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HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 2 November 2016

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 10 November 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 AN UPDATE ON THE LOCAL PLAN; COMMITTEE REPORT FORMAT;
APPEALS Q2 UPDATE AND CARAVAN SITES AND PERMITTED DEVELOPMENT RIGHTS**

AGENDA

Page No

1. MINUTES
To confirm the minutes of the meeting held on 13 October 2016 (P.13 - P.15), attached.
1 - 4
2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS
Report of the Executive Director.
Please note that plans are available to view on the Council's website through the Public Access facility.
5 - 126
4. MATTERS OF URGENCY
Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 13th October, 2016 at Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

Councillor	P Bardon	Councillor	J Noone
	M A Barningham		C Patmore
	D M Blades		B Phillips
	S P Dickins		C Rooke
	K G Hardisty		Mrs I Sanderson

Also in Attendance

Councillor	Mrs C S Cookman	Councillor	N A Knapton
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An apology for absence was received from Councillor Mrs B S Fortune

P.13 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 15 September 2016 (P.11 - P.12), previously circulated, be signed as a correct record.

P.14 UPDATE ON IMPLEMENTATION OF PUBLIC RIGHT OF WAY RISK ASSESSMENT AND MITIGATION CONDITION - FORMER YORK TRAILERS SITE, YAFFORTH ROAD, NORTHALLERTON (13/01956/FUL)

Northallerton North and Brompton

The subject of the decision:

This report provided an update on the progress with details required by the planning condition imposed in response to concerns about public safety relating to use of a Public Right of Way (PRoW) crossing the East Coast Main Line (ECML) close to the development site.

Alternative options considered:

None.

The reason for the decision:

To take account of the current position and proposed course of action prior to submission of a further report to Committee.

THE DECISION:

That the report be noted and a further update report be brought to the next meeting of the Planning Committee.

P.15 **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) 16/01531/FUL - 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

DEFER for further consultation on revised drawings

- (2) 16/01677/MRC - 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

PERMISSION GRANTED

- (3) 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 for Hambleton District Council at Land to the south east of Bedale BALB Roundabout (A684 North End), Bedale

PERMISSION GRANTED

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

(Mr Jerry Choat, representing Bedale Estate, spoke objecting to the application.)

- (4) 16/01364/FUL - Construction of an agricultural livestock building for Mr John Bullock at Low Moor Acres Farm, North Moor Road, Easingwold

PERMISSION GRANTED

(The applicant's agent, Davina Fillingham, spoke in support of the application).

(Mr Chris Jackson spoke on behalf of Easingwold Town Council objecting to the application.)

(Mr David Clegg spoke objecting to the application.)

- (5) 16/01787/FUL - Construction of dwellinghouse and attached double domestic garage and the formation of new access for Mr & Mrs John Clark at The Old Forge, Exelby

PERMISSION GRANTED

- (6) 16/01370/FUL - 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

16/01721/FUL - 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

PERMISSION GRANTED subject to a condition requiring measures to reduce the noise from the car park surface

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

- (7) 15/01474/FUL - Construction of single storey dwelling and garage for Mr & Mrs Ian Harper at Black Bull Cottage, the Nookin, Husthwaite

PERMISSION GRANTED

- (8) 16/01853/FUL - 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

PERMISSION GRANTED

- (9) 16/01110/FUL - 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

PERMISSION REFUSED

(Mr Don Rankin spoke on behalf of Sutton on the Forest Parish Council objecting to the application.)

(Mr Michael Kitchen spoke objecting to the application.)

- (10) 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 for Mr Gary Elsworth at Well Hall Farm, Bedale Road, Well

PERMISSION REFUSED because the development was contrary to Policy CP4 and would give rise to harm to neighbours due to noise

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

(Mr Mark Glatman spoke objecting to the application.)

The meeting closed at 4.15 pm

Chairman of the Committee

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 10 November 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 10 Nov 2016

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	16/01531/FUL Mrs H Laws Aiskew Page no. 11	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: GRANT
2	16/01933/OUT Mr A Thompson Dalton Page no. 19	Application for outline planning permission (considering access only) for proposed residential development comprising 5 dwellings For: dh Land Strategy At: Land adjacent to Fren Dene and Primrose Hill, Dalton RECOMMENDATION: REFUSE
3	15/02666/FUL Mr A Thompson Easingwold Page no. 29	Construction of an agricultural storage building For: Mrs Jane Grant At: Longbridge House Farm, Stillington Road, Easingwold RECOMMENDATION: REFUSE
4	16/02053/FUL Mr A Thompson Easingwold Page no. 39	Amended application for the continued use of land and buildings for MOT and car sales (to include retention of an office building) (resubmission of application 16/00685/FUL) For: Grants Pro-Agri Ltd At: Longbridge House Farm, Stillington Road, Easingwold RECOMMENDATION: GRANT
5	15/02856/FUL Mr P Jones Great Ayton Page no. 47	Construction of a retirement village (Use Class C3) comprising 80 1 and 2 bedroom apartments and associated community facilities (element of extra-care) For: Mr Jonathan Raistrick At: Cleveland Lodge, Great Ayton RECOMMENDATION: GRANT
6	16/01885/OUT Mr K Ayrtton Hornby Page no. 63	Outline planning application with all matters reserved for construction of a detached dwelling For: Mr Andrew Edwards At: Land adjacent to Field View House, Hornby RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
7	16/02064/FUL Mr A Thompson Huby Page no. 71	Proposed Development of a detached dwelling with associated works For: Mr I Robinson At: Part OS 8471 and 9170, Gracious Street, Huby RECOMMENDATION: GRANT
8	16/01771/FUL Mr K Ayrton Hutton Rudby Page no. 79	Construction of detached dwelling For: Mr & Mrs D Preston At: Highfield, 12 Enterpen, Hutton Rudby RECOMMENDATION: GRANT
9	16/01594/OUT Pickhill Mrs H Laws Page no. 87	Construction of 3 two storey dwellings including garages, parking area and gardens. For: Mr Geoff Simpson At: Nags Head, Pickhill RECOMMENDATION: REFUSE
10	(a) 16/01446/FUL & (b) 16/01447/LBC Mr T Wood Sandhutton Page no. 93	(a) Alterations and change of use of former Methodist Chapel to a dwellinghouse (b) Listed Building Consent for alterations and change of use of Methodist Church to a dwellinghouse For: The Methodist Church Thirsk and Northallerton Circuit At: Methodist Chapel, Sandhutton RECOMMENDATION (a): GRANT RECOMMENDATION (b): GRANT
11	14/02558/MRC Mr T Wood Shipton Page no. 99	Application to vary conditions 18 and 19 and remove conditions 20 and 21 of approved scheme 14/00141/FUL For Wernick Group Ltd. At: Norish Limited, Station Lane, Shipton by Beningbrough RECOMMENDATION: GRANT
12	16/01640/FUL & Mrs C Strudwick Thirsk Page no. 107	Construction of 4 dwellings with garages, alterations to existing boundary wall and formation of vehicular access For: K Baker Design & Development Ltd. At: Land off Bellingham Close, Thirsk RECOMMENDATION: GRANT
13	16/01641/LBC Mrs C Strucwick Thirsk Page no. 115	Application for listed building consent for alterations to boundary wall For: K Baker Design & Development Ltd. At: Land off Bellingham Close, Thirsk RECOMMENATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
14	16/01498/FUL Mr A Thompson Tholthorpe Page no. 119	Alterations to former joiners workshop and cottages into two live-work dwellings For: Mr Andrew Holmes At: Former Old Joinery, Flawith Road, Tholthorpe RECOMMENDATION: GRANT
15	16/02246/APN Mrs H Laws Well Page no. 125	Application for prior notification for the construction of an agricultural store for the storage of slurry and other forms of fertiliser material For: Mr S Webster At: Mowbray Hill Farm, Well RECOMMENDATION: GRANT

