffer, providing greater levels of attenuation than actually quoted in the report's predicted south levels (table 6.3). As a result the YES consultancy considers that impact of noise from the pigs in the units would be at the No Observed Effect Level (NOEL).
- 5.13 Concern has been raised over the likely impact of the HGV and tractor activity in terms of congestion and frequency on North Moor Lane, endangering others using the road and the impact that this has upon the amenity of neighbours and other road users. As noted above there is no evidence to conclude that harm will occur due to congestion or highway safety. The predicted increase in movements on some days will be noticeable but over the pig rearing cycle the level of change is relatively small and would not give rise to a significant change in the level of debris on the road, dust or damage to verges and there is no reason to conclude that the change in level of traffic would harm residential amenity or the amenity of other road users.
- 5.14 A number of comments made in objection to this application are related to previous incidents of odour as a result of manure waste from the existing pig houses being stored on the farm, in the open air until it was possible to move it to a more suitable location, off site. The applicant has had a manure management plan produced to explain the increase in amount produced by the pigs and maps to demonstrate where the manure will be taken in Oulston and Coxwold. This amount of land extends to 440 hectares, 75% of this falls outside the Nitrate Vulnerable Zone and therefore there is no limit on the amount that can be spread, however it will equate to less than

170kg N/Ha. In order for the issue of odour to be managed colleagues in Environment Health have recommended conditions, and subject to these conditions, have no objection to the proposal.

- 5.15 Despite concerns raised by nearby residents there is not a contingency plan to be used if an agreement to send to manure off site fails. Comments received from colleagues in Environmental Health state that implementing the Odour Management would require that no manure is stored on site or within 400m of neighbouring residences and so odour arising from pig manure stored on site should not be an issue. However identification of the location of off-site storage and establishing impacts during the transport or storage are important considerations and can be controlled by planning condition.

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 titled, Location, Proposed Floor Plan and Livestock Housing Plans received by Hambleton District Council on 13th June 2016 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, samples 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 odour management plan submitted with the application shall be implemented and maintained. Deviations from the odour management plan and alterations to buildings housing pigs shall not take place without prior written approval from the local planning authority.

6. No more than 1,800 pigs shall be accommodated on site at any one time. Records to demonstrate the number and movement of pigs to and from this site must be maintained at these premises and kept available for inspection by officer(s) of the Council for 3 years.

7. All livestock delivery and collection is to take place in the area outlined red on the location plan submitted with the application.

8. No external plant or equipment is to be installed in existing or new pig housing without prior written approval from the local planning authority.

9. Prior to bring the development in to use a scheme shall be submitted for the written approval of the local planning authority detailing the actions to be taken to control flies at the premises. Thereafter the approved scheme shall be implemented and maintained.

10. Details of the location of off-site storage for manure shall be submitted and approved by the Local Planning Authority prior to the commencement of the development. Thereafter any off-site storage of manure shall be undertaken in accordance with the approved details.

The reasons for the above conditions are:-

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

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

3. To safeguard the visual amenities of the area in accordance with Hambleton Local Development Framework Policies CP17 and DP32.

4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP1 and DP1.

5. To protect the residential amenity of neighbouring properties in accordance with Local Development Framework Policy CP1 and DP1.

6. To ensure that lawful pig numbers are not exceeded, which may lead to a negative impact caused by odour and noise to residents nearby and that the development is in line with Local Development Framework Policy DP1.

7. To safeguard the amenity of neighbours and ensure that the development is in line with Local Development Framework Policy DP1.

8. To safeguard the amenity of neighbours and ensure that the development is in line with Local Development Framework Policy DP1.

9. To safeguard the amenity of neighbours and ensure that the development is in line with Local Development Framework Policy DP1.

10. To ensure that this would not result in an unacceptable impact during the transport or storage of manure and ensure that the development is in line with Local Development Framework Policy DP1.

Informative

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

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Parish: Exelby, Leeming and Newton

Ward: Bedale

5

Committee Date:

13 October 2016

Officer dealing:

Mrs H M Laws

Target Date:

18 October 2016

16/01787/FUL

Construction of dwellinghouse and attached double domestic garage and the formation of new access

At The Old Forge, Exelby

For Mr & Mrs John Clark

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies at the western end of Exelby on the southern side of the village street and currently forms part of the garden of The Old Forge. The site extends to an area of 0.1 hectares. The village street ends beyond the site and a single track road, which is a public right of way, turns south along the western boundary of the application site.
- 1.2 The site is bounded on the roadside to the north and west by a mature leylandii hedge, which is more than 3m in height. There is no existing access directly onto the application site except from the existing domestic garden associated with The Old Forge.
- 1.3 Planning permission was granted in March this year for the construction of a detached two storey, four bedroom dwelling on this site, which has not been implemented. The proposed scheme is for a different development.
- 1.4 It is proposed to construct a two storey, detached, four bedroom dwelling on the site with an attached double garage. A new access is proposed from the village street by creating a gap in the boundary hedge. Approximately 25m of hedgerow would be removed along the northern boundary of the site to create the access and provide the visibility splays.
- 1.5 It is proposed to retain the section of leylandii hedge that lies on the north western corner of the application site on the roadside. A stretch of 15m along the south western roadside boundary would be removed and a new hornbeam hedge planted.
- 1.6 The proposed dwelling is a two storey double fronted dwelling in a traditional style with eaves to front and rear and side gables. Bay windows are proposed at ground floor level on the front elevation; chimney stacks are proposed at either end of the ridge.
- 1.7 The dwelling would be finished in brick with clay pantiles to the roof. No details of window and door materials have been provided. A landscaping scheme has been submitted, which proposes to plant a new hedge behind the visibility splays along the northern boundary of the site to either side of the proposed access. Trees are proposed within the front garden.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 15/02819/FUL - detached dwellinghouse and associated parking; Granted 4 March 2016.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

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

4.0 CONSULTATIONS

- 4.1 Parish Council - no objections to the proposed development.
- 4.2 Highway Authority - no objections subject to conditions.
- 4.3 Ramblers - no objection.
- 4.4 NYCC Archaeologist - The development is within the historic medieval settlement of Exelby. Earthworks of former enclosures and building platforms are visible in the fields on every side of the development plot. Therefore, I would advise that a scheme of archaeological mitigation recording is undertaken in response to the ground-disturbing works associated with this development proposal. This should comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation.
- 4.5 Swale & Ure Internal Drainage Board - details of surface water discharge acceptable provided Yorkshire Water is happy with the fact and the rate of discharge.
- 4.6 Scientific Officer (Contaminated Land) - no objection.
- 4.7 Public comment - none received.

5.0 OBSERVATIONS

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

Principle

- 5.2 Although the current application is materially different, there remains an extant planning permission granted earlier this year for the construction of a dwelling on this site and therefore the village of Exelby has been assessed as being capable of forming a sustainable community and the principle of a dwelling has already been established in this location.

- 5.3 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies. The proposal is for a single infill dwelling and as such is considered, in principle and considering the previous approval, to be of a suitable scale.

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

- 5.4 It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The application site lies beyond the built up part of the village but as it lies within a domestic garden area surrounded by the leylandii hedge it is very much part of the developed character of the village rather than the surrounding countryside. The following detailed advice within the IPG is considered to be relevant:

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

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

- 5.5 It is considered that the development proposed, without the loss of rural landscape, would appropriately respect the general built form of the village. There would be no harmful impact to the natural, built and historic environment.
- 5.6 The proposed development is of a high standard of design that respects its immediate neighbours and is in keeping with the character and appearance of the village. The design is more traditional than the scheme approved earlier this year. The NPPF in paragraph 58 suggests that development should respond to local character and history and reflect the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation. It is considered that the proposed design achieves this aim.

Neighbour amenity

- 5.7 The closest neighbour would be the existing property at The Old Forge, which retains the significant portion of the existing domestic garden. There would be adequate distance between the two properties for the proposed development to have no adverse impact on residential amenity.

Highway safety

- 5.8 A plan has been submitted that demonstrates that the required visibility splays identified by the Highway Authority can be achieved across land that is within the ownership of the applicants. On that basis there are no highway safety reasons for withholding permission.

6.0 RECOMMENDATION

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

2. The external surfaces to be used in the construction of the development hereby approved shall not be other than in accordance with the details submitted with the application and the email received on 22 September 2016.
3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
4. 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 whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 19 September 2016 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. The development hereby approved shall not be undertaken other than in accordance with drawing number 1.3 that shows the finished ground floor level of the development at 31.365, other than with the prior approval in writing by the Local Planning Authority.
6. The means of disposal of surface water drainage shall be undertaken in accordance with the details received by email on 22 September 2016 and thereafter retained.
7. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation dated September 2016 and received by Hambleton District Council on 28 September 2016. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: d. The crossing of the highway verge shall be constructed in accordance with approved details shown on drawing 1.3 "Proposed Site Plan and Sections" and the Standard Detail number E6; e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided in accordance with approved drawing 1.3 "Proposed Site Plan and Sections". 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.
10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 1.3 "Proposed Site Plan and

Sections"). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

11. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
12. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 1240:1.1B; 1.2B; 1.3; 1.5 and 1.7B received by Hambleton District Council on 5, 23 and 30 August and 19 September 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
5. To ensure the building is in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
6. To ensure that the development can be properly drained to prevent pollution of the water environment in accordance with LDF policies CP21 and DP43.
7. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.
8. In accordance LDF Policies CP2 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
9. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
10. In accordance with LDF Policies CP2 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
11. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

12. In accordance with LDF Policies CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Informative

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

- a) 16/01370/FUL and
- b) 16/01721/FUL

a) Retrospective change of use of ancillary land associated with public house for use as staff car park with secure enclosure and proposed construction of 2m high close boarded fence.

b) Retrospective application for formation of a service area covered by a flat roof with double external doors; between kitchen and former external stores.

At The Carpenters Arms, Felixkirk

For Mr Michael Ibbotson, Provenance Inns Ltd.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The Carpenters Arms is located in Felixkirk village. The public house consists of a bar, restaurant area, outside dining area and guest rooms. The guest rooms are located in a single storey section to the rear of the pub. There is a large car park located to the east of the pub and guest rooms.

1.2 The pub is located on the north western side of the village. The neighbouring property of The Howe is located to the south west and School House is located to the east. The western side of the public house is adjacent to agricultural land.

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1.3 Provenance Inns seek retrospective consent to for the change of use of land to retain an area of hardstanding for use as a staff car park and secure enclosure, including gas and bin storage. The Carpenters Arms have carried out major building work over the last three years and the car park was originally constructed for use as a site compound (condition 6 of 11/01785/FUL). Before construction of the hardstanding the land was agricultural land. Since the construction works were completed the area of land has been used a staff car park. The car park is accessed through an entrance between The Howe and the Carpenters Arms off the classified Felixkirk to Kirby Knowle Road. The car park runs west along the northern boundary of The Howe, approximately 40 metres.

1.4 The current boundary treatment along the length of the car park consists of a large conifer hedge exceeding 3 metres in height. The hedge belongs to the neighbouring property of The Howe. As part of the application Provenance Inns are proposing to construct a 2m high close boarded fence to prevent any headlight intrusion into The Howe which may be possible under the conifer trees.

1.5 Provenance Inns are proposing to use the land as a staff car park between the hours of 8.00am and 10.00pm on an ad hoc basis. The site can accommodate up to 14 vehicles and has sometimes been used by staff as an overflow car park when the main car parking areas are full.

1.6 The staff car park area has not been used by the Carpenters Arms since May 2016. This is as instructed by the Planning Enforcement Section while this application is considered.

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1.7 The Carpenters Arms seek retrospective consent for the construction of an infill service covered by a flat roof with double external doors, between the kitchen and

former external stores. The external stores were built as part of the redevelopment of the pub. The stores were shown on the approved proposed site plans for both planning approvals 11/01748/FUL and 12/00974/FUL although in both cases no reference was made to the store in the application description or the officer's report.