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Parish: Aiskew

Ward: Bedale

1

16/01531/FUL

Committee Date:

10 November 2016

Officer dealing:

Mrs H M Laws

Target Date:

15 September 2016

Date of extension of time:

11 November 2016

Alterations and extensions to existing flats and demolition of pizza shop and construction of a detached building to provide 5 flats at Regency Pizza 5 Northallerton Road Leeming Bar North Yorkshire for Mr J Costandi

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application was deferred at last month's meeting following the receipt of amended plans, which have now been assessed. 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 roof lights on the front elevation. The scheme has been amended in its design resulting in a hipped roof structure, meaning that the second floor flat provided within the roof space has been reduced from a floor space of 83.45sqm to 72.46sqm.
- 1.5 The proposed ridge height of the building would be approximately 8.6m (increased by approximately 250mm); the proposed footprint would be approximately 15.7m x 9.5m. The floor area in each of the other flats would be 61.51sqm.
- 1.6 A shared area of amenity space is proposed to the rear of the apartment block.
- 1.7 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 (two existing units and five proposed).
- 1.8 The building would be finished in brickwork and concrete interlocking double pantiles.

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.
No additional comments have been received regarding the amended plans.
- 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 HDC 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.

No additional comments have been received regarding the amended plans.

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 from this existing use.

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 hipped roof section (amended from a gable) is proposed for the front elevation, which is a similar

feature to the existing (gabled) 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 wall 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 daylight within the neighbouring property (an analysis based on the Building Research Establishment's 'Site Layout Planning for Daylight & Sunlight' has been submitted by the agent).
- 5.9 Concern was previously expressed regarding the proposed gable, considered to be wide and tall and positioned 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 amended plans have moved the footprint 1m south and replaced the gable with a hipped roof. It is considered that the sense of enclosure for the residents would be reduced as a result of the amended design, replacing the brick gable with a hipped roof. The overall height of the building would extend far above the boundary fence but much of this would be the concrete pantiles sloping away from the boundary. This would reduce the sense of enclosure experienced by the existing residents. It is considered, as a result of the amendments, that the dominant impact on amenity would be minimal.
- 5.10 In conclusion, it is considered that the effect on daylight and sense of enclosure resulting from the proposed development would not cause significant harm to residential amenity and would not therefore be contrary to LDF Policy DP1.
- 5.11 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 and as a result of the amendments is considered to accord with currently adopted policies. As a result of the amendment that replaces the gable wall with a hipped roof it is considered to overcome the concerns regarding the impact of the proposed development on the amenity of neighbouring residents.

Highway safety

- 5.12 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, which would reduce the existing sense of enclosure along this part of Northallerton Road experienced as a result of the tall brick buildings on the southern side of the road. 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 **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. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
 4. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 5. No development shall take place until details of the feasibility of the surface water drainage strategy have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained.
 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:
 - b. The existing access shall be improved with 6 metre radius

kerbs, to give a minimum carriageway width of 4.5 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E7; 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 highway; and i. Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 106:15/02 Rev G). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until a detailed highway management method statement relating to the programme of demolition and construction works shall be submitted to and approved by the Local Planning Authority. The statement shall include arrangements for the following: (i) protection of carriageway and footway users at all times during demolition; (ii) erection of hoardings, security fencing and scaffolding on/over the footway and carriageway; (iii) removal of materials from the site; (iv) delivery of materials and plant to the site; (v) loading/unloading of materials and plant; (vi) storage of materials and plant; (vii) parking of contractors vehicles; and (viii) likely timescales. The approved details shall be adhered to for the full duration of the site clearance and construction works. No materials associated with on-site construction works shall be stored on the public highway.
11. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 106:15/01B; 02G and 03E received by Hambleton District Council on 1 July and 13 October 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

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

3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies.
5. To prevent pollution to the water environment in accordance with LDF Policies CP21 and DP43.
6. In accordance with LDF Policies CP2 and DP4 and the interests of highway safety.
7. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
10. To prevent building operations from obstructing the public highway to the detriment of the free flow of vehicular traffic in accordance with LDF Policies CP2 and DP4.
11. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Informatives

1. Please refer to the comments received by Hambleton District Council on 19 August 2016 from Network Rail.
2. 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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16/01933/OUT

**Application for outline planning permission (considering access only) for proposed residential development comprising 5 dwellings
At land at Fren Dene and Primrose Hill, Dalton
for DH Land Strategy**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located to the southwest of the village of Dalton at the end of Pit Ings Lane as it joins Primrose Hill, which leads to the newer development of Harriers Croft. Pit Ings Lane rises steeply up from the village street whilst the site itself is relatively flat and bordered by managed hedgerows and trees. A grass track runs along the northern boundary and on the eastern boundary of the site is a bungalow (Fren Dene). Opposite the site is a public right of way.
- 1.2 The application follows the refusal of permission for 17 dwellings on a larger site, extending further south, and proposes five dwellings, which are intended to be bungalows. Details of an access from Primrose Hill have been included for determination, but all other matters are reserved. Illustrative layout plans have been included to demonstrate how the site might be laid out in order to demonstrate appropriate distances can be established from existing neighbouring properties which are located adjacent to the site.
- 1.3 The application is supported by a Design and Access Statement, Planning Statement, Ecological Survey, Flood Risk and Drainage Statement, Transport Statement, Soil Report and a Site Investigation Report.
- 1.4 The applicant has also submitted that the proposed dwellings are in Flood Zone 1, and are at no risk of flooding. They have sought to contrast this with the approval of two dwellings nearby at Greenbank Farm (14/01472/FUL, approved 10 June 2016) which gain access through part of Flood Zone 3.
- 1.5 The site is outside but adjacent to the Development Limits of Dalton. The boundary to Development Limits runs along Primrose Hill.
- 1.6 Further the applicant highlights in the Consultation Draft Preferred Options for Dalton that Site number 9 is a preferred option and is close to the proposed site, and has exactly the same highways options. The applicant considers that the application site is surrounded by the other preferred options for Dalton (numbers 32 and 7) and that it very much appears Dalton is extending in the direction of the proposed site, so it will be in keeping with the village. This issue is considered in paragraph 5.12 below.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/74/037/0006 - Outline application for residential development; Refused 30 January 1975.
- 2.2 16/00480/OUT - Outline planning permission for 17 dwellinghouses and associated parking (considering access with other matters reserved); Refused 9 May 2016, appeal lodged. The application was refused for five reasons

1. Related to the site being outside the Development Limits of Dalton and the impact of the development on natural boundary features to secure access, the impact on the character of the area and the size of the development in terms of adopted Planning Policy and the Interim Policy Guidance Note. The indicative layout submitted also failed to demonstrate an appropriate design, mix, type or scale of development that would be in keeping with housing needs and failed to respect the character of the village.
2. Related to the robustness of the Flood Risk Assessment, the feasibility of sustainable drainage solutions and risk of flooding elsewhere had not been fully considered. The Flood Assessment and Drainage Report had not established that drainage infrastructure had capacity to accept flows and had not given detailed consideration to sustainable drainage mechanisms. The surrounding area, including principal roads and infrastructure, is known to be subject to localised flooding which could affect access to the site, the submitted FRA did not provide a suitable or robust basis for assessment to be made of the flood risks arising from the proposed development.
3. Related to the loss of the best and most versatile agricultural land.
4. Related to residential amenity: the proposed new dwellings were on land close to commercial uses that under Use Class B8 could be intensified without the need for planning permission. The closest of the new dwellings shown on the submitted plans would be within 70m, some 30m closer than existing dwellings.
5. Related to the failure to secure the delivery of affordable housing.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP3 - Community assets
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP15 - Rural Regeneration
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP8 - Development Limits
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP11 - Phasing of housing
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP26 - Agricultural issues
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP43 - Flooding and floodplains

Development Policies DP44 - Very noisy activities
Interim Guidance Note - adopted by Council on 7th April 2015
Supplementary Planning Document - Sustainable Development - Adopted 22
September 2009
Supplementary Planning Document - Size, type and tenure of new homes - adopted
September 2015
National Planning Policy Framework - published 27 March 2012
Written Ministerial Statement on Landscape Character dated 27 March 2015

4.0 CONSULTATIONS

- 4.1 Dalton Parish Council – The land is a greenfield site and outside the building line. This site is NOT in the current Local Plan, nor has it been submitted for inclusion in the next phase following the recent call for future sites.

There are flooding issues on the main road through Dalton (at the bottom of Pit Ings Lane). Does there need to be an emergency exit route and, if so, where would this be situated? Permission was recently given for the building of two houses on land at Greenbank Farm - this application had to have an emergency exit due to flooding issues on the main road in Dalton prior to permission being granted. Surely the same should apply to this application?

Pit Ings Lane is a narrow road and there are serious concerns about the increase in traffic that the development would generate. There have already been problems with access for emergency vehicles due to parked cars.

The proposed emergency access is little more than a track which has been used by residents of Dalton for many years for walking/dog walking and is a pleasant area to walk through. Dalton Parish Council are currently going through the process of applying to NYCC to have the track registered as a Bridle Path in order to conserve it as a natural habitat for walkers and wildlife in future years. Problems do arise when we have any rain in that the track becomes extremely muddy, slippery and rutted. If used as an emergency exit, one car may get through but it is very doubtful that any more would because the first car would inevitably churn up the ground making it virtually impassable for any to follow. The Parish Council consider it not suitable for motor vehicles in any situation whatsoever.

- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer – No objection
- 4.4 Scientific Officer (Contaminated Land) - No objection subject to conditions
- 4.5 Yorkshire Water – Recommends conditions. Comments that the submitted Flood Risk Assessment and drainage Strategy Report is satisfactory and confirms (i) foul water will discharge to public foul water sewer; (ii) sub-soil conditions do not support the use of soakaways; and (iii) therefore, surface water will discharge to public surface water sewer via storage with restricted discharge (of 3.5 litres/second). Advises that the public sewer network is for domestic sewage purposes and that land and highway drainage have no right of connection.

Company records indicate a 3 inch diameter live water main crosses the site and may affect the layout of the development. It is recommended that no obstruction encroaches within 3 metres on either side of the main i.e. a protected strip width of 6 metres. The exact line of the main will have to be determined on site under Yorkshire Water Services supervision. It may be possible for the main to be diverted at the

developer's expense. Further, it is understood that there is an abandoned water main at the site frontage. This pipe is not live.

4.6 Lead Local Flood Authority (NYCC) – Comments awaited

4.7 Internal Drainage Board –The submitted drainage strategy and flow limitation to 3.5 l/s has been considered and found to be acceptable. The individual effect of this development is insignificant. However the concerns with regard to the Old Beck and recent flooding events in the last 12months are noted. The cumulative impact of new and future large-scale development in the Dalton area, including this proposal, on the drainage network would need to be assessed by the Local Planning Authority as part of its Local Plan review as there may be an improvement scheme necessary to the Old Beck which would need to be funded by contributions from developers, the Lead Local Flood Authority and Grant in Aid. This could prove to be expensive.

4.8 Public comment - 11 objections have been received raising the following comments:

- The proposed site is outside the development limits of the village;
- Need for new homes - Hambleton quota for new housing is already fulfilled, more new properties not required by central government;
- There are already major developments coming forward;
- Planning permission for 17 houses was refused on the same site – same decision should follow;
- Other new build homes in Dalton already built not even selling;
- Should be considered under the Local Plan/Enough land is coming forward in response to the call for sites;
- The amenities and transport links within the village do not sustain the current village population;
- The character of the village will be adversely affected with the existing development building to the capacity of the village;
- Access to the land via Pit Ings Lane, which is a narrow road - additional cars would harm highway safety;
- The access to the site is not safe in my opinion with cars travelling towards Harriers Croft would not have great visibility as the bend curves to the left so would not have the best chance to react to cars pulling out of the new development;
- It would also add to the heavy traffic on the main street of the village;
- The drains in Dalton village already not able to cope with excess rain water - extra houses would only make this worse (the village floods with excessive rain and that would affect the access to new properties);
- The road leading to Primrose Hill (Pit Ings lane) would become busy to a point of being dangerous;
- Why does green land have to be used, when there are brown field sites more suitable to be built on?;
- The planned location is quite close to flood zone 3 in the village, and the proposed area regularly stands in water contributing to standing water on my property. Any proposals need to detail how current standing water issues generally in the area would be successfully managed and not just assume they can be;
- In 2015, on Boxing Day, people living on Pit Ings Lane, Harriers Croft and around this area were not able to leave the village. Why add more houses to this? And potentially put further strain on the countryside and add to flooding if open spaces are built on and there is nowhere for the water to go. The site proposed was heavily waterlogged in recent flooding, where will this water go? How will people on this site leave the village with no other access?;
- Flooding on a similar scale also occurred in 2012 and previous years;

- Loss of views;
- Set a precedent for more developments - The field behind this one is very similar so would then be ripe for development and then the next etc. Also, there are other similar sites on the edges of Dalton;
- It is not infill; and
- Unlike the previous three large developments, this is not a brownfield site but rather agricultural land (the bungalow adjacent to the field has an agricultural workers restriction).

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development; (ii) loss of agricultural land; (iii) design and the likely impact of the proposal on residential amenity; (iv) flooding and drainage; (v) highways and parking; and (vi) affordable housing. Assessment must be made whether the reasons for refusal relating to the scheme for 17 dwellings have been overcome by the changes made in this proposal.