- 1.8 This application seeks consent for the store area which was created when a flat roof was installed between the main kitchen and the external store to provide a weather proof area. Double doors were added to the front of the building. The decision to cover the enclosed area was an improvement in the operation of the kitchen ensuring staff and goods are not exposed to weather when retrieving items from stores. The space is now used as an entrance and staff facilities containing a shower and toilet. The description of the proposal has been altered during the consultation period of the application to acknowledge the staff facilities in the extension.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 10/01553/FUL - Alterations to public house and change of use of private sitting room to public bar area; Granted 23 August 2010.
- 2.2 10/02378/FUL - Change of use of two bedrooms (first floor) to form private dining area for customers use; Granted 22 November 2010.
- 2.3 11/00481/FUL - Construction of eight bedrooms, car parking, two storage buildings and formation of entrance lobby; Granted 28 April 2011.
- 2.4 11/01785/FUL- Demolish flat roof extension, construction of a single storey extension, first floor extension, terrace and associated landscaping works; Granted 14 December 2011.
- 2.5 12/00974/FUL - Revised application for demolition of flat roof extension, construction of single storey extensions and terrace to public house and associated works and landscaping; Granted 3 July 2012.
- 2.6 16/00059/CAT3 - Enforcement case regarding unauthorised change of use of land to car park and air conditioning/kitchen extractor, application required and case on-going.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP1 - Protecting amenity
Development Policies DP5 - Community facilities
Development Policies DP9 - Development outside Development Limits
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP25 - Rural employment
Development Policies DP30 - Protecting the character and appearance of the countryside
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

Application A: 16/01370/FUL

4.1 Parish Council - Object as follows:

- Concerns regarding several areas of development within the Carpenters Arms site that do not have the benefit of planning permission, the staff car park, single storey kitchen extension, and extension of beer garden;
- At the time of consultation period before major expansion of the Carpenters Arms Mr Ibbotson discussed the redevelopment with local residents and the Parish Council and reassured everyone that extra car parking would not be developed; and
- Concerns regarding the parking of cars so close to the neighbouring property of The Howe which will cause significant noise nuisance, significant light nuisance in the evenings and general disturbance.

4.2 Welcome to Yorkshire - Supports the application:

- By taking away valuable parking spaces, customers and staff may be forced to park on surrounding narrow lanes, blocking traffic and causing hazards for pedestrians; and
- This popular pub is a great asset to the local community, as well as a valued employer. The staff car park helps relieve local parking pressures and keeps traffic flowing through the village.

4.3 Environmental Health Officer - This service has considered the above application and based on the information provided we believe there will be no significant impact on the local amenity and therefore the Environmental Health Service has no objections. However, to protect neighbouring residents I recommend that the hours of use of the carpark are limited to 8:00am to 10:00pm as stated in the application.

4.4 Highway Authority - requested a speed survey to measure the traffic speeds at the location and required justification in line with national guidance regarding the available visibility at the access. The information has been submitted and the Local Highway Authority recommends conditions are attached to any permission granted.

4.5 Public comments - 26 comments have been received in support of the application and two comments against the development. The comments in support are summarised as follows:

- The Carpenters Arms is used by villagers and their guests, church goers and anyone else just visiting the village. It sometimes get full and rather than villagers and church goers cars having to narrow lane its surely better to for staff to have their own car park;
- While the pub is not using the staff car park the main car park is often full forcing customers to park on the lane and blocking traffic. The staff car park helps to relieve the parking pressures and keep the traffic flowing through the village which helps to create the idyllic country village which Felixkirk normally is;
- The pub has ensured that plenty of parking for customers and parking for staff to ensure the villagers are not inconvenienced by having lots of customers cars parking in the village and that there is close and safe parking for staff;
- Successful pub which brings life and economic benefits to the local area, the road outside pub is narrow with number of sharp bends and parking appears to be difficult in Felixkirk village. It would be unfortunate to add to problems by restricting available car parking at the pub, and at same time potentially damaging to the benefits which a thriving pub/hotel business can bring to village and its surrounds;

- The staff car park would hopefully reduce number of staff cars in main car park and prevent cars parking on a narrow lane.
- The main car park is used by people in village as well as a resource for visitors to the area and walkers and cyclists. It is not good for customers to need to park on park on blind bends through the village;
- Due to the location many staff need to be able to drive to work and due to long unsociable hours it is absolutely necessary to provide safe and secure car parking;
- The pub allows a cyclist to park here as no other significant parking in the village;
- Now that the pub is not allowed to use staff car park the main car park is full, forcing customers to park on the narrow lanes, blocking traffic. The staff car park helps relieve parking pressure and keep traffic flowing through the village;
- Provision of jobs in a rural area is a priority to keep the countryside vibrant and interesting;
- If employees are not allowed to park in the staff car park, cars will be forced to park on the road which is already narrow. It would be far more hazardous for this to happen;
- The car park is frequently used for cycling groups, walking parties, the church and village groups. The surrounding roads are busy with farm traffic, villagers often park in pub car park to reduce the risk of obstruction and damage to their vehicles. Since inn is rural and no staff accommodation is on site an accessible car park is a great benefit;
- An official car park on site is far safer and less unsightly than cars parked on the street;
- Secure bin storage out of public view is a good thing;
- Since The Carpenters Arms was extended it has won a number of awards. The public house is a successful rural business and a community facility for the village. Planning policy supports such enterprise (CP3) and new facilities and proposals to enhance existing buildings (DP5);
- The proposed fence along boundary will provide an acoustic screen better separating the continuing operation of the public house from the neighbouring property;
- The proposal is not in Felixkirk Conservation Area and the impact on wider landscape is minimised as parking is close to existing development and shaded by tall hedging along the south boundary;
- Additional cars parked outside the Conservation Area could be seen as an advantage or enhancement;
- The Carpenters Arms is of outstanding quality and leaders in the field. The business has invested huge sums of money in this and secured the future of vital community resource and created long term positions of employment; and
- The image of the pub would be hugely damaged if there were restricted parking access and other key 'behind the scenes' items on display.

4.6 The two comments in objection to the application are summarised as follows:

- The pub developed from small country pub into significant restaurant drawing a clientele from well beyond the hamlet;
- The neighbouring property of The Howe is just 11.5m from the nearest point to proposed car park;
- The success of The Carpenters Arms should not be achieved at any cost, particularly the amenity of residential neighbours;
- The description of development is not entirely accurate; the secure compound stores gas tanks, which raises questions about the appropriateness of this location for the storage of propane tanks;
- A key concern is the incremental development and expansion of the pub over time, out of scale with hamlet it serves;

- There has been a significant increase in staff numbers from what was proposed as part of 2011 application, increase in 12 full time staff and 9 part time staff;
- The proposed car park area was initially used as site compound for extensions to the pub. It was retained without planning consent and subsequently been used as a storage area for gas tanks and storage area for waste from the kitchen;
- A number of other potentially unauthorised developments are adjacent to the car park. It would appear that cooling/chilling units have been moved to west side of the building where they are audible from neighbouring property;
- The flat roofed extension has been constructed without planning permission. (Officer note: this is the subject of application (b)). If this is the case it would clearly constitute unauthorised development in a Conservation Area;
- The field adjacent to the north of the car park was used as beer garden without consent, although this has stopped following complaints;
- Worrying picture of a commercial use that is expanding outside of planning control with little regard for amenity and welfare of its neighbours;
- Over time it appears that as the use of the restaurant has intensified all the noisy operational uses of the restaurant have been moved to the west side of the restaurant building;
- Pressure on car parking should have been anticipated and catered for when previous proposals for extension and alteration of the restaurant were being considered and not addressed in an ad hoc way in a manner that adversely impacts on residential amenity;
- Car parking will give rise to issues of noise and headlights shining into adjacent property;
- Neighbour are affected by noise from car movements and car doors slamming, particularly at night;
- The proposal will not result in high quality design and good standard of amenity for all existing and future occupants of land and buildings and is in conflict with paragraph 17 of the NPPF and paragraph DP1 of the Local Plan;
- The applicants have not demonstrated any exceptional circumstances that would justify this development outside of development limits and there is in conflict with Local Plan Policy DP4;
- The application fails to demonstrate how the application proposal will affect Felixkirk Conservation Area and therefore is in conflict with policy DP28;
- Unclear what other needs the car park serves;
- Whilst may serve other needs in hamlet it cannot be used a factor in favour of staff car park that has adverse impact on a residential neighbour;
- No evidence that the car park is necessary for the continued viability of the restaurant;
- The confused situation regarding what elements of existing development on the west side of the restaurant are authorised (this refers to kitchen extraction and use of land as garden to the public house and guest accommodation) adds weight to the case for refusal of this application.

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4.7 Parish Council - The comments have been summarised as follows:

- Fundamental issue for Councillors is that a planning application was not applied for at the outset and owners carried out work without permission.
- Design of the storage area, a rendered breeze block construction is not in keeping with the existing property.

4.8 Site notice was put up on the 7th September 2016 onto the Carpenters Arms sign at the front of the pub. One comment in objection to the application has been received. The comments have been summarised as follows:

- The extension has effectively moved the rear entrance of the kitchen to a position where it faces our property, creating noise directed towards our property which is combined with additional noise from the staff car park.
- Stores first showed on planning application drawings 11/01785/FUL but they are not on the front/side elevation plans and not mentioned in the application.
- If this is the case, this should not constitute approved external stores as stated in the application.
- It increases the footprint of the pub which would be in conflict with Policy DP9 of the Local Plan.

5.0 OBSERVATIONS

Application A: 16/01370/FUL

- 5.1 The main issues when considering the application relate to: (i) the principle of development; (ii) the impact on neighbour amenity; (iii) the impact on the character and appearance of the Conservation Area and the local landscape; and (iv) highway safety.

Principle of development

- 5.2 Core Strategy Policy CP4 supports development in rural settings providing it is necessary to meet the needs of tourism and will help to support a sustainable rural economy. Development Policy DP9 provides similar support. The retrospective change of use of land to construct a car park and secure enclosure has formed part of an existing commercial operation which has grown considerably over the last four years. It is considered the additional car park and storage area would help support the existing business and its long term viability and is in accordance with CP4 and DP9.
- 5.3 The growth of the Carpenters Arms is also supported in Paragraph 28 of the National Planning Policy Framework (NPPF) which seeks to “support the sustainable growth and expansion of all types of business and enterprise in rural areas². Paragraph 28 also supports the retention and development of local services and community facilities in villages including public houses. As such it is considered the development is in accordance with local and national policy and is considered to be acceptable in principle.

Impact on amenity of neighbouring properties

- 5.4 The staff car park and secure store have been constructed along the northern boundary of the neighbouring property of The Howe. The existing boundary treatment consists of a small stone wall and a large conifer hedge which is well over 3m high. Concerns have been raised from the owners of the neighbouring property and the Parish Council regarding the incremental development and expansion of the pub over time and the increase in staff numbers over this time. There are also concerns regarding the other potentially unauthorised developments adjacent to the car park area which appear to have had little regard for the amenity or welfare of its neighbours. In relation to this there have been issues raised with officers relating to nuisance and disturbance to the property with car headlights shining through the hedge, the noise from car engines starting and doors slamming and the noise from cars driving over the loose gravel surface.
- 5.5 The applicant proposes to construct a 2m high close boarded fence along the boundary with The Howe to prevent car lights from shining under the conifer hedge. It also proposes to restrict the hours of operation of the car park to between 8.00am

and 10.00pm. This would allow its use by kitchen staff working on a shift system preparing for lunches and evening meals. It is considered the restricting the hours of operation would help reduce the potential for disturbance to the occupiers of The Howe and the proposed fence would be sufficient to prevent headlights from shining through the hedge.

- 5.6 Concerns regarding other development by the Carpenters Arms are being dealt with by the Planning Enforcement Section. An application for the single storey extension to the kitchen to form a store is currently pending consideration, application reference 16/01721/FUL. Comments made in respect of that development should not be taken into consideration in determining this application; the two applications are legally distinct.

Impact on the character and appearance of the Conservation Area and the local landscape

- 5.7 The land which is subject to this application is outside of Felixkirk Conservation Area, with the exception of the area directly behind the entrance gates to the site. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset. In assessing the proposal considerable importance and weight has been given to the desirability of preserving and enhancing the character and appearance of the heritage asset in assessing the proposal. The site is located behind timber gates and as such the site is not visible from the front of the pub and does not have a detrimental visual impact on the appearance of the Conservation Area and the activity does not cause harm to the character of the Conservation Area.
- 5.8 The change of use of land has resulted in a loss of agricultural land, noted to have been grazing for sheep, which the applicant's agent has described as ancillary land to the public house. The site area is approximately 0.91ha. Whilst it is accepted the change of use of land has increased the boundary of the village into the countryside, the land in question is not visible when approaching the village from Thirsk nor can it be seen within the village due to hedgerows, trees and other buildings. As such it is considered the change of use as had a limited impact on the character and appearance of the local landscape and as such is acceptable.

Highway safety

- 5.9 The Highway Authority initially raised concerns regarding the increased use of the access and the limited visibility to the south west. The applicant has submitted a speed survey and justification regarding the available visibility at the access. The report concludes that low speeds were recorded on this part of the highway and the required visibility can be achieved by marginal realignment of the access. The Highways Authority have confirmed a visibility splay of 2.4m by 25.5m is required and can be created in line with the Manual for Streets Design Standard and have no objections subject to the splays being provided.

Application B: 16/01721/FUL

- 5.10 The main issues when considering the application relate to: (i) the principle of development; (ii) the impact on neighbour amenity; (iii) the impact on the character and appearance of the Conservation Area.

Principle of Development

- 5.11 The original external store building was built as part of the redevelopment of the site in 2011/2012 and as such the question of the principle of the building relates to the infill extension consisting of the flat roof and double doors (covering a floor area of about 3.6 x 4.5m, 16.2sqm). Core Strategy Policy CP4 supports development in rural settings providing it is necessary to meet the needs of tourism and will help to support a sustainable rural economy. Development Policy DP9 provides similar support. The infill extension has formed part of an existing commercial operation which has grown considerably over the last four years. It is considered the infill extension has made an improvement to the operation of the kitchen, helping staff and food safety by ensuring access between the stores and staff facilities is weatherproof which will help support the existing business and its long term viability and is in accordance with CP4 and DP9.
- 5.12 The growth of the Carpenters Arms is also supported in Paragraph 28 of the National Planning Policy Framework (NPPF) which seeks to "support the sustainable growth and expansion of all types of business and enterprise in rural areas². Paragraph 28 also supports the retention and development of local services and community facilities in villages including public houses. As such it is considered the development is in accordance with local and national policy and is considered to be acceptable in principle.

Impact on neighbouring amenity

- 5.13 The service area extends out to the west from the main pub building. The building extends out towards the neighbouring residential property of The Howe. The maximum projection of the extension is approximately 3.4m. The double entrance doors are located on the southern elevation facing the timber access gates, to the staff car park that is the subject of the previous application, at the front of the site. A large conifer hedge belonging to The Howe separates the two properties and forms a solid boundary shielding views from either property. The neighbour has raised concerns that the extension has moved the rear entrance of the kitchen to a position where it faces The Howe and in doing so creates additional noise directed towards the neighbouring property. The original entrance doors into the kitchen on the west elevation of the building were approved as part of previous applications for the extension of the Carpenters Arms, the most recent being 12/00974/FUL. As such the principle of the entrance to the kitchen and deliveries at this side of the pub was considered and approved in previous permissions. It is considered the alterations to the building will not have any further detrimental impact on the neighbouring property than existing.

Impact on the character and appearance of the Conservation Area

- 5.14 The infill extension is set back from the front of the Carpenters Arms and is located behind 2m high timber gates. The extension has a low roof and a maximum height of approximately 2.1m high. The extension has been rendered to match the existing building. The front of the service area is set back from the wooden gates approximately 5.8m and as such only the roof and a small section of front wall and doors are visible above the timber gates. As noted in the previous report consideration is required of the impact on the character and appearance of the Conservation Area. It is considered the extension does not have a detrimental impact on Felixkirk Conservation area as it is set back from the front of the pub, behind the timber gates which when closed obstruct views of the extension and the materials are in keeping with the existing building as they use a light coloured render to match the colour of the white painted public house.

6.0 RECOMMENDATION

Application A: 16/01370/FUL

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

1. The car park approved by this permission shall not be used unless within 6 weeks of the date of this decision a 2m high close boarded fence has been constructed in accordance with plan 'siteplanP' received on 13th June 2016. Thereafter the fence shall be retained at 2m high at all times.
2. There shall be no access to vehicles and no vehicles movements shall be made to, from or within the car park outside the hours of 08.00 hrs to 22:00.
3. 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 25.5m measured along the western channel line of the C101 (Felixkirk Village Street) 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.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings received on 13th June 2016, 27th June 2016 and 27th September 2016 by Hambleton District Council.

The reasons are:

1. In order to appropriate screening to the adjoining dwelling in the interest of residential amenity in accordance with Local Development Framework policy DP1.
2. To safeguard the amenity of the neighbouring property in accordance with Development Policy DP1.
3. In the interests of road safety to provide for drivers of vehicles using the access road to the site and the public highway with a standard of inter-visibility commensurate with the vehicular traffic flows and road conditions.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP3, CP4, CP15, DP1, DP5, DP9, DP16, DP25, and DP30.

Application B: 16/01721/FUL

6.2 That subject to any outstanding consultations the application be **Granted** subject to the following condition(s)

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered EX10 01 A (location plan) and F/1/A received by Hambleton District Council on 28th July 2016.

The reasons are:-

1. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, DP1, DP28 and DP30.

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Parish: Husthwaite
Ward: Raskelf & White Horse
7

Committee Date: 13 October 2016
Officer dealing: Mr T J Wood
Target Date: 20 October 2016

15/01474/FUL

**Construction of single storey dwelling and garage
at Black Bull Cottage, The Nookin, Husthwaite
for Mr & Mrs Ian Harper**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is a former cottage orchard on the corner of High Street and The Nookin in the centre of Husthwaite. The site forms part of the land attached to Black Bull Cottage, a former pub and grade II listed building. Black Bull Cottage is an extended two storey detached dwelling which fronts onto The Nookin in Husthwaite. The Grade II* listed St. Nicholas Church is sited opposite, fronting the informal village 'green'. An established hedge forms the northern and western boundaries of the site, with a break in the west for a 'field' style rural gate. The site is has a number of fruit and other trees, noted to be in poor health, reflecting its former use as an orchard.
- 1.2 This application seeks consent for a new dwelling sited to the north of Black Bull Cottage. The building comprises a single storey structure having two bedrooms, bathroom, kitchen, utility, living room and dining room, and would have a footprint measuring 13.9m x 9.7m, eaves at approximately 2.5m and a maximum ridge height of 4.275m. However, the house would be sited on excavated land, sitting around 1m below the level of the existing ground level but about 1m above the level of the road. The design is a contemporary approach, with materials of local handmade brick, cedar cladding, and a standing seam zinc roof. Access would be provided from High Street to the north, requiring the removal of a section of banking and hedgerow marking the northern boundary of the site. New planting is proposed towards the western boundary on a banking, to stop views of the site from the existing 'field' gate access.
- 1.3 The site is outside the Development Limits of Husthwaite, the land is within the Husthwaite Conservation Area.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 The site has no relevant history. There has been a series of applications relating to extensions and alterations that have taken place at the adjacent cottage but none are pertinent to this application.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP28 - Conservation

4.0 CONSULTATIONS

- 4.1 Husthwaite Parish Council - No comments.
- 4.2 Highway Authority - No objection subject to conditions including the provision of visibility splays of 43m along the High Street.
- 4.3 Ministry of Defence - No safeguarding objections.
- 4.4 Historic England - No representations beyond observation that of the proximity to the grade II* listed St Nicholas' Church. Considers the proposal to be a modest single storey structure, well screened by existing hedges which the applicant has committed to retaining and strengthening in their Design & Access Statement.
- 4.5 Environmental Health Officer - No objection.
- 4.6 Public comments - One representation received raising no objection in principle but remarking that the hedge line to the north should be retained and that an apple tree in the boundary hedge to Damson Garth should be retained and protected during construction work.

5.0 CONSIDERATIONS

- 5.1 The main issues are the impact of the proposed development on the heritage assets, namely the setting of the Listed Buildings and the impact on the character and appearance of the Conservation Area. The principle of development is a further main issue, as is the highway safety of the access and the design of the proposed dwelling.

Heritage assets

- 5.2 Proposed development on this site has the potential to harm the setting of the listed buildings of Black Bull Cottage and St. Nicholas' Church, which lie to the west of the site, and the character and appearance of the Husthwaite Conservation Area.
- 5.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.4 Section 72(1) of the same Act requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 5.5 The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
- 5.6 A great deal of care has been given to ensure that the development proposal does not cause harm to the heritage assets. The proposal is for a building that would be set low in the site and only single storey, such that it would not be visually intrusive.

The works necessary to reduce the levels of the land are not so substantial that they would cause harm to the character of the Conservation Area. It is notable that a section of the hedgerow would be removed to form an access but also that large parts of the hedge can be retained, albeit with some localised reduction in height to achieve safe visibility. Vehicular accesses across the footway and through gaps in frontage hedges to gain access to residential property are a part of the character of the Conservation Area and would not be harmful in this instance. The scheme is considered to meet the requirements of the Act, the NPPF as well as the Policies CP16 and DP28 of the LDF.

Principle of development

- 5.7 The site lies outside of the Development Limits of a settlement that is a Service Village within the hierarchy of the CP4. LDF policies CP1 and CP2, (which relate to sustainable development and minimising the need to travel) set a general presumption against development beyond Development Limits but policies CP4 and DP9 allow that planning permission can be granted where one or more of six exceptional circumstances are met. The applicant does not claim any of the exceptional circumstances identified in policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

- 5.8 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.
- 5.9 Husthwaite is a Service Village and therefore considered a sustainable location for small scale development by the IPG. The site is adjacent to Development Limits, which are very tightly drawn at this point. It is noted that the site is close to the centre of the village and to other properties and local facilities including a public house (currently shut) and primary school. The proposal would relate well to the existing settlement and is acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties.

Highway safety

- 5.10 The proposal includes a new vehicular access to serve the dwelling and the scheme provides a parking and turning space within the site. The visibility splays required by the standards of the Manual for Streets have been shown to be provided with a requirement to only reduce the height of the hedgerow at a point close the access. Subject to conditions relating to the construction of the access it is considered that the scheme does not present a loss of highway safety and is acceptable under policies CP1, CP2 and DP4.

Design

- 5.11 The proposal uses a simple contemporary design. The policy of the LDF seeks high quality design, however it does encourage the use of creative, innovative and sustainable designs that take account of local character and settings. The design of the building does not follow the styling of any adjacent residential property but as noted above the low level of the property reduces its impact. The layout of the site is appropriate as it relates to the neighbours and the form of the village and the development avoids harm to the spaciousness of the neighbouring Black Bull Cottage. Application of policy DP32 requires a judgement to be taken and in this instance it is considered that the scheme meets the overarching objective of a high quality of design.

Tree protection and landscaping

- 5.12 The construction of a dwelling on the site would have an impact on fruit trees within the site, many of these are noted to be small and in poor health and do not make a significant contribution to the character or appearance of the Conservation Area. Retention of trees around the boundary of the site is proposed. As noted by a neighbour representation there are trees to be reduced or removed and it is important to control the works to avoid harm to the trees that are to be retained.

Neighbour amenity

- 5.13 The layout of the site and low finished floor level reduces the potential impacts on the neighbour at Damson Garth (to the east of the site) and there is no overlooking from any window on the east elevation.

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. 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.
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. The development shall be undertaken in accordance with the cross sections, ground and floor levels shown on the plans listed as approved in condition 5 unless prior to development commencing alternative detailed cross sections have been submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be

constructed in accordance with the approved details and thereafter be retained in the approved form.

5. The permission hereby granted shall not be undertaken other than in complete accordance with the Plan Shop drawing(s) numbered HDC/1286/01 and HDC/1286/02 received 30 August 2016 and AMJ Designworks drawings p3, p4, p5 and p6 received 1 April 2016 unless otherwise approved in writing by the Local Planning Authority.
6. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (i) The details of the access shall have been approved in writing by the Local Planning Authority; (ii) The access shall be centred 11 metres to the west of the boundary with Damson Garth and shall be constructed in accordance with Standard Detail number E6; (iii) Any gates or barriers shall not be able to swing over the existing or proposed highway; (iv) 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 in 15; and (vi) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
8. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43m measured along both channel lines of the major road from a point measured 2.0m 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.
9. No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or

depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (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 ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. 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 CP17, DP30 and DP32.
4. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
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 the Development Plan Policy CP16, CP17 and DP32
6. In accordance with Policy CP1 and in the interests of highway safety.
7. In accordance with Policy CP1 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
8. In accordance with Policy CP1 and in the interests of road safety
9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
10. In accordance with Policy CP1 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. In accordance with Policy CP1 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.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre green wheeled bin for garden waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and

1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from its own Neighbourhood Services. If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.

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Parish: Kirkby
Ward: Stokesley
8

Committee Date: 13 October 2016
Officer dealing: Mrs A Sunley
Target Date: 10 October 2016
Date of extension of time (if agreed):

16/01853/FUL

Revised design for the alterations and extensions to dwelling (original design approved under reference 15/00990/FUL dated 24th September 2015) at Holiday Cottage, 1 Dromonby House, Kirkby In Cleveland for Mr & Mrs T Weston

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is occupied by a group of converted outbuildings which are now used as dwellings. The site is in a relatively remote location between Great Busby and Kirkby and is set back from the road, and screened from public view by trees and shrubs.
- 1.2 One cottage has been sold off but the remainder remain within the ownership of Dromonby House estate, a grade II Listed Building in the near vicinity. The cottages are all linked which creates a quadrangle with an inner courtyard.
- 1.3 This application is a revised design for alterations and extensions to the dwelling (original design approved under reference 15/00990/FUL). The principal issues regarding this development were established and agreed within the consented development approved under reference 15/00990/FUL.
- 1.4 The revised proposal incorporates a glass walk-way on the inner side of the dwelling facing the courtyard, raising of the roof form to incorporate a second floor to provide a bathroom/dressing room and various alterations to windows, roof lights and door apertures. The proposed entrance vestibule and dormer windows have now been omitted from the scheme.
- 1.5 The alterations to the east elevation would consist of additional windows and several changes of window dimensions, roof light and door apertures. The changes to the inner, east elevation, adjacent to the courtyard would consist of re-positioning of two roof lights and replacing window and door apertures with a single storey glass walk-way.
- 1.6 Further revised drawings were received on 21 September removing the proposed dormer windows and the lobby from the east elevation.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 10/01540/FUL - Alterations to section of roof; Granted 17 August 2010.
- 2.2 11/01453/NMC - Non material change - raise height of gutter to raised section of roof to match adjacent cottage and provide window to 10/01540/FUL; Granted 28 July 2011.
- 2.3 15/00990/FUL - Extension and alterations to dwelling; Granted 24 September 2015.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

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
Development Policies DP28 - Conservation
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - The Parish Council would like to see this application refused for the following reasons:

- The extension of the second storey along the north arm of the farm buildings [North Elevation and Sectional South Elevation (courtyard)] destroys the integrity of the set of courtyard buildings by breaking the roofline of the single storey run of that arm of the buildings; and
- The addition of dormer windows and a porch on the West Elevation are quite out of keeping and do not reflect the original use of the buildings.