Principle

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

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.
- 5.4 The IPG notes that small scale development adjacent to the main built form of settlements (excluding Service Centres) will be supported where it results in incremental and organic growth. As a guide, small scale is normally considered to comprise up to five dwellings. However, each development must be considered on its own merits taking into the account the scale, form and character of the settlement.
- 5.5 Development in villages with no or few services or without convenient access to services in a nearby settlement will not be considered sustainable. However, Dalton is identified as a Secondary Village in the updated Settlement Hierarchy and the IPG considers such settlements to be sustainable locations for small-scale development.
- 5.6 The IPG notes that proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this. Wider consideration must also be given to the special physical

characteristics of the surrounding area as well as the settlement which sets it apart from its surroundings and contributes to its individuality (e.g. architecture, landscaping, setting, natural features, open space, types and styles of housing, number and size of roads and footpaths) and how the proposal addresses this. Small gaps between buildings should be retained where these provide important glimpses to open countryside beyond and contribute to the character and appearance of the area.

- 5.7 The applicant submits that the proposed site forms a natural rounding off to Dalton where development would not extend beyond the existing built form of the village and would partially infill a paddock that sits within existing development. The eastern boundary is formed by the development of a bungalow (Fren Dene), and the western boundary is formed by the built extent of a farmhouse (Larks Edge). To the north there is residential development (Harriers Croft). The applicant considers that the site does not extend into open countryside as development would be contained within the current paddock which is located between developed boundaries.
- 5.8 In the assessment of the previous application it was considered that the proposal did not create or use natural or defensible boundaries. The existing landscape is defined by the open and rural views rising up from Dalton Lane along Pit Ings Lane. Harriers Croft currently forms a natural boundary to the village respecting the character of the area. Fren Dene is a separate dwelling and forms an end vista to the road and its limited scale ensures that the sense of openness is maintained rising up towards the site. The proposal would create a linear, non-natural boundary that would fail to respect the form and character of the settlement which formed the basis, amongst other considerations, for the first reason for refusal.
- 5.9 The application site has been significantly reduced in area and to five dwellings (proposed as bungalows) following the refusal of 16/00480/OUT and as such would be small scale development in line with the Interim Policy Guidance. However, it is considered that the proposal would still be out of keeping with the character of the built form which has a defined and clear development boundary that would not be replicated on the proposed scheme. Approval of this site could set a precedent for additional dwellings both on the remainder of the field and beyond and would impact on the clear and defined boundary to the settlement.
- 5.10 As raised by residents it is noted that Dalton has a large number of housing approvals, including 43 on the recent approval under reference 16/00511/FUL on Willow Bridge Lane, which is the second phase of the redevelopment of the former Turkey factory. Whilst this development is being brought forward as part of an allocation on a parcel of previously developed land, the overall incremental growth of Dalton should be noted.
- 5.11 The Preferred Options of the new Local Plan is at an early stage and subject to public consultation, so it cannot be afforded weight at this stage. The applicant's comments are noted but it is not agreed that any of the sites set a preferred stance or alter the characteristics of the settlement that would make the scheme less harmful; indeed the Preferred Options indicate that Primrose Hill, Pit Ings Lane and Harriers Croft would continue to be effectively part of the southern boundary of the village although Development Limits are not defined in the consultation documents. However, there is no need to consider future policy as the application can be adequately assessed within the context of the LDF, the NPPF and the IPG, as above.
- 5.12 Overall whilst the number of dwellings has been reduced to bring it in accordance with the Interim Policy Guidance in terms of scale, the impact on the character of the settlement remains as set out in the previous refusal. The proposal would not fit in

with that character and the impact on the open countryside setting remains a reason for concern.

Loss of agricultural land

- 5.13 At the time of the previous application no agricultural land classification assessment was submitted for the site. At that time publicly available data indicated that all land around Dalton is within the "best and most versatile" (BMV) category, i.e. Grades 2 and 3a agricultural land. The applicant has submitted a Soil Report, with associated trial pit data. In this report the assessment agrees that this was a reasonable approach based on the available data but having carried out detailed site assessment and trial pits the site data can be considered as predominantly Grade 3b with some of the area being described as Grade 4. As such, based on the updated data, the site cannot be considered as Best and Most Versatile Agricultural Land and the submitted data and assessment would overcome the previous reason for refusal.

Design and residential amenity

- 5.14 The proposed layout, although indicative, shows a linear built form for four of the proposed bungalows with separate parking and garaging. The proposed fifth plot would sit next to Fren Dene, facing into the site. The proposed layout in this respect needs amendment to ensure that there is adequate private amenity space and the proposals form an adequate relationship to Pit Ings Lane and Primrose Hill. It is noted that the plot would be constrained by the proposed visibility splays. Whilst the concerns should be noted the layout is not a matter for consideration at this time.
- 5.15 The comments of the Environmental Health Officer on the previous application indicated that future residents could suffer harm to their amenity due to the proximity of the poultry sheds to the south west of the site, even though the sheds are currently not used for that purpose. The buildings have planning permission for B8 storage units and are currently being used as such but the use could be intensified without the need for further planning permission. It should also be borne in mind that the buildings could revert to poultry keeping without planning permission because use for agriculture is not development.
- 5.16 The applicant highlights that there are currently existing residential properties to the east, west and north of the site. Those to the north face onto the site, so the layout for the scheme needs to ensure sufficient distances can be achieved to primary habitable rooms. The indicative layout suggests the necessary distances can be achieved, and so it is expected that the proposed development can be laid out to protect the amenity of the neighbouring properties to the site.
- 5.17 It is plausible that an appropriate and detailed assessment could outline mitigation and management mechanisms in relation to the operation of the neighbouring buildings but none has been submitted and as such the previous reason for refusal is noted and continues to be a concern.
- 5.18 Unlike the previous refusal there is more space available around the units to move development away from noise generating uses with an amended layout and a larger separation distance to neighbouring uses. The separation to neighbouring uses and the space available could allow for mitigation to be implemented. Further the proposal is now a similar distance from neighbouring uses to existing properties.
- 5.19 As such with the space now available, a suitable residential environment could be achieved with mitigation included. Should the application be approved, a suitable planning condition would be required.

Flooding and drainage

- 5.20 Dalton Lane (at the eastern end of Pit Ings Lane) and the Old Beck are known flood zones and road closures occurred as a result of flooding in December 2015 and June 2016 whilst the development would be some way from this, similar flooding could affect access to the site. Therefore safe access and egress to and from the site to areas outside the flooded areas in Dalton would be limited. It is noted that other flood events are raised by residents.
- 5.21 It is noted that Yorkshire Water raise no objection subject to a condition requiring very restricted discharge rates which reflects the concerns of the drainage situation on the site and in Dalton, with the Old Beck a particular constraint.
- 5.22 At the consideration of the previous application the Swale and Ure Drainage Board commented on 19 April 2016 that: "the submitted drainage strategy and flow limitation to 3.5 l/s has been considered and found to be acceptable. The individual effect of this development is insignificant. However the concerns with regard to the Old Beck and recent flooding events in the last 12 months are noted. The cumulative impact of new and future large-scale development in the Dalton area, including this proposal, on the drainage network would need to be assessed by the Local Planning Authority as part of its Local Plan review as there may be an improvement scheme necessary to the Old Beck which would need to be funded by contributions from developers, the Lead Local Flood Authority and Grant in Aid. This could prove to be expensive".
- 5.23 The Lead Local Flood Authority also commented (on 20 April 2016) that issues of Flood Risk, Volume Control, Pollution Control, Designing for Exceedance (e.g. when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site), Urban Creep, and Maintenance were not detailed to ensure suitable surface water management. These are set out in the detail in North Yorkshire County Council SuDS Design Guidance.
- 5.24 The applicant highlights other planning permissions, e.g. Greenbank Farm and their escape route and information provided. The applicant has produced an escape route which runs along the northern boundary, past Larks Edge, to Main Street. This is a comparable route to that approved for Greenbank Farm. However, the proposal may introduce accommodation that would be potentially used by people who are less mobile or who have a physical impairment which is a concern and comment raised in the National Practice Guidance as part of the Flood Risk Assessment guidance.
- 5.25 There continue to be concerns raised that future growth of Dalton would need to assess the impact of such proposals on the Old Beck and improvements would need to be undertaken through the form of contributions to reduce the incidence and impact of flooding. This would be best understood through the Local Plan preparation as such improvements could prove expensive and impact on the viability of schemes.
- 5.26 As such, whilst the scheme would have less of an impact than 17 dwellings under the previous application, the scheme is constrained by the Old Beck. Whilst the site itself is away from the flood zone the proposal could have an impact on this constraint and whilst it is accepted that a limited flow of 3.5l/s could be acceptable but a wider issue with Flood Risk in Dalton should be noted. As such, whilst the applicant has produced more information and an escape route there continues to be significant concern.