The Parish Council would also like to make the following points:

- The owners of The Coach House, the fourth side of this set of courtyard buildings, are concerned that their access may be compromised during any building works;
- They also have concerns about access for maintenance to their septic tank which is positioned in one of the buildings to the east of those the subject of the current application and in the ownership of Mr. and Mrs. Weston;
- The Parish Council would request that it be made a condition of planning permission, if granted that the access to The Coach House should be kept clear of scaffolding, builders materials and vehicles, and vehicular access for the owners of The Coach House be kept open at all times during building work; and
- Access to the septic tank for maintenance should be made available at all times.

4.2 Public comment - A neighbour has raised concerns regarding the drive and the potential concerns regarding access obstructions due to contractors, suppliers' vehicles blocking the shared access.

5.0 OBSERVATIONS

5.1 The main planning issues raised by this application are whether the revised proposal would have a detrimental impact on (i) the residential amenities of nearby properties; or (ii) the visual appearance and amenities of the surrounding area; or (iii) the setting of the listed building.

Residential amenity

5.2 The neighbour's observations have been noted; However, the potential vehicle obstruction within this vicinity and septic tank issues do not fall under planning control. The potential obstruction during building does not raise any issues which would warrant a recommendation for refusal in this case.

5.3 Holiday Cottage 1 is of sufficient size and form to accommodate the creation of the proposed alterations. The new roof form is considered to be acceptable and would be in proportion In relation to the size of the existing dwelling. The proposed

extension would not have any significant effect on the amenities of neighbouring residents or the setting of the listed building.

Visual amenity and character

- 5.4 The glass walk-way would not be a vernacular addition to this type of dwelling. However, it is considered that due to the proposed materials and position of the walkway, concealed from public view, this addition would not be harmful to the character of the host building.
- 5.5 The proposed revised northern elevation would consist of a partial raised ridge to the original dwelling, with insertion of two roof lights and the alteration of window and door designs and openings. The raised roof ridge would link in with the roof ridge on the east elevation and would be in keeping with the neighbouring south roof ridge. This alteration is not considered to be harmful to the character of the host building.
- 5.6 The northern elevation is considered to be in keeping with the existing buildings and the use of traditional materials including reclaimed bricks and clay pantiles, with timber windows, will blend well with the existing building.
- 5.7 The Parish Council's observations have been noted. However, the revised drawings which were received on 21 September have addressed a few of the concerns highlighted. The concerns raised regarding the second storey along the north arm of the farm building are noted. However, the proposed detail echoes that exhibited in the neighbouring property which incorporates a broken roofline on the south elevation of the quadrangle.
- 5.8 The extensions and alterations would be designed to reflect the overall character of the existing dwelling, outbuildings and listed building and the construction would not be of a scale or size to impact upon the character and appearance of the surrounding dwellings

Listed building

- 5.9 While the buildings are detached from the listed building, the development has the potential to impact on its setting. However, in this instance the proposed modifications to the building are considered modest and would not impact on the setting of the listed building any more than the earlier permission.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing numbered: 1349/9E and 1349/10F, 1349/8G; received by Hambleton District Council on 21 September 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 are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, DP1, CP17, DP32, CP16, DP28, Domestic Extensions SPD Dec 2009 and the National Planning Policy Framework.
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: Sutton-on-the-Forest

Ward: Huby

9

Committee Date: 13 October 2016

Officer dealing: Mr A Thompson

Target Date: 12 August 2016

Extension of Time Agreed (if applicable): 14 October 2016

16/01110/FUL

**Change of use of land and construction of 46 holiday lodges, clubhouse (incorporating spa, bistro and reception) and associated infrastructure
At Land to the East of Willow Dene, Sutton on the Forest
For The Luxury Lodge & Holiday Company Ltd.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site, which covers an area of approximately 4.4 hectares, lies 200m from the south eastern edge of Sutton on the Forest (when measured in a direct line). The land is currently used for agricultural purposes (classified as grade 3a good quality) and is bounded by mature hawthorn hedgerows to two sides and includes a pond close to the northern edge. The western boundary is formed by a post and wire fence. The southern, roadside, boundary has a line of semi mature trees, most of which lie outside the site on the highway verge. The site is relatively flat, sloping slightly downwards from north to south, with access from the south eastern corner of the field onto Green Lane (also known as Well Lane).
- 1.2 A Site of Importance for Nature Conservation (SINC) lies to the west of the application site. A strip of land to the rear of the dwelling Willow Dene separates the site from the SINC.
- 1.3 It is proposed to change the use of the field to a site for holiday lodges (a Sui Generis use). The application is for full planning permission and includes details of the site layout, the roadways, the access and parking, the position of the lodges and clubhouse building. The submitted drawings also include details of the proposed buildings and lodges. A total of 46 lodges are proposed, which includes 39 two storey and 7 single storey with either two, three or four bedrooms. The lodges range from 57sqm to 124sqm and the total floor space proposed of the lodges is 4,446sqm. The proposed bistro is 162sqm bringing the total floor space to 4,638sqm.
- 1.4 A water feature (pond) is proposed in a central position within the site to accommodate surface water drainage for the development. Several lodges are proposed around the edge of the pond.
- 1.5 The lodges would all be pitched roof structures finished in larch cladding and slate effect roofs and set on natural stone plinths. The clubhouse building is shown as two storey and would be finished in timber and brick in a design of a traditional agricultural barn. A timber framed pergola/balcony/veranda structure is proposed on the northern elevation facing onto the central water feature. The design is amended from the previous, more contemporary design proposals. The roadways through the site would be surfaced with hardcore.
- 1.6 The previously proposed tennis courts at the southern edge of the site are replaced by a "grasscrete" car park with other formalised car parking adjacent to the clubhouse being removed and becoming an "activities area" with alterations to the open parkland and internal road network which would now create a circulatory route through the development. An area of open space to include a play and picnic area in the south western corner of the site is unchanged from the previous submission. There is also the provision of fewer wetland areas on the western and southwestern areas.

- 1.7 Landscaping is proposed throughout the site and along the boundaries of the application site. This includes the planting of deciduous and evergreen trees, grassland and the reinforcement of existing hedgerows.
- 1.8 Parking is proposed within the site for the individual lodges with the provision of a grasscrete (or similar) strip to provide at least two spaces for each lodge.
- 1.9 An unsurfaced public right of way bisects the south western corner of the application site. It is proposed to divert the footpath around the south western edge of the site (through the proposed open space), retaining the existing entry and exit points. Alterations are proposed to the existing public right of way between the application site and Carr Lane, to upgrade the surface by installing membrane matting that allows grass to grow back through the material.
- 1.10 It is proposed to create a passing place on Green Lane between the application site and the junction with Carr Lane.
- 1.11 Lighting is proposed within the site using low level bollards although a specific scheme has not yet been provided and would be expected to be provided as a planning condition should permission be granted.
- 1.12 It is proposed to drain the site to the main foul drainage system with a connection into the sewer on Carr Lane, at a point approximately 350m northwest of the application site. This would require a connection to be made across adjacent farmland that lies outside the application site boundary but confirmation has been received from Yorkshire Water that they would provide a sewer requisition to link the development site to the existing sewer network. A pumping station would be required on site and foul water drainage would be restricted to 3 litres per second.
- 1.13 The application was submitted with and supplemented by, the following documents:
- Planning application form
 - Location plan
 - Site Layout plan
 - Topographical Survey
 - Elevation drawings and floor plans
 - Agricultural Land Classification Report (Soil Environmental Services Ltd)
 - Consultation Statement (SHA)
 - Counsel's Advice (Kings Chambers) [Not submitted with the previous application]
 - Design & Access Statement (Aspect Architecture) [Updated]
 - Drainage Strategy (JNP) [Updated by the addendum]
 - Economic Impact Report (Cloud Consulting)
 - Economic Impact Report – Rebuttal (Cloud Consulting)
 - Ecological Assessment (Naturally Wild)
 - Ecological Assessment – Update Letter (Naturally Wild) [Not submitted with the previous application]
 - Great Crested Newt Assessment (Naturally Wild)
 - Hydrogeological Impact Assessment (SM Foster Associates Limited)
 - Landscape & Visual Impact Assessment (Camlin Lonsdale)
 - Phase 1 Desktop (JNP Group)
 - Phased Construction and Planting Programme (Aspect Architecture) [Not submitted with the previous application]
 - Planning Statement (SHA) [Updated by the addendum]

- Planting Plan (Camlin Lonsdale) [Revised]
 - Public Right of Way Report (Fairhurst)
 - Topographical Survey (First Point Surveys)
 - Transport Statement (Milestone TP) [Not submitted with the previous application]
 - Travel Plan (Milestone TP) [Not submitted with the previous application]
 - Tree Survey (Elliott Consultancy)
- 1.14 The submitted applicant's Counsel's advice considers the previous reasons for refusal. It is noted that in relation to Reason 1, Counsel is of the view that this reason for refusal is inconsistent with the development plan and planning policy. Indeed, he advises that the policies in the development plan that have been cited do not lead to the refusal of consent.
- 1.15 Furthermore, consistent with NPPF 29, the NPPG provides that new tourism developments should, where reasonable, encourage the use of sustainable modes of transport. It follows, therefore, that the need for sustainable modes of transport, in the context of tourism developments, is a relative (not absolute) requirement. As demonstrated by the Transport Plan and Transport Assessment, the proposed development does comply with the development plan and does facilitate sustainable modes of transport in any event. Accordingly, Counsel advises that this reason for refusal cannot be substantiated and cannot reasonably be relied upon in respect of the amended scheme.
- 1.16 In relation to Reason 2: Counsel is of the view that in light of the substantial amendments to the design of the clubhouse, as detailed in the planning statement, it is considered that the Planning Committee's concerns in this regard have now been addressed. Accordingly, little else needs to be said in respect to this reason for refusal, save as for Counsel stating that this reason for refusal is not justified in respect to the amended scheme.
- 1.17 Considering Reason 3: Paragraph 109 of the NPPF states that the planning system is intended to protect and enhance "*valued landscapes*". Counsel is of the view that there is no evidence to substantiate the view that the appeal site is a valued landscape. Indeed, as stated in the Committee report for the original application, the site is not in an area of special landscape designation and "*is not of a high standard with landscape features*" and "*is not prominent from the road due to the well-established landscaping along the roadside*". Rather, the evidence robustly demonstrates that the scheme does not have an adverse landscape impact. Indeed, the independent expert landscape and visual impact assessment (LVIA) produced by Camlin Lonsdale reaches this conclusion. Moreover, in respect to the original application, Natural England advised the Council that the proposed development was unlikely to affect any statutorily protected sites or landscapes. If, which is not accepted, there is any residual landscape concern, it can be addressed through conditions. This is not, therefore, a robust basis for a refusal of consent in Counsel's view.
- 1.18 For all these reasons, therefore, Counsel is of the view that there is no reasonable planning basis upon which consent should be refused. The resubmitted scheme is in accordance with the development plan and the NPPF. It represents sustainable development. It also improves upon the original application, which was deemed to be acceptable by the Head of Planning. Counsel is, therefore, of the view that the Planning Committee should grant consent for the scheme, subject to appropriate conditions and contributions.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 14/02450/FUL - Change of use of land and construction of 46 holiday lodges, clubhouse (incorporating spa, bistro and reception) and associated infrastructure; Refused 20 October 2015.
- 2.2 There were three reasons for refusal:
1. The application site is in an unsustainable location remote from public transport; users and staff at the development would therefore be overly dependent on the use of the private car as a means of transport, limiting accessibility for those without access to a car and therefore would not reduce the need for travel contrary to the provisions of the National Planning Policy Framework and Hambleton Local Development Framework Policies CP1, CP2, DP3 and DP4.
 2. The proposed buildings are of inappropriate design due to their height, massing and detailing that fails to pay due regard to traditional designs of the area and the form of the development does not respect local character and distinctiveness such that the proposed scheme is contrary to the Hambleton Local Development Framework Policies CP17, DP30 and DP32.
 3. The proposed development would have a detrimental impact on the openness of the landscape that would not be adequately mitigated by the proposed landscaping proposals and the harm would not be outweighed by any compensatory measures. The proposed development would therefore result in harm to the natural asset of the District contrary to the Hambleton Local Development Framework Policy CP16 and DP30. Furthermore the proposal conflicts with the National Planning Policy Framework that states at paragraph 28 the requirement for rural tourism and leisure developments to respect the character of the countryside.
- 2.3 Regard is had to planning application 07/02061/FUL (change of use of agricultural land for the siting of 100 log cabins, formation of 5 lakes and a new vehicular access) at Goose Wood Holiday Park, Carr Lane, Sutton-the-Forest; Refused 20 November 2007, Appeal Allowed 22 May 2008.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 – Access
 Core Strategy Policy CP3 – Community Assets
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP12 - Priorities for employment development
 Core Strategy Policy CP14 – Retail and town centre development
 Core Strategy Policy CP15 - Rural Regeneration
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy CP19 – Recreational facilities and amenity open space
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP5 - Community facilities
 Development Policies DP8 – Development Limits
 Development Policies DP9 - Development outside Development Limits

Development Policies DP10 – Form and character of settlements
Development Policies DP25 - Rural employment
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP38 – Major outdoor recreation
Development Policies DP39 – Recreational links
Development Policies DP43 – Flooding and floodplains
National Planning Policy Framework – published 27 March 2012
Written Ministerial Statement on Landscape Character – March 2015
Environmental Impact Assessment Regulations 2011 (as amended)

4.0 CONSULTATIONS

- 4.1 Parish Council – The amendments are relatively minor and in our view do not significantly address the reasons for refusal. Ask that all previous objections be reconsidered but in specific reference to the three previous reasons for refusal:

Reason 1: Location

The Travel Plan submitted reiterates the existing public transport provision which would be unavailable in the evening. The applicant has offered no significant additional evidence by way of ministerial statement, guidance or appeal decisions to support their assertion that the proposal now meets the NPPF.