Highways and parking

- 5.27 The proposal shows access off Primrose Hill opposite number 27. The comments of the Highway Authority have been noted and the objections of residents are also carefully considered. The proposed indicative layout also shows a field access to the southern boundary of the existing field.
- 5.28 There are concerns that the development would be in close proximity to the bend in the highway entering Harriers Croft from Primrose Hill and the character of Pitt Ings Lane is also noted. These issues and driver visibility are legitimate areas of concern in the assessment of this application. The advice of the Highway Authority is noted insofar that adequate visibility can be provided and improvements to highway layout (e.g. a new footpath on Primrose Hill frontage) can be secured. However, those highway improvements are likely to require the removal of hedgerows and this would have an impact on the rural character of the area.
- 5.29 It is noted from the comments of residents that there are issues of parking on the road narrowing the road width. The existing road width is however built to adoptable standards and the carriageway is of an appropriate width. Whilst the issues of parking on the road are noted, it is the view of officers that the road width in itself is acceptable and the Highway Authority has not raised concerns.
- 5.30 It is considered that in this instance, with the conditions recommended by the Highway Authority noted, there would not be a sustainable reason for refusal on highway grounds. However, the impact on the character of the area of the necessary highway improvements would be negative.

Affordable Housing

- 5.31 Following the Court of Appeal decision on 11 May 2016; the 28 November 2014 Ministerial Statement prevents affordable housing contributions being secured from schemes of this scale. The reason for refusal relating to the delivery of affordable housing from the 17 dwelling scheme is therefore not relevant to this application but should the remainder of the field be brought forward for housing an assessment as to whether site had been sub-divided to circumvent affordable housing requirements may need to take place.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The site lies beyond the Development Limits of Dalton and in a location where the Council considers that housing development should only be permitted where it results in incremental and organic growth. The proposal would not deliver such growth and would cause substantive and significant harm to the open and rural nature of the site and result in the loss of natural boundary features as a result of ensuring a safe access to the site. There is a clear and defined boundary to the settlement which would be lost as a result of the proposal and which would harm the form and character of the settlement. The indicative layout submitted fails to demonstrate an appropriate design that would be in keeping with housing needs and fails to respect the character of the village and would set a clear precedent for further encroachment into the open countryside due to the lack of defined natural boundaries. The Council has assessed and updated its housing land supply and objectively assessed need and can demonstrate a housing land supply well in excess of 5 years. Development Plan policies for the supply of housing are therefore up to date and the planning balance identifies that the harm from the development would therefore be contrary to Hambleton Local Development Framework policies CP1, CP2, CP4, CP6, CP8, CP9, CP9A, CP16, CP17, DP8, DP9, DP10, DP15, DP30, DP31, DP32 and DP33 as

amplified by the Council's Interim Policy Guidance and Supplementary Planning Documents and the aims and objectives of the National Planning Policy Framework to deliver housing growth in a plan-led system.

2. The Flood Assessment and Drainage Report gives no indication of the feasibility of the potential strategies for draining the site of surface water and has not established that drainage infrastructure has capacity to accept flows or given detailed consideration to sustainable drainage mechanisms. As the surrounding area, including roads and infrastructure, is known to be subject to localised flooding which could affect access to the site, the submitted FRA does not provide a suitable or robust basis for assessment to be made of the flood risks arising from the proposed development. In addition there is no mitigation that has been put forward as part of a robust assessment to demonstrate that the development will not increase flood risk elsewhere and where possible reduce flood risk overall. The proposal is therefore contrary to policies CP21 and DP43 of the Hambleton Local Development Framework, North Yorkshire County Council SuDS Design Guidance and the aims and objectives of the National Planning Policy Framework and Flood and the Water Management Act 2010.

15/02666/FUL

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

1.0 APPLICATION SITE AND PROPOSAL

- 1.1 This application was deferred by Committee on 26 May 2016 so that officers could (i) investigate alternative siting of the proposed building; (ii) obtain further information on the agricultural justification for the proposed building; and (iii) investigate and obtain further information and advice on the storage of chemicals and fertilisers on the site.
- 1.2 The applicant has investigated alternative siting of the proposed building, however due to a nearby silo and waste operations which have bays on the southern boundary the relocation of the building is not possible. The applicant has also investigated turning the building through 90 degrees to increase the separation from residential properties to the west but this would not be possible without increasing the height of the building
- 1.3 In relation to the agricultural justification, the update paper to the May meeting advised that contracts had been entered into for the areas of land indicated in the report at Husthwaite and Rufforth. The applicant confirms that these two agreements do not supplant the existing farmers, but are agreements to contract a part of the land/produce for which they are responsible. Two unsigned contracts have been supplied; one gives a term date from 6 October 2015 to 5 October 2020, the other gives an end date of 30 March 2017 with options for annual extension. These incomplete and unsigned documents are not contracts and therefore the position reported in May was incorrect. The applicant has confirmed in writing that they can submit signed contracts prior to the determination of the application.
- 1.4 The update paper also included information that grain would only be a part of the use of the building; which would be used for storage and deployment of farm machinery, the collection and storage of produce (this would vary from year to year, season to season and subject to opportunities and fluctuations in demand), the storage of legitimate agricultural feedstuffs, fertilizers, sprays, chemicals and seed. Specific agricultural needs will inevitably vary from time to time, one such example being a recent demand for dry straw storage which could not be accommodated previously which this application seeks to provide.
- 1.5 The applicant continues to indicate that they would accept the conditions outlined in the report, specifically: (i) precluding drying or mechanical ventilation in the building; (ii) limiting its use to the storage of agricultural produce, consumables and machinery; and (iii) the reinforcement of the landscape boundary to the west of the building.
- 1.6 It is noted that the applicant is an established farmer with significant holdings in her own right and she is also an agricultural contractor with significant commitments in terms of plant, equipment and manpower that must be kept utilised if the business is to remain viable and the latest machinery purchased. This building, and the availability of additional farm storage capacity, is integral to that business plan.
- 1.7 The storage of chemicals is a carefully monitored position with 63 chemicals listed within the Regulations. The planning system only exercises control over the storage

of specific substances if they are of the type and in the quantities set out in the Planning (Hazardous Substances) Regulations 2015. For simple ammonium nitrate based fertilisers which conform with the requirements of the Fertilisers Regulations 1991 and composite fertilisers in which the nitrogen content as a result of the ammonium nitrate is more than 28 per cent, the threshold at which Hazardous Substance Consent will be required is 1,000 tonnes. It is not expected that such quantities would be stored in the proposed building.