Reason 2: Design

Any significant amendments submitted relate solely to the proposed clubhouse which the applicant suggests now look like a traditional barn. These proposed amendments are an unsuccessful attempt to address the former reason for refusal. Placing a two storey barn like structure rising out of the midst of ultra-modern lodges exacerbates rather than ameliorates the incongruous clash of styles which led to the original reason for refusal.

Reason 3: Landscape impact

The LVIA is not a competent and robust piece of work based on current industry standards. The viewpoints used are biased and the purported visibility from these viewpoints misrepresented. The conclusions of the LVIA were previously rejected and have not been reworked with respect to the amended building designs.

Other matters:

- The proposal is a measure to circumvent more stringent controls on housing development. It is intended that the lodges would be developed for a longer period of time and as investment opportunities as holiday lets;
- Concern about the impact on the Moor End Nature Reserve in particular as a result of site drainage resulting in severely fluctuating water levels in the protected wetlands and unrestricted access;
- No offer of financial assistance to the Parish has been agreed or formalised; and
- The level of objection and lack of support should be noted.
- The Counsel advice should be disregarded as flawed

As requested, the Parish Council's previous grounds of objection (to application 14/02450/FUL) are summarised below:

1. The development is of a disproportionate scale to the village and will have a harmful effect on the setting of the village and impact negatively on its character;
2. The proposal will not benefit the community and there is nothing within the context of the application which can be perceived as a benefit;
3. Whilst some tourist related development can lead to economic benefits, this has not been evidenced within the Parish itself;
4. By the very nature of the use proposed, future occupiers would be transient and would not be in a position to develop strong community links with the village and therefore the chance of integrating with the village is very limited;
5. There is little by way of existing landscaping to rely on to minimise the visual harm the proposal would create and the development demonstrably harms the setting of the village;
6. There are existing facilities within 3 miles of the village which all serve to meet demand for tourism;
7. Reliance is made upon the Inspector's decision at Goosewood to justify the assertion that Sutton on the Forest is a sustainable location for tourism development. When read as a whole, the Inspector was mindful that the proposal was an extension to an existing facility, the boundaries to the site were established and it was well screened and that the location of the site was in proximity to other economic uses. None of these points are readily applicable to this proposal and no weight can be given to it in reaching a decision on this application;
8. Policy DP30 seeks to safeguard the openness and intrinsic character of the landscape and explains it should be respected. It is difficult to understand how 46 lodges on this small site can achieve the same aim;
9. To subject the occupiers of Moorend Villa to the additional burden of traffic (one additional car movement per 6 minutes) is to harm their levels of amenity and therefore the proposal should be refused;
10. There is also little detail of site or property external lighting in general. This could have a very damaging and urbanising effect on the locality when in use if not adequately screened, bearing in mind that the village is a low light area at the wish of residents;
11. Given the alignment of the road, vehicles speeds are high. It is unlit and there is no footway. It is well used by agricultural and commercial vehicles which take up the full width of the road. It will be dangerous for non-vehicular traffic to use from this development and has the potential to cause a lot of conflict;
12. Access to the bus stop is via the Public Right of Way. This is unlit and not an attractive route;
13. The design and style of the proposed buildings do not in any way relate to the local distinctiveness. The materials are alien to the village as is the attempt at a contemporary design;
14. The apparent loose grouping of buildings around a simple road layout is poor and uninspiring;
15. The drain emerging near the footpath sign takes surface water from the Sterne Way/Stillington Road end of the village and crosses the field due to be developed. Should building work damage this drain there would be severe consequences for that part of the village. It is noted that the culvert for this drain is damaged as can be seen from the dip in the road at this point;
16. It is unlikely that the existing drainage system along Well Lane will cope;
17. Policy DP34 of the LDF requires all developments of 1,000 sqm or more to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate

- similar energy savings through design measures. This should be considered at an early a stage as possible. The visual effect of solar panels could be harmful and if additional landscaping is proposed, rendered unsuitable;
18. It is adjacent to Moor End which is the village's only nature reserve and is one of the remaining parts of the Forest of Galtres and is a rare wet woodland habitat. This is a sensitive location which could potentially be damaged by changes in the eco system and the close proximity of housing;
 19. Analysis of the figures within the Tourism and Economic Impact document shows it is deeply flawed;
 20. The proposed site is very different to the 3 other caravan sites mentioned by the applicant, which are either in mature woodland or the National Park and not within the York commuter belt as is this site;
 21. A traffic count undertaken by residents demonstrates that Well Lane is not a safe and acceptable access route due to the hazard posed by the speed and volume of traffic on this narrow country lane;
 22. The planting scheme is not accurate and would result in much less planting than is proposed;
 23. The applicant has concentrated on improving the short footpath bordering the Moor End nature Reserve despite the comments made by his own ecology report regarding the possible harm caused by increased footfall;
 24. The foul drainage in Sutton on the Forest is a sensitive subject because of a history of problems and there is considerable public interest in the possible consequences of connecting another 46 large properties to the system;
 25. The detrimental effect identified by Naturally Wild should be taken into account when deciding the suitability of locating such a development adjacent to a SINC;
 26. The details of the surface water drainage within the application site are not well defined, and have not been subjected to the scrutiny of an experienced hydrologist to identify any impact on the SINC, despite concerns expressed by the councillor with responsibility for Moor End;
 27. The field has not been ploughed in the last four years and probably not for several years before that. Thus the conclusions regarding its natural value may be flawed;
 28. Sutton on the Forest is now a commuter village serving York, with little activity during the day and no amenities or attractions for visitors. However, it has negligible unemployment. Thus, by definition it cannot benefit from tourist revenue in any way;
 29. The interesting working rural village has long gone, and it is arguable that there are very many more suitable sites in Hambleton, with significant unemployment, attractive tourist venues and a shortage of holiday accommodation which desperately need this kind of development;
 30. The submitted appeal statement in support of the application relating to the development of high grade agricultural land for housing is not relevant to an application for holiday lodges;
 31. Yorkshire Water accepts the proposed drainage from domestic development but the proposed bistro is very different and would be more heavily contaminated;
 32. Yorkshire Water's agreement to the connection of a further 46 properties to the Carr Lane sewer is concerning. This decision was made in response to the Environment Agency's refusal to contemplate an on- site sewage treatment plant because of pollution risk. An event recently occurred; the EA's fear of pollution is therefore already occurring; and
 33. The hydrology report assumes the proposed scheme for surface water drainage is viable. Questions remain about the responsibility and effectiveness of the existing system.

- 4.2 NYCC Highways and Public Rights of Way - This application is very similar to the previous application reference 14/02450/FUL. A passing place is to be provided as

are improvements to the existing public right of way which links the site to the village. Conditions are recommended.

- 4.3 Ramblers Association - We understand the Open Space public area, play area and picnic site are to be available to the general public, as well as residents. As such there is no need to divert the Public Footpath round the south and west of this space, but rather along the north east edge of the Open space.

There seems to be no indication of the proposed 'improvement' to this footpath over the next field and Nature reserve in this application and we refer you to Fairhurst's letter dated 12/5/15 within the previous application.

A new stile on the boundary is not adequate – we seek minimum requirements of a gate suitable for disabled buggies on both ends of this cross field path.

We do not support the fencing off of this path, unless legislation permits the Park to maintain this path, as fencing the path would remove liability for maintenance from the farmer to North Yorkshire County Council. The Council have no money to increase their maintenance liability

In our previous submission we forgot to mention that there is already a bus stop at the end of the lane and an improvement to the northern verge to a satisfactory standard for pedestrians is an essential condition. This would also be of benefit to people wishing to partake of a circular walk to the village and back.

We note reference is made to cycling and at present Carr lane is used by cyclists from York and district as part of several routes in the area.

- 4.4 Yorkshire Water - No objection - Foul water domestic waste could discharge to the 150mm diameter public foul water sewer recorded in Carr Lane, at a point approximately 250 metres north-west from the site. From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. The peak pumped foul water discharge must not exceed 3 (three) litres per second. An off-site surface water sewer may be required. This may be provided by the developer and considered for adoption by means of a sewer adoption agreement under Section 104 of the Water Industry Act 1991. Alternatively, the developer may in certain circumstances be able to requisition off-site sewers under Section 98 of the Water Industry Act 1991. Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network. The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network. A water supply can be provided under the terms of the Water Industry Act, 1991. Conditions are suggested.
- 4.5 Kyle & Upper Ouse Internal Drainage Board (IDB) – The application relates to work near and discharging into a watercourse within the IDB drainage district. Consent will be determined by the IDB under Section 23 of the Land Drainage Act (LDA) 1991 (as amended) and the Drainage Byelaws created under Section 66 of the LDA.
- 4.6 Foss IDB - No objection to the development in principle but note that the application site is close to the Foss (2008) Internal Drainage Board district. The Board have assets adjacent to the site in the form of Whitecarr Beck and Aerodrome Beck; these watercourses are known to run at high flows during storm events.

The Board wishes to state that where possible the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. This should be considered whether the surface water discharge arrangements from the site are to connect to a public or private sewer before outfalling into a watercourse or to outfall directly into a watercourse.

The site is in an area where drainage problems exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for. Conditions are recommended.

- 4.7 Environmental Health Officer (Contaminated Land) - The Desk Top Study Report (JNP Group, report B20073, September 2004) submitted in support of the above scheme is acceptable. The report recommends that an intrusive investigation should be carried out on an infilled pond located near the north western boundary of the development. I can confirm that I agree with this recommendation and look forward to receiving detailed site investigation proposals prior to the investigation commencing. In light of the potential unknown contamination on site a condition is recommended.
- 4.8 North Yorkshire Police – Have updated the crime and disorder assessment for the area which remains low. Makes suggestions regarding crime prevention and recommends a condition requiring the submission of further details to address these points and notes that these have not been taken on board in terms of the revised submission. Particular attention to the secure storage of bicycles is important.
- 4.9 Network Rail - no observations
- 4.10 Yorkshire Wildlife Trust - Object to the above application on the basis of insufficient ecological information and lack of mitigation for the development. The application is very similar to 14/02450/FUL which the Yorkshire Wildlife Trust also objected to in February 2015. The Trust are concerned that the submitted information is not of sufficient quality to know what habitats and species are present so that any plans for mitigation are successful. Protected species have also not been fully considered in the application. Sutton-on-the-Forest Common Site of importance for Nature Conservation (SINC) is immediately adjacent to the proposed development site and the potential impacts have not been fully considered in the application and adequate mitigation has not been proposed. The Design and Access Statement does not even mention the adjacent SINC. Sutton on the Forest Common is of particular value as it is owned by the parish council and there is access to the site for local residents. The SINC has been designated by North Yorkshire County Council and is of regional importance for biodiversity. The very large proposed pond for the development site and runoff from the site could impact on the water levels and water quality of the good quality pond within the proposed development site or on the ponds in the SINC. The existing ponds are important for biodiversity in general and also for Great Crested Newts. In terms of mitigation planting a far wider mix of species is needed which are appropriate in the area and of local provenance. A study of surrounding semi natural areas such as other SINC sites would provide a suitable planting scheme. Once appropriate landscaping and planting mixes have been decided a fully funded Ecological Management Plan needs to be conditioned and drawn up for the site to ensure that long term, biodiversity will be enhanced but the basis for this has not been achieved.
- 4.11 Public comment - a significant number of objections have been received from residents of the village and the surrounding area and from others who are visitors to the area. Approximately 270 objections have been received from the local community, raising concerns regarding the following matters. Approximately 220

objections have been received using a standardised letter. One of the principal objections is that very little has changed from the previous application:

Sustainability

- Local amenities and facilities would be adversely impacted by the proposal; and
- The number of lodges is excessive for a country village.

Visual and landscape impact

- The design, especially the clubhouse, is inappropriate for the village and would be a carbuncle;
- The village would be swamped and lose its character;
- The site is currently a flat featureless field;
- With the exception of the Moorend local nature reserve there is little or no tree coverage and the hedgerows are broken and sparse. There is little or no intervening vegetation between the proposed development and those local houses which are noted in the landscape assessment as overlooking the site; Indeed many other houses would be able to overlook the site from Carr Lane and the end of The Gowans than is indicated in the landscape assessment;
- In such a flat unscreened landscape the magnitude of change resulting from the introduction of 46, mainly two storey houses could not in any stretch of the imagination be as negligible as implied in the landscape impact report;
- Creation of an artificial hill from the excavated material from the pond would be an incongruous intrusion into such a sensitive landscape, though of a lesser extent than the house building, spa and bistro construction; and
- It would take 20 years for adequate screening to grow to an effective size.

Residential amenity

- Noise nuisance;
- Affect on views;
- The village supports and is recognised as a low light level area. Any proposed lighting scheme for this development will inevitably be intrusive;
- Principle of development on greenfield land;
- Unsustainable; no nearby attractions;
- Viability of scheme questioned;
- No benefit to village; negative impact - competition with existing businesses; and
- No need due to existing provision in locality.

Traffic and access

- Increased amount of traffic in the locality;
- Danger to pedestrians;
- This is a narrow single track country lane, but not a quiet backwater as depicted. It forms part of a rat run from the A64 via Flaxton and Sheriff Hutton to the York Road and thence to Clifton Moor;
- The junction of Well Lane and Carr Lane is dangerous, particularly for vehicles turning towards the village, as it is necessary to pull out into Carr Lane to get an unobstructed view in the York direction;
- Given the poor condition of local roads, particularly at the edges, and the amount and speed of traffic, this is not a safe area for family cycling;
- Although the developer clearly states their intention to integrate with the local community, no footway is being required along Green Lane to meet the requirement for pedestrian safety and convenience; and

- Lack of car parking.

Drainage

- Additional properties into a near capacity system is not appropriate;
- A day of moderate to heavy rain results in very soggy ground conditions and areas of standing water which take several days to drain; and
- Cleaning and ongoing maintenance of the culvert, pipe and ditch required to ensure that the drainage water from the development flows unhindered into ultimately White Carr Beck.

Economic impact

- Sutton on the Forest is not a tourist village;
- Not been demonstrated that this site rather than any other is essential to support tourism;
- Larger centres would benefit; no economic benefit to the village;
- Goosewood seems to have persistent problems in recruiting staff;
- The village has a high proportion of white collar workers, both currently working and retired, and they and their dependants are unlikely to seek employment as cleaners, kitchen staff etc. Permanent staff seem to be sourced from York City or possibly Easingwold and their travel is not by sustainable means;
- Nearby Goosewood which has planning permission for 100 holiday homes, but has had to scale this back down to just 34 because of lack of any real demand;
- The houses would be self-contained and not part of a larger tourist offer;
- Any economic benefit would be marginal and more than outweighed by the harm arising from other aspects of the development;
- The presence of the spa and bistro is by no means guaranteed. (Officer note: there is no spa and bistro in this scheme). They will be separate business ventures dependent on the proven custom from the lodge occupiers. No planning agreement can force the operation of an uneconomic business; and
- Rather than benefitting the Rose and Crown in the village the development may even draw custom away.

Biodiversity

- The proposed site is adjacent to the Moor End Nature Reserve. This is an important site for breeding Great Crested Newts because the conditions are perfect for them;
- There are rare orchids in this area which take 15 years for seeds to develop together with great crested newts which follow the culverts;
- Complaints about adjacent agricultural and industrial uses;
- Loss of agricultural land on the edge of the village;
- Moor End is the only example of Lowland Heath in Hambleton; and
- The presence of rare Northern Marsh Orchid and other rare plants.

Issues have also been raised regarding the loss of property value, the occupancy of the buildings as unrestricted dwellings and the phasing of the development.

- 4.12 One comment has been received in support of the development, which state it would bring jobs and revenue without disruption to the village and that the development might assist in saving the village pub.

- 4.13 The following consultees have not responded to the current application. Their comments on the previous application can be read on the previous file. In summary the positions are set out below.
- 4.14 Welcome to Yorkshire – supports high quality visitor accommodation provision.
- 4.15 Natural England - Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- 4.16 NYCC Countryside Service - there is potential for indirect impacts during both the construction phase and on-going impacts once the holiday park is in operation on the Site of Importance for Nature Conservation (SINC)

5.0 OBSERVATIONS

- 5.1 The main planning issues are (i) the principle of the proposed development in this rural location and the sustainability of Sutton on the Forest and the sustainability of the proposals taking in to account the three strands of sustainability environmental, community/social and economic (ii) the impact it would have on the local economy and the community; (iii) the impact on the character and appearance of the landscape and the character of the settlement; (iv) the impact on biodiversity; (v) the effect of noise and activity on the surrounding locality including the impact on local residents and local businesses; (vi) drainage; (vii) highway matters; and (viii) community engagement. The previous refusal of planning permission is material to the decision to be made.
- 5.2 There are no heritage assets in the locality that would be directly affected by the proposed development with the nearest heritage asset being Sutton on the Forest Conservation Area over 330m to the north west of the application site.

Principle and sustainability

- 5.3 Paragraph 7 of the National Planning Policy Framework highlights that there are three dimensions to sustainable development: economic, social and environmental.
- 5.4 Paragraph 28 of the National Planning Policy Framework (NPPF) encourages support for a prosperous rural economy requiring planning policies to take a positive approach to sustainable new development. It also requires planning policies to support the sustainable growth and expansion of all types of business and enterprise in rural areas; to promote the development and diversification of agricultural and other land based rural business and to support rural tourism that benefits businesses in rural areas, communities and visitors and where it would respect the character of the countryside. This also includes supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.
- 5.5 The Council has strategic objectives (adopted within the Core Strategy) based on the principles of sustainability. Strategic objective number 1 is to ensure that all development is sustainable, in the interests of existing and future population, and number 2 is to reduce the need for travel. These are key to the policy framework.
- 5.6 The Strategic Spatial Policy, adopted to meet the needs of local development sustainably, includes Policy CP1, which underpins the whole Plan. It includes as its main aims, together with community's housing economic and social requirements and protection of the environment, the minimisation of energy consumption and the need to travel.

- 5.7 Policy CP2 is very specific that development should be located to minimise the need to travel, and convenient access should be available to sustainable means of transport.
- 5.8 Further guidance is now available in the Planning Practice Guidance which states that new tourism developments should, where reasonable, encourage the use of sustainable modes of transport. The need for sustainable modes of transport, in the context of tourism developments, is a planning judgement however this is not the only test of the wider assessment of sustainable development.

Local economy and community

- 5.9 Paragraphs 18 to 22 of the NPPF explain the Government's commitment to securing economic growth in order to create jobs and prosperity and meeting the twin challenges of global competition and of a low carbon future.
- 5.10 The need for this particular type of development has been assessed within the submitted Tourism and Economic Impact Report. The aim would be to “develop green, high-quality tourism with a unique, locally-distinctive offer” as identified within the Strategic Economic Plan for North Yorkshire (produced by the York, North Yorkshire & East Riding Local Enterprise Partnership in March 2014).
- 5.11 The site is located approximately 1km from the centre of Sutton on the Forest and approximately 7km south east of Easingwold, which offers a range of shops, services, attractions and public transport services. Some benefit would arise to local businesses such as the village pub, Sutton Park and businesses within Easingwold and therefore the development is likely to result in some benefits within the immediate locality. One of the attractions of rural tourism developments is the remote location, and they are therefore often sited in areas with limited public transport facilities. There is currently a bus service between Easingwold and York, passing close by the application site, which provides an alternative option to the private car. There is no doubt that the proximity to York would be one of the attractions for the location but there are also attractions in the immediate vicinity such as Sutton Park; specialist retailers and local restaurants such as the Rose and Crown Public House in the Main Street and Pampas on York Road. The wider area offers further tourism opportunities including the attractions of the Howardian Hills AONB and the North York Moors National Park, including Castle Howard and Nunnington Hall.
- 5.12 Limited facilities are proposed to be provided on site and, in this case, there is a balance to be made between providing a sustainable development with on-site provision to reduce the need for visitors to drive away from the site every day and also to encourage visitors to leave the site and spend money in the local community and wider area. Whichever option visitors choose would result in economic benefits, in compliance with aim of the NPPF to build a strong competitive economy.
- 5.13 The applicant's agents previously addressed the points made by the Council's Business and Community Officer by confirming that the on-site facilities would be available for use by the general public and the operation of the business would ensure procurement links with local suppliers. Since then the scale of on-site facilities has been reduced and the number of jobs reduced.
- 5.14 The agricultural land within the application site boundary has been classified as grade 3a, which is good quality land and is therefore the best and most versatile (BMV) category. A detailed search for alternative, lower quality sites has not been undertaken; this is because most of the land within the locality is classified as grade 3

but is not broken down into sub categories and any further investigation would be extremely costly requiring a soil scientist to undertake detailed survey work of a wide area. However, from high-level data that does not distinguish between grades 3a and 3b it would appear that land below grade 3 is not available locally. If it is accepted that the development is appropriate to the locality, in the vicinity of Sutton on the Forest, then it is likely that good quality land would need to be developed.

- 5.15 The perceived benefits include the provision of a bistro and restaurant facility and an upgraded footpath link from the village to the application site.
- 5.16 Concerns have been raised about the proposed development affecting the amenity of local residents and countryside users due to the traffic, activity and noise associated with the proposals. The development is over 50m distant from the nearest neighbouring dwelling to the west and more than 200m from the edge of the village Development Limits. The proposed access is sited further from neighbouring dwellings. It is not considered that the distances involved would lead to an unacceptable degree of noise and disturbance from the site and would not be contrary to LDF Policy DP1.
- 5.17 The social impact of the proposals on community facilities should also be noted, in particular the Parish-run SINC. This is highlighted further below.

Landscape and character

- 5.18 Policy DP30 (Protecting the character and appearance of the countryside) of the Development Policies DPD states that "the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced...Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views. The design of buildings, and the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape... Where possible opportunities should be taken to add appropriate character and distinctiveness through the contribution of new landscape features..."
- 5.19 The landscape character is formed by the natural landscape and the interaction of this with the built environment of the village. The topography of the area is low-lying and very flat, particularly in the south. In the north there are occasional gentle undulations and localised higher ground. The character of the area includes numerous modified watercourses and drainage ditches cross the landscape, many of which are prone to flooding. These include the River Foss and Whitecarr Beck which flow towards York.
- 5.20 Sutton on the Forest, as with other surrounding villages has a linear form, with modern expansion outside of the historic core. The core of the village that the designed landscape of Sutton Park, an 18th Century house and gardens, are designated as a Conservation Area. There are strip fields around Stillington which are thought to be medieval in origin.
- 5.21 The site is currently open farmland, most recently grazed by sheep. The site is open in nature with landscape features including hedgerows, some trees and a pond adjacent to the northern boundary. The site benefits from well-established landscaping along the roadside but is visible from stretches of Green Lane and from properties on the eastern edge of the village. The site does not lie within an area of special landscape designation.