1.8 The applicant submitted detailed further information on 2 August 2016 as follows:

- The adequate provision of infrastructure and storage space will allow the business to grow with the lack of space currently being prohibitive in the signing of additional land and contracts;
- The existing buildings on site have become redundant for agricultural purposes, mainly because of size, location and access constraints and as a result have been subject of subsequent approvals for alternative use. This is not however indicative of a lack of farming need on the site;
- The additional building will result in increased employment and investment;
- The building, is not intended as a granary, there are no facilities for drying grain and the building is not mechanically ventilated or heated. The applicant indicates that a condition preventing the installation of such machinery would be accepted.
- The purposes of inclusion of grain on the list of produce is that it may be stored in the building. The type of grain is clarified with the grain stored will be treated with Propcorn NC if necessary and in accordance with manufacturers instruction on application rates and preservation times;
- The ability to store produce (specifically straw) at Longbridge in quantity allows the applicant to take advantage of best market conditions for sale without significant quantities being lost due to weather damage, in particular, which is uneconomic and unsustainable;
- The applicant has supplied information as to their business which has been operating since 1965 (initially as a sole trader), then as Whitkirk Farm Produce from 1975 and as Grants Pro Agri. since 2008. The applicant's land agent (Brian Bartle) has also written in support of the application;
- Details of landholdings for the applicant and land under contract offer have been supplied alongside letters from the farmers themselves;
- The applicant has not supplied commercial detail of the agreements but can confirm that there would be a 3 or 5 year 'Farm Business Tenancy Agreement'. This would transfer for the period of the tenancy full 'farming rights' to cultivate and lift crops and to derive any payment or entitlements for the land. The only constraint in the contract being that good husbandry principles are to be applied;
- The applicant has supplemented the need discussion further by indicating the land under contract would have the potential to supply approximately 7,400 bales ('Mini Heston') over the course of the season which require dry storage and some 1,220 tonnes of corn with the potential for Barley and Wheat also capable of being farmed;
- Fertilisers will be stored in accordance with Fertilisers Regulations 1991 and the HSE permit regulations;
- The applicant also highlights that the proposed shed is some distance from residential properties on Hurns Way, the existing tree belt is substantial and could be added to if desired;
- The existing tree belt is over 150m long and 30m wide and was planted 4-5years ago with trees of a mix of semi-mature and younger stock which will grow higher over time. The trees include Oak, Birch, Alder, Beech, Wild Cherry and Pine. There is also potential to increase and supplement hedgerow planting; and
- There are functional and operational benefits from the proposed layout in that the access to the shed is currently from the east elevation and the existing yard.

There would be constraints on the door size, accessibility and tipping space making the building less functional if handed. The tipping trailer needs a height of 11m for tipping and the proposed height of the building (at 13.8m) is necessary.

- 1.9 The application site is south of Stillington Road opposite Easingwold Football Club and the site is to the rear of Easingwold fire station and training centre. There are a number of buildings on the site, a weighbridge and two silos. The site is accessed from Stillington Road and access to the site is via a barrier control system. The Oaklands Way Redrow development to the west (Hurns Way) is visible from the site which is generally open in nature with a line of trees on the west boundary.
- 1.10 The application proposes a new agricultural building measuring 54.8m by 30.4m and 13.8m to the ridge. The building would be of portal frame construction in a mixture of concrete grain panels on lower walls and profile sheeting to the upper walls and roof.
- 1.11 The applicant confirms that the proposed storage building is part of an upgrading of the applicant's farm activities. In addition to the agricultural land at Easingwold which the applicant farms they advise they will enter tenancies to farm an additional 712 acres at two other locations in the area. These are 304 acres at New Manor Farm, Carlton Husthwaite, to be farmed under contract, and 408 acres at Woodhouse Farm, Rufforth that is rented. These areas are about 7 miles (11km) and 14.0 miles (23km) from the application site respectively.
- 1.12 The applicant advises that these two sites will be used to significantly increase the scale of their arable operations on good quality land that enables a variety of commercial crops to be grown. She indicates she will focus on cereal production but can include a variety of root or feed crops as market opportunities emerge.
- 1.13 The applicant states that neither of the contract or rental agreements includes the use of any buildings or covered storage on the farms in question, so this generates a need to develop the storage capacity at Longbridge. Longbridge House Farm would continue to be the operating base from where the additional land is managed, the land would be farmed primarily by existing staff deployed to sites as operations require and it is likely to provide opportunities for employment growth.
- 1.14 The applicant confirms that the distance of the two parcels of land from Longbridge House is not considered to be unreasonable given the transport related activities of the applicant's business collective, and it is planned that the majority of the movements can be dealt with by their own transport making the transport operations both viable and functionally efficient.
- 1.15 The applicant confirms that there will be no grain drying plant in the building.
- 1.16 The site is outside the Development Limits of Easingwold. The Development Limits follow the boundary of the Fire Station and Training Centre and the Leasmires Beck to the west of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There has been extensive planning history relating to the site with the development starting at the front of the site and moving around to the rear of the fire station and training centre. Some diversification and complimentary uses have been permitted on the site (e.g. vets and general storage) whilst other proposals (e.g. MOT and caravans have been refused).
- 2.2 97/50445/O - Outline application for a dwellinghouse; Refused 3 March 1998.

- 2.3 97/50446/O - Outline application for an agricultural building for the accommodation of livestock; Granted 12 September 1997.
- 2.4 98/50376/P - Agricultural building for the accommodation of livestock; Granted 28 September 1998.
- 2.5 98/50377/P - Agricultural building for the accommodation of livestock; Granted 28 September 1998.
- 2.6 98/50378/P Agricultural building for the accommodation of livestock; Granted 28 September 1998.
- 2.7 98/50379/P - Agricultural building for the accommodation of livestock; Granted 18 December 1998.
- 2.8 00/50427/P - Agricultural building for storage purposes; Granted 27 April 2000.
- 2.9 00/50428/P - Agricultural building for storage purposes; Granted 27 April 2000.
- 2.10 02/00500/FUL - General purpose agricultural building for storage of feed and machinery (including weighbridge); Granted 29 April 2002.
- 2.11 03/00097/FUL - Construction of an agricultural building for storage and machinery repair purposes - Granted 21.03.2003
- 2.12 03/01614/FUL - Retrospective application for entrance walling at front of site; Granted 16 October 2003.
- 2.13 04/00133/FUL - Change of use of part of office block into a veterinary surgery; Granted 31 May 2005.
- 2.14 04/02303/FUL - Installation of liquid waste storage tank; Refused 31 May 2005.
- 2.15 05/01700/FUL - Change of use of two agricultural buildings to general storage; Granted 26 September 2005.
- 2.16 06/00029/FUL - Change of use of agricultural building to MOT test centre; Refused 16 June 2006 on the ground that "the large scale and commercial nature of the proposed use are considered inappropriate within this rural location and will fail to be supplementary to the existing agricultural enterprise".
- 2.17 06/00425/FUL - Construction of a two storey veterinary surgery; Withdrawn 19 December 2006.
- 2.18 06/02583/FUL - Retrospective application for alterations and change of use of existing agricultural building to form a storage and office building; Granted 10 January 2007.
- 2.19 07/00292/FUL - Revised application (to 06/00425/FUL) for the construction of a two storey veterinary surgery with associated facilities; Granted 17 April 2007.
- 2.20 07/01128/APN - Application for prior notification of the construction of an agricultural building for the storage of agricultural machinery; Refused 3 May 2007. This proposal was on the York Road frontage, away from the main agricultural yard, and was refused because the proposed size and siting of the building was considered to have a significant adverse impact upon the appearance of the surrounding countryside.