- 5.22 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application, confirming that the site would be visible from close locations such as the public right of way and with transitional views along Green Lane. The impact from further afield would be less with glimpses of the site from the surrounding roads at long range, viewed against a backdrop of the adjacent woodland. The Council have commissioned advice on Landscape Character from Landcare that informs this report.
- 5.23 Intensive arable farmland prevails in the area, and is particularly large in scale on floodplains, with a smaller pattern of arable and pasture emerging around settlements. Modifications to watercourses for drainage are evident in long straight field boundaries and ditches. Hedgerows lining roadsides and marking field boundaries tend to be sparse, with gaps, and there are occasional field trees. Open views are available across large fields, with the flat horizon often formed by field boundary trees and hedgerows. On the more elevated ground in the north more distant views are available to lower-lying areas. This rural character defines the area.
- 5.24 Sutton-on-the-Forest has a defined settlement character being primarily frontage development around the principal road network. The proposals would extend this beyond current development boundaries and to the east which would not be a logical extension to the built form or pattern of development.
- 5.25 The proposed development requires the provision of a landscaped setting to limit its visual impact, as detailed in the application. Other than the existing woodland to the west, which is not directly adjacent, landscaping would have to be provided to add to the setting and supplement existing features. This clearly would take a period of time to become established and effective and the built structures would be visible for a number of years. In order to address this it is proposed to undertake the development in phases and plant the landscaping at an early stage so that it becomes established as the later parts of the development progress. The proposed landscaping provides a significant number of new landscape features including trees, a pond and meadows.
- 5.26 The proposal would cause harm to the landscape and the character of the area and the proximity to the settlement of Sutton-on-the-Forest would have an impact on the setting of the settlement and be read against the character of the area. Harm needs to be balanced against the mitigation measures.
- 5.27 Whilst noting the opinion of the applicant's Counsel it would be inaccurate to assume landscape character only applies to protected landscapes such as Areas of Outstanding Natural Beauty and many appeal decisions consider wider implications of Landscape and Settlement Character. Indeed the Written Ministerial Statement on Landscape Character (March 2015) adds clarification.
- 5.28 Therefore in considering the Authority's reasons for refusing the previous applications set out in paragraph 2.2, the revised submissions do not address the character of the area or the landscape harm previously identified and it is considered, with the support of the Council's consultant's advice, that the refusal reasons are still pertinent.

Design

- 5.29 The second reason for refusal, set out at 2.2 related to the design, scale and bulk of failed to pay due regard to traditional designs of the area and the form of the development does not respect local character and distinctiveness such that the proposed scheme. The proposed clubhouse/restaurant has been amended as part of the amended scheme to reflect a barn-style proposal. The clubhouse design is an improvement to the previous design but the concerns and comments of the Parish and residents are noted.

- 5.30 The individual units are simple timber clad cabin types and the use of timber would be similar to other lodge style development approved in the District but the two storey development would be unusual in this context. The proposed lodges are set around open water features and extensive natural planting is proposed.
- 5.31 The two-storey units proposed have potential to be more imposing but the physical impact could be mitigated. In this instance a majority of the lodges are two-storey with only 7 being single storey. The single storey lodges are on the northern boundary to the development.
- 5.32 Whilst the amended clubhouse is therefore noted the reason for refusal in terms of the bulk and mass of the development has not altered significantly from the previous refusal reason progressed and the layout does not echo the general linear pattern of development of the village.

Biodiversity

- 5.33 LDF Policy DP31 requires locally important sites (such as SINC)s to be protected and enhanced as appropriate to their local importance. Paragraph 118 of the NPPF requires Local Planning Authorities to aim to conserve and enhance biodiversity by applying principles, which include the following:
- If significant harm resulting from a development cannot be avoided then planning permission should be refused
 - Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats
- 5.34 Naturally Wild has supported the applicant's submission. All those recommendations presented within the Ecological Assessment report and associated documents remain relevant and valid to the current design. Further they note that any requirements for updated surveys would be discussed and agreed with Natural England. However detailed objections from the Yorkshire Wildlife Trust have been carefully considered and there is significant concern that the proposed mitigation has not fully assessed the importance or impact on the neighbouring SINC or the impact on protected species.
- 5.35 Overall there is concern that the submitted ecological assessments are not a suitable basis for assessing the application and taking forward appropriate mitigation. This would present as significant environmental harm.

The effect of noise and activity on the surrounding locality including the impact on local residents and local businesses

- 5.36 The development will result in a change in the character of the land beyond the Common. The relative tranquillity of a pasture will be taken over by activity. As noted above the distance from the nearest neighbours is sufficiently great to avoid a loss of amenity as a consequence of noise from the site, however the development would give rise to increased traffic on the highway network with an attendant increase in noise. Whilst the loss of tranquillity is a change in the character there is no LDF policy requirement relating to the preservation of tranquillity and any loss, perceived or real, would not translate in to a reason for refusal of this application. The loss of a view or ability to see the properties from an existing dwelling is not a planning matter.

Drainage

- 5.37 Details have been received that propose to drain the foul sewage into the main sewer on Carr Lane. Yorkshire Water has confirmed that if an existing drainage system is not capable of accepting additional foul sewage it is an operational requirement that needs to be addressed. In any event, in this case the additional number of units is considered to be small scale and the introduction of a pumping station to limit the rate to 3 litres per second results in a marginal increase in the overall system and would be acceptable.
- 5.38 Surface water is proposed to be drained into the central pond created within the site. Yorkshire Water recommends a condition to establish a satisfactory outfall for this discharge. The Foss IDB also recommends conditions for this reason as the site is within an area where drainage problems exist and therefore discharge should be managed to reflect existing surface water flows.
- 5.39 The site lies within Flood Zone 1, which is the area with the lowest probability of flooding. The Internal Drainage Boards and Yorkshire Water raise no objections.

Highways

- 5.40 There is significant concern regarding the use of the local roads in the area to serve the proposed development. Green Lane onto which the site would access is a narrow single track road. Any widening of the road, which is not proposed, would give rise to other issues such as the impact of the alterations on the rural appearance of the locality. The road has good forward visibility and it is suggested that any widening of it would possibly increase vehicle speeds thereby making it less safe.
- 5.41 For the previous application a traffic count was undertaken by local residents counting a total of 611 traffic movements within a 12 hour period, with the peak hour of between 1700 - 1800 hours producing 80 movements. The peak hour for the proposed development is anticipated as between 1300 -1400 on a weekend, producing 11 vehicle trips. Concerns have been expressed by neighbours and the Parish Council with regard to highway safety at the junction of Green Lane with Carr Lane. There is only one recorded incident (using Crashmap data) at the junction which was a non-fatal but serious incident relating to a motorcycle accident.
- 5.42 The Highway Authority has no objections to the proposed development and the proposed access onto Green Lane. There is no evidence to support a refusal on the grounds of highway safety.
- 5.43 It is proposed to divert and upgrade the public right of way connecting the site and Carr Lane, adjacent to the Nature Reserve. The North Yorkshire County Council's Footpaths Officer has no objections and would agree to the provision of reinforced membrane matting and new gates and fencing.

Community Engagement

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

- 5.45 Whilst the response to the applicant's consultation exercise is considered modest with an 11% turnout of those invited to a public exhibition and it would appear that the majority of those who commented are opposed to the proposals. The major concerns appear to relate to drainage, increased traffic and the impact on the existing SINC. However it should be noted that a more significant response has been received to the application and to the previous application.

Occupancy controls

- 5.46 There is a suggestion that the buildings would be occupied as unrestricted housing rather than as holiday accommodation but the proposal as set out above seeks to provide holiday homes and not dwellings for permanent residential occupation. New homes in this location would be contrary to the LDF Policies and those of the NPPF and this matter could be addressed by the imposition of a planning condition. Further the proposed use class would be Sui Generis so a change of use would be required for any building.

Overall Planning Balance

- 5.47 The Local Planning Authority's concerns with the previous application are set out in three reasons for refusal listed in paragraph 2.2. This application should be determined on the basis of whether there is new evidence or amendments to the proposal that address those objections.
- 5.48 Evidence has been submitted in relation to recent appeal decisions which have highlighted that rural tourism and consideration of sustainable transport are not in themselves a fundamental barrier to the acceptability of tourism development. Counsel's advice (prepared for the applicant) raises doubt on the sustainability of the first reason. In officers' view, the Committee's reason for refusal remains relevant but should be amended to reflect the balance of the principles of sustainable development.
- 5.49 The proposed design of the development has remained largely unchanged in term of height massing or detail. The clubhouse, however, has been significantly altered to a more traditional agricultural barn and this is noted. The NPPF states that "Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles"
- 5.50 In this regard whilst improvement to the clubhouse should be noted, the scale and mass of the lodges, particularly the two storey aspects are not altered. The proposal has therefore not overcome the previous reason for refusal.
- 5.51 There has also been no significant change to the proposal in relation to the impact on landscape character. Settlement character is also a significant consideration that should also be addressed. The comments of Yorkshire Wildlife Trust have been carefully considered. It is therefore proposed to amend and update the reason for refusal to include relevant ecological considerations.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the planning application is **REFUSED** for the following reasons:
1. The application presents unsustainable development when considered against the three principles of sustainable development set out at Paragraph 7 of the NPPF and

that the environmental and social harm caused by the development in terms of the location, the community asset of the SINC, settlement and landscape character, likely prominence of car-based travel in relation to tourism outweigh the economic benefits arising from the proposals. The proposals would be contrary to Policies CP1, CP2, CP4, CP5, CP16, CP17, DP1, DP3, DP4, DP5, DP30, DP31, DP32 and DP33 and the aims and objectives of the NPPF to deliver sustainable rural tourism.

2. The proposed buildings are of inappropriate design due to their height, massing and detailing that fails to pay due regard to traditional designs of the area and the form of the development does not respect local character and distinctiveness such that the proposed scheme is contrary to the Hambleton Local Development Framework Policies CP17, DP30 and DP32.
3. The proposed development would have a detrimental impact on the openness of the landscape, the neighbouring SINC and ecology of the area and the settlement and built form character. The proposals fail to deliver adequate mitigation by the proposed landscaping proposals and the harm would not be outweighed by any compensatory measures. The proposed development would therefore result in harm to the natural asset of the District contrary to the Hambleton Local Development Framework Policy CP4, CP16, CP17, DP10, DP30, DP31, DP32 and DP33 and the aims and objectives of the National Planning Policy Framework (in particular Paragraphs 28, 109 and 118) and the Written Ministerial Statement on Landscape Character.

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Parish: Well
Ward: Tanfield
10

Committee Date: 13 October 2016
Officer dealing: Mrs H M Laws
Target Date: 10 August 2016
Date of extension of time (if agreed): 14 October 2016

16/01362/FUL

Change of use of agricultural farm yard to domestic use; demolition of existing building and construction of a single storey building for use as a domestic garage/store at Well Hall Farm, Bedale Road, Well for Mr Gary Elsworth

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site forms part of the group of buildings within the yard area of Well Hall Farm, which lies at the northern end of the village on the eastern side of Bedale Road, outside Development Limits. Several buildings within the yard have been converted to employment uses.
- 1.2 Part of the site is occupied by a small building, currently in use as a workshop/store in connection with a hobby (a motorbike collection). The land to the rear of the building is vacant and has relatively recently been cleared and covered in hardcore.
- 1.3 An existing building, used for agricultural storage, abuts the site to the east; agricultural land lies to the north; the access to the site and the remaining part of Well Hall Farm, which is also a public right of way, lies to the south. To the immediate west are the back gardens of three dwellings on Bedale Road: Well Hall Farm (the applicant's home), Northfield and Rebana.
- 1.4 It is proposed to remove the existing building and construct a larger building on the site to be used for the same hobby purpose (motorbike storage for 12 bikes) and for the garaging of four cars. The application site covers a larger area than the existing building and includes the land up to the boundary with the agricultural land to the north. The application states it is proposed to change the use of all of this land to domestic use.
- 1.5 The dimensions of the building would be 35m x 8m (280sqm) with a ridge height of approximately 4m. The distance between the side elevation of the building and the boundary with the dwelling known as Rebana would be approximately 3.2m.
- 1.6 There would be a roller shutter door in either end of the building, with a smaller one and a personnel door to the side elevation, facing northwards towards the boundary with Rebana. The applicant has been asked to relocate this to the end of the building, where there is space for it to be inserted without facing towards the adjacent dwelling, but he has declined to do so.
- 1.7 Amended plans have, however, removed three windows and reduced the size of the roller shutter door from the side elevation. A total of seven rooflights are proposed in the side elevation. The building would be constructed of insulated profile sheeting to the walls and roof.
- 1.8 The scale of the building is such that it would lend itself to a Class B1(light industrial) use if the proposed domestic use were to cease and it is important therefore to consider the range of possibilities for future uses of the building, bearing in mind that Planning Permission would be required for any alternative use.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 15/02776/FUL - Construction of an agricultural storage building (36m x 9m x 6.2m); Refused 26 February 2016 for the following reason:

The proposed development would cause a substantial loss of amenity to neighbouring residential property by reason of an overbearing impact and an increased sense of enclosure to the existing neighbouring properties contrary to LDF Policies CP1 and DP1, which require proposals to adequately protect amenity.

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 DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - comments from councillors are as follows:

- The application description is inaccurate; this appears to be for several vehicles. Other buildings are available for the required purpose now most of farming operation has ceased. If permission is granted, a condition should limit the use to vehicle storage;
- There is no clear indication of cladding materials, colour etc. or why the use would be vulnerable to contamination;
- The building seems much larger than the one to be demolished or needed to store vehicles and somewhat disproportionate to the size of the property it would support. The area outlined in red is larger than the building size proposed;
- Discrepancies between drawings; and
- More information is required before a final decision can be made.

No further comments to add in respect of the amended plans.

- 4.2 Highway Authority - no objection.
- 4.3 Ramblers Association - no objection.
- 4.4 Environmental Health Officer - I have reviewed the amended documents provided by the Agent of the Applicant and consider that the Kingspan insulated roof and ceiling materials will have a positive impact on reducing potential noise from within the proposed structure. There is still potential for internal noise, from mechanical activities taking place within the structure, to cause disturbance to nearby residents. I consider that conditions are required in order to protect the nearby residents from any potential disturbance from noise and light pollution.
- 4.5 HDC Conservation Officer - it is unlikely that the setting of Well Hall or the adjacent barn would be affected by this proposal. The building is to be located within a farmyard of similar buildings and to the far side of an existing building. There are

non-listed buildings between the listed buildings and the site which will block views to and from. I wouldn't ask for a heritage statement for this application.

4.6 Public comment - representations have been received from and on behalf of 3 local residents, summarised as follows:

- No justification has been provided to explain why the building is required. Recent history suggests that business and industrial uses may be more probable;
- Other buildings on the farm may be available that would suit the required purpose;
- Although the revised proposal represents a reduction in height from the previous refused scheme it still does not adequately protect amenity, particularly with regard to privacy, security, noise and disturbance and daylight;
- The proposal is still in close proximity to the boundary of Rebana (approximately 2.5 metres) and approximately three metres in height. This is simply not sufficient to address the previous reason for refusal;
- The building is of a much greater scale than the one that is to be demolished at the site and is largely disproportionate to the size of the applicant's residential property. No clarification as to the need for such a large unit at the site has been submitted;
- We have been informed that the applicant already regularly disturbs the neighbouring properties including at weekends by revving his motorbike engines and testing his motorbikes in the yard part of the Well Hall Farm Estate and it is likely any further development will exacerbate these problems. Already one of the other industrial units is equipped as a motor workshop which could accommodate this requirement;
- The bulk and massing of the building would create a sense of enclosure; residents would be considerably affected. In addition, the height of the proposed building would be significantly more than the height of the existing fence. Tree cover is sparse and the boundary fence does not adequately conceal the proposed development;
- the submitted drawings identify numerous windows and doors on the Rebana side elevation giving rise to further amenity privacy and likely noise issues;
- The application site is adjacent to several important listed buildings, including the Grade I listed Well Hall and Grade I listed Well Church, and is adjacent to the boundary of the Well Conservation Area. The applicant has not submitted a Heritage Assessment or attempted to assess the impact of the proposed development on these heritage assets;
- This domestic building is also sited outside the building line for the village;
- The site is adjacent to three private residences which will receive the full effect of any motor/motor cycle activities, as will the village itself with the increased motor/motor cycle traffic;
- The applicant has shown no consideration for any disturbance, both the noise and the huge building itself, which would cause local residents distress and upset;
- It is not believed that the application site is brownfield;
- Policies CP4 and DP9 stipulate that development outside of development limits will only be supported when an exceptional case can be made for the proposals. We do not consider that the proposed development constitutes an exceptional case;
- Measurements for the height of the proposed building are taken from a base which does not as yet exist, as the gravel site has yet to be covered;
- The fence at Rebana is 6 ft - indicating that the 7 ft 8 in height stated on plan would mean that there is a 1ft 8 in drop behind the fence to the building level, the total height of the proposed building on the plans is approx. 24 ft;

- The statement that there is tree coverage of most of the unit by non-deciduous trees is totally incorrect - there are two trees which are deciduous in the corner of Rebana's garden covering a very small area of the unit in summer;
- These proposed domestic garages are behind both Well Hall Farm house and Rebana, yet the main entrance to the garages is directly opposite Rebana's kitchen window. This main entrance to the garages consists of a third roller door, a pedestrian door and several windows, indicating considerable traffic; The noise, pollution, vehicle movement and pedestrian traffic - which the applicant states are currently experienced elsewhere in the Well Hall Farm site would all be brought together and concentrated behind Rebana;
- The applicant states that there would be thousands of pounds of vehicles in the garages behind Rebana - which gives me grave concerns for personal safety as alternative access to the garages is across my property; and
- These domestic garages if permitted would destroy the privacy, quality of life and enjoyment of my property, the noise and air pollution would be considerable, as would pedestrian movement during usage, repair and maintenance of the many vehicles.

Further comments have been received regarding the amended plans as follows:

- This 'revised' application has minimal changes. I previously set out the many ways in which this garage/store and its intended use would dominate my house and deprive me of the enjoyment of my property;
- In addition I understand that the applicant would wish to establish a driveway between the garage/store and my perimeter fence. This driveway would be used by traffic from the farm road to access the north facing roller door and the side roller door and the pedestrian door and windows which are opposite my kitchen window;
- The building and its intended use is totally unsuitable for this situation;
- The revised proposals still do not adequately protect amenity, particularly with regard to privacy, security, noise and disturbance and daylight;
- We have serious concerns regarding the two doors facing Rebana on the side elevation. The revised drawings submitted by the applicant show the removal of windows on the elevation facing Rebana. Although we are supportive of this change we do not consider this to be adequate to deal with our client's amenity concerns. The applicant's justification for the retention of the doors is that the line of Rebana misses the proposed roller door. We dispute this claim as there would still be views within the line of sight of windows in Rebana and clear views from the private garden, further exacerbating amenity privacy issues;
- Whilst the applicant has offered to provide sound insulation to the building, this will not be effective if the roller shutter door is open. Given that the building will be used for maintaining and repairing motor vehicles, this break in the building envelope will remove the benefits of sound insulation in the building fabric when the door is open;
- The applicant has indicated that he will be driving cars and motorbikes on land to the south west of the unit. This access path would foreseeably result in noise nuisance being caused, impacting on the residents of Rebana and giving rise to amenity issues. Given the number of motorised vehicles potentially in use at this building, the level of vehicular activity is potentially beyond what would normally be associated with a residential use. Due to the close proximity of the residential dwellings this strip of land should not be used for any purpose, including as an access route; and
- If the Council is minded to recommend the application for approval we request that no doors are permitted on the side and rear elevations and that a strict condition is applied to restrict the use of the land along the curtilage of Rebana from being used as a vehicle access road.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to (i) the nature and principle of the development; (ii) the visual impact of the building proposed; (iii) the impact on heritage assets; and (iv) the impact on residential amenity.

Nature and principle of development

- 5.2 There is no longer a significant amount of agricultural activity associated with Well Hall Farm and many of the buildings are in employment uses. The building within the application site is currently used for storage of the applicant's motorbikes. There is no recorded planning history relating to this building and information submitted with the planning application determined earlier this year stated the yard has been used for general storage and for livestock, including chickens.
- 5.3 The application site lies outside the Development Limits of the village and therefore development should only be granted if an exceptional case can be made in terms of Policies CP1 and CP2 and in respect of the criteria within Policy CP4.
- 5.4 Criterion ii of Policy CP4 would allow development outside Development Limits if it is necessary to secure a significant improvement to the environment. Given the nature, form and use of the site, it is difficult to see how the existing use would be harmful to residential amenity to a degree whereby the proposed development would be beneficial to local residents through the removal of the use.
- 5.5 The applicant describes the proposed use of the building as domestic and there is no doubt that he intends to use it to accommodate his personal collection of cars and motorcycles. However, the collection is large and the building would have a footprint over three times that of the applicant's dwelling. The red line includes an area approximately twice the size of the current curtilage of the applicant's home. As such the site and the building could not only accommodate a far greater number of vehicles than normally found in a domestic setting but could also accommodate significant plant and machinery to be used in repairing and maintaining the collection. If such activity were carried out intensively, the use of the building would differ little from a vehicle repair workshop.

Visual impact of development

- 5.6 CP4 also requires that the proposal should not conflict with the environmental protection policies of the Local Development Framework. Policy CP16 aims to preserve and enhance the natural and man-made assets of the District. Amongst these assets is the open countryside, its landscape, character and appearance. The proposed building lies on the site of an existing building, albeit a much smaller one and is surrounded on three sides by development. The site does not form part of the open countryside and the construction of a building on this site would not detract from the character and appearance of the surrounding rural landscape.

Impact on heritage assets

- 5.7 Due to the scale and positioning of the proposed building it is not anticipated that the development would have an adverse impact on the character or appearance of the nearest listed building at Well Hall to the south east or the Well Conservation Area, both of which lie beyond the opposite side of the original farmyard.

Impact on residential amenity

- 5.8 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The existing building and land within the application site are currently available for use in connection with agricultural activities; the information submitted with the earlier planning application stated the rear yard has been used for general storage and for livestock including chickens. It should be noted that the refusal of application 15/02776/FUL set out in paragraph 2.1 did not include any indication that agricultural activity would be unacceptable in this location. The residents who have commented on the application would argue that the proposed use for the storage of motorbikes and cars would also have an adverse impact but with conditions as recommended and the use of insulation as proposed, a domestic use is likely to result in less noise and disturbance.
- 5.9 The Council's Environmental Health Officer and adjacent local residents are concerned regarding the potential scale of the activity within the building could result in noise and disturbance, particularly if used to store a large number of cars and motorbikes. From the details visible on the submitted plans it appears that the building could accommodate a significantly larger number of cars and motorcycles than the applicant currently owns. It is not unreasonable to consider the storage of vehicles associated with a person's hobby as a domestic activity requiring an amount of floor space and although the scale of the building is relatively large the opportunity for harmful activities would be minimised so long as the use is genuinely domestic. There is however an opportunity for disturbance to occur if the vehicles were being repaired or maintained, particularly if the doors were open. A condition is therefore recommended that would require the doors to be closed if any work is being undertaken inside the building, although the need to do this is highly unusual for a domestic proposal. The Environmental Health Officer has confirmed that the use of the insulating material specified in the application would have a positive impact on reducing potential noise from within the proposed structure and this can be secured by planning condition, even though it is highly unusual to need to exercise such close control over a domestic activity.
- 5.10 To conclude on the potential for noise disturbance, the advice from the Council's Environmental Health Officer and the assessment of planning officers indicates that neighbour amenity can only be adequately safeguarded by the imposition of conditions that are rarely if ever imposed when dealing with domestic proposals. The need for such conditions is driven by the scale and nature of the building, which has the appearance of a workshop, and the conditions could require a significant monitoring commitment on the part of the Local Planning Authority depending on how the building is used. The safest approach is to secure protection of amenity in the same way that would be done if this building were proposed for industrial use.
- 5.11 It is also important to consider the effects of the proposed structure itself on the amenity of the adjacent residents. The proposed building would lie approximately 3m from the boundary with the neighbouring dwelling Rebana. The dwelling is single storey and positioned at a higher ground level than the application site, with the rear garden sloping downwards towards the boundary. The distance between the rear elevation of Rebana and the side elevation of the proposed building would be approximately 17m.
- 5.12 The existing ground level of the application site, which is surfaced with hardcore, lies at a lower level than the bottom of the boundary fence. The outlook from the rear windows of Rebana would be onto the eaves height of the building and its roof. The ridge of the proposed building would be below the eaves of the adjacent building to the east, which is a much taller structure. The outlook from the rear windows of Rebana would not be significantly altered and the sense of enclosure would not be

greatly increased due to the distance of the proposed building from the boundary and its relatively low height.

- 5.13 It is considered therefore that in respect of the structure and its use the proposed domestic building would not have an adverse impact on residential amenity that would be contrary to LDF Policy DP1, subject to compliance with the recommended conditions.

Conclusion

- 5.14 The scale of the building is such that it would lend itself to a Class B1 (light industrial), B2 (general industrial) or B8 (storage and distribution) uses in line with other buildings within the former farmyard if the proposed domestic use were to cease but the possibility of the building being used for commercial purposes in the future is not a matter for consideration at this stage and is merely speculation as the application is for a domestic use only. The applicant requires the building for the storage of private vehicles for his own enjoyment and the Planning Authority is satisfied that the proposed use is domestic. Any alternative use would, however, be subject to further planning control.

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. 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, including details of the colours of the walls and roof sheeting, 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 and thereafter retained.
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 or alteration shall be carried out to the building hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
4. The roof lights in the building hereby approved shall not be capable of being opened.
5. No work to any vehicles stored within the building, except vehicle washing, shall take place other than within the building hereby approved, with the doors closed.
6. There shall be no external illumination of the building, yard or access without details having first been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained.
7. The walls and roof of the building shall not be constructed other than using the "Kingspan" insulated materials specified in the application (or an alternative of equivalent acoustic performance to be approved in advance writing by the Local Planning Authority).

8. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered E007-04C received by Hambleton District Council on 10 June and 21 September 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order to protect the amenities of residential property in the locality in accordance with LDF Policy DP1.
4. In order to protect the amenities of residential property in the locality in accordance with LDF Policy DP1.
5. In order to protect the amenities of residential property in the locality in accordance with LDF Policy DP1.
6. In order to protect the amenities of residential property in the locality and the appearance of the rural landscape in accordance with LDF Policies CP16, DP1 and DP30.
7. In order to protect the amenities of residential property in the locality in accordance with LDF Policy DP1.
8. 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.