- 2.21 07/02214/FUL - Change of use of agricultural land to the siting of six residential caravans to be used as agricultural workers dwelling; Refused 13 September 2007.
- 2.22 08/00838/FUL - Revised application for change of use of agricultural land to the siting of six residential caravans; Refused 23 May 2008. The caravans were proposed to be located in the same position as the new agricultural building under 15/02666/FUL.
- 2.23 08/00857/FUL - Revised application for the construction of a single storey veterinary surgery with associated facilities; Granted 27 May 2008.
- 2.24 10/01634/FUL - Construction of a general purpose farm building; Granted 8 December 2010.
- 2.25 10/02960/FUL - First floor extension to office building; Withdrawn 10 February 2011.
- 2.26 16/00685/FUL - Retrospective application for the use of land and buildings for the display and servicing of motor vehicles and the retention of an office building; Refused 2 June 2016.
- 2.27 16/02053/FUL – Revised application to 16/00685/FUL – Under consideration

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP15 - Rural Regeneration
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP8 - Development Limits
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP25 - Rural employment
 Development Policies DP26 - Agricultural issues
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP42 - Hazardous and environmentally sensitive operations
 Development Policies DP44 - Very noisy activities
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Town Council - Wish to see approved for agricultural storage only and not to be used as part of any waste management activities.
- 4.2 Highway Authority - No objection.

- 4.3 Environmental Health Officer - No objection; conditions relating to external lighting, prohibiting mechanical extraction or drying equipment and preventing the building from being used to store farm or other waste are recommended.
- 4.4 Public comment - four objections from residents of the nearby residential development raising the following grounds:
- Already suffer from noise and smells from current farm use, an additional building and increased activity would be unbearable;
 - The building should not be so close to neighbours properties; the applicant has other land at their disposal;
 - Was lead to believe that the land behind was to remain unbuilt when property was purchased;
 - Large flood lights operating through the night;
 - An addition of further tree planting to screen the building would be welcomed;
 - Question the size and scale of the building;
 - The development would ring disturbances closer to our house and make them worse;
 - Will overshadow houses and gardens and potentially cut out sunlight; and
 - It will create a poor view from the rear and affect the re-sale value of property.

5.0 OBSERVATIONS

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

Principle of development

- 5.2 The site has a complex and long planning history with a range of uses approved however the primary purpose of the site is as a hub for the agricultural enterprise with the waste management and other businesses also operating on the site.
- 5.3 Taking account of the proposal and the evidence submitted as well as the information supplied, the proposal, whilst large, relates to agricultural enterprises and can be safeguarded as such. There has been concern that the land indicated to be farmed under contract is not currently in arable cultivation and may not be readily available for the production of the types of crops indicated in the application. In the absence of a demonstrated agricultural need, approval of the application would be contrary to Policy CP4. Where there is doubt relating to the need then it is appropriate to seek further information; this was done and the applicant has provided further information, as set out at paragraph 1.8. However this does not demonstrate an agricultural need but does explain that a lack of suitable buildings may prevent the expansion of the business. It should be noted that previous applications to locate buildings elsewhere in the enterprise have been resisted due to their remoteness and impact on the open countryside. Locating the buildings together has a practicality and there is an existing office building and other buildings that can be co-joined together. At present, the applicant has not entered into binding agreements for the use of the additional 712 acres which they say provide the justification for this building, so it cannot be said that the building is required for agricultural purposes yet.
- 5.4 Government policy, in the NPPF at paragraph 28 extends general support for the expansion of all types of business in rural areas. As noted above the LDF Policy CP4 supports new agricultural development where it is necessary to meet the needs of farming. The evidence supplied shows a desire to expand the farming business but in the absence of signed contracts and the doubts that have been expressed

regarding the duration of the contracts it is considered that the proposal has not shown that the proposed buildings are “necessary to meet the needs of farming” as set out in Policy CP4. The proposal is therefore considered contrary to the LDF policy.

The Character and Appearance of the area

- 5.5 It is noted that the proposed building would be large and designed to meet the needs of a modern agricultural enterprise. There are also HGV movements on the site and commercial activity occurring relating to the approved waste operations. The proposed building would be designed in a manner akin to the neighbouring building which was approved under planning reference 10/01634/FUL which measures 30.5m x 36.6m with a height to the ridge of 11.9m. This building is to be used for grain and machinery storage.
- 5.6 The building would be similar in character to other agricultural buildings and the scale and size would allow for operations, such as the delivery of goods by trailer to take place within the building.
- 5.7 The proposal would be located on an otherwise open field which is currently grassland bringing the group of buildings closer to the properties on Hurns Way. However, the proposal would be viewed from the countryside against the existing industrial estate and fire station and would effectively infill the land between existing operations and the housing estate whilst leaving a gap of approximately 50m to the boundary of the site, and approximately 70m residential properties. Additional tree planting would assist the development assimilating into the area. The existing trees on the boundary with the Hurns Way estate along Leasmires Beck are the subject of a Tree Preservation Order 12/00001/TPO. This existing young tree belt provides a significant visual break between the residential Hurns Way and the countryside and application site beyond.
- 5.8 Overall despite the scale of the building, its scale and character are similar to the existing agricultural and commercial operations on the site and the neighbouring industrial estate and is considered not to cause significant demonstrable harm to the character and appearance of the area.

Neighbour amenity

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

provide some attenuation and potential enhancement in relation to the residential amenity.

- 5.11 Grain storage is stated to only be a part of the use of the building; the building could also be used for storage and deployment of farm machinery, the collection and storage of produce (this may vary from year to year, season to season and opportunities/demand cycles), the storage of feedstuffs, fertilizers/sprays/chemicals and seed all of which are legitimate agricultural products and consumables. Specific agricultural needs will inevitably vary from time to time, one such example being a recent demand for dry straw storage which could not be accommodated previously.
- 5.12 The applicant indicates that they would accept conditions outlined in the report, specifically to:
- Preclude drying and mechanical ventilation in the building;
 - Limit its use to the storage of agricultural produce, consumables and machinery; and
 - Reinforce the landscape boundary to the west of the building.
- 5.13 As previously stated, the nearest properties on Hurns Way are approximately 70m from the site of the proposed building, allowing alleviation from the activity. It is noted that existing activity is approximately 156m from residential properties. It is therefore considered appropriate to restrict open storage on the site and that given the closer relationship to residential properties, operations within the building should be restricted to 0700 to 2000 hours. Noise attenuation to the building could also be secured by condition.
- 5.14 Due to the distance from residential properties, the proposal would not result in the loss of light or overshadow residential properties. It is noted that there are some floodlights on the existing buildings but there are also significant floodlights to the Fire Station. To guard against light pollution a condition could be applied to require approval for external lighting.
- 5.15 The proposal is therefore considered not to have a material adverse impact on neighbouring or nearby residents and are considered acceptable.

Highway safety

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

Conclusion

- 5.18 The proposal has been the subject of extensive scrutiny, the additional supporting information provided by the applicant's agent has not shown that the building is required to meet the needs of farming and despite the findings that the scheme would not cause significant harm to the character or the area, amenity of neighbours or highway safety, the scheme is contrary to the LDF Policy CP4 and is recommended for refusal.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposal is contrary to the Local Development Framework Policy CP4 as the site is outside the Development Limits of Easingwold and the scheme has not been shown to be necessary to meet the needs of farming.

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16/02053/FUL

Amended application for the continued use of land and buildings for MOT and car sales (to include retention of an office building)(resubmission of application 16/00685/FUL) At Longbridge House, Stillington Road, Easingwold For Grants Pro-Agri Ltd.

1.0 APPLICATION SITE AND PROPOSAL

1.1 The application site is a series of buildings to the south of Stillington Road opposite Easingwold Football Club and to the rear of Easingwold fire station and training centre. There are a number of buildings on the site, a weighbridge and two silos. The site is accessed from Stillington Road and access to the site is via a barrier control system. The Oakland Way Redrow development to the west (Hurns Way) is visible from the site which is generally open in nature.

1.2 The proposal is for the conversion of several of the agricultural buildings into car sales and associated servicing and valeting of the vehicles. The wider site is also occupied by Grants Pro Agri Ltd., which services large agricultural holdings and commercial transport related to agriculture.

1.3 In response to the previous refusal of the scheme for reason of the potential pedestrian conflict with HGVs the scheme has been amended to delineate the west boundary of the car display area with a wire fence of 1.8m and move all visitor parking to the a dedicated area to the rear of the existing industrial building used for pre-delivery inspection. Visitors would then access the car compound form the rear of the building through a marked pathway. The elements of the proposal are:

- Use of an existing portal framed building for the MOT and servicing of motor vehicles;
- Use of an existing storage building for the storage, pre-delivery inspection, photography and valeting of motor vehicles;
- A dedicated area for visitor car parking;
- Use of an area of the yard for the display of motor vehicles; and
- Use of an existing office and staff room as a sales office.

1.4 The business operates primarily through internet trade which reduces the need for a forecourt operation. The applicant supplied the following details:

- The business employs 10 people with a possibility of a further 3 being created;
- There are approximately 80 cars on the site at any one time with approximately 15-20 cars being sold each week;
- A transporter delivers cars to the site approximately 2-3 times a week; and
- The site does not have an MOT licence (which requires planning permission as part of the licence) but does have plans to introduce such a facility should permission be successful.

1.5 The site is outside the Development Limits for Easingwold. The Development Limits follow the boundary of the Stillington Road Industrial Estate east of Oaklands Way. The use of the site for car preparation and sales commenced in March 2015.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There has been extensive planning history relating to the site with the development starting at the front of the site and moving around to the rear of the fire station and training centre. Some diversification and complimentary uses have been permitted on the site (e.g. vets and general storage) whilst other proposals (e.g. MOT and caravans have been refused). Those relevant to this proposal are:
- 2.2 04/00133/FUL - Change of use of part of office block into a veterinary surgery; Granted 31 May 2005.
- 2.3 04/02303/FUL - Installation of liquid waste storage tank; Refused 31 May 2005.
- 2.4 05/01700/FUL - Change of use of two agricultural buildings to general storage; Granted 26 September 2005.
- 2.5 06/00029/FUL - Change of use of agricultural building to MOT test centre; Refused 16 June 2006 on the ground that “the large scale and commercial nature of the proposed use are considered inappropriate within this rural location and will fail to be supplementary to the existing agricultural enterprise”.
- 2.6 06/00425/FUL - Construction of a two storey veterinary surgery; Withdrawn 19 December 2006.
- 2.7 06/02583/FUL - Retrospective application for alterations and change of use of existing agricultural building to form a storage and office building; Granted 10 January 2007.
- 2.8 07/00292/FUL - Revised application (to 06/00425/FUL) for the construction of a two storey veterinary surgery with associated facilities; Granted 17 April 2007.
- 2.9 08/00857/FUL - Revised application for the construction of a single storey veterinary surgery with associated facilities; Granted 27 May 2008.
- 2.10 10/02960/FUL - First floor extension to office building; Withdrawn 10 February 2011.
- 2.11 15/02666/FUL – Construction of an agricultural building – Under consideration
- 2.12 16/00685/FUL - Retrospective application for the use of land and buildings for the display and servicing of motor vehicles and the retention of an office building; Refused 2 June 2016.
- 2.13 The previous application was refused on the grounds that the proposal introduces a level of pedestrian and customer activity that would be in conflict with agricultural vehicle movements and large-scale commercial vehicles and HGV movement that are present on approved operations on the site. The access to the site relies on a narrow point in the site and the car display area is open in nature which gives rise to public safety concerns relating to customers and children who could be on the site coming into conflict with traffic. Such conflicts could result in harm to the viability and future the operations of the large scale agricultural and commercial enterprises. As such, the site is unsuitable for the use as car sales and given the retrospective nature of the site there is no opportunity to appropriately limit or mitigate the harm.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access
 Core Strategy Policy CP3 - Community assets
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP12 - Priorities for employment development
 Core Strategy Policy CP15 - Rural Regeneration
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP8 - Development Limits
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP16 - Specific measures to assist the economy and employment
 Development Policies DP24 - Other retail (and non-retail commercial) issues
 Development Policies DP25 - Rural employment
 Development Policies DP26 - Agricultural issues
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP42 - Hazardous and environmentally sensitive operations
 Development Policies DP44 - Very noisy activities
 National Planning Policy Framework - published 27 March 2012
 Written Ministerial Statement 31 August 2015 – Intentional Unauthorised Development

4.0 CONSULTATIONS

- 4.1 Town Council – Wish to see the application approved.
- 4.2 Highway Authority – Consideration has been given to the layout of the site and the safety of all users and raise no objection. A condition relating to the retention of parking and turning areas is proposed.
- 4.3 Environmental Health Officer - No objection. The business employs more than 5 staff and so should have a documented risk assessment covering workplace transport – this is a legal requirement. They seem to have addressed the concerns regarding vehicle sales customers, looks like visitors will drive into site then access a segregated area to view the cars. Any outstanding issues can be addressed through Health and Safety legislation.
- 4.4 Public comment - One letter of objection stating that the additional agricultural building proposed in application 15/02666/FUL would not be required if this application is refused.

5.0 OBSERVATIONS

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

Principle of development

- 5.2 The site has a complex and long planning history with a range of uses approved on the site. In the Written Ministerial Statement the Government expressed concern about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is little or no opportunity to appropriately limit or mitigate the harm that has already taken place.
- 5.3 In this case, the proposal would use existing buildings that are well screened from neighbouring residential properties being approximately 170m from new dwellings at Nine Acres, Stillington Road and 250m from homes on Hurns Way. Whilst outside the Development Limits of Easingwold the application site is well related to the commercial development on Oaklands Way and therefore the impact on the openness and character of the area is limited. The re-use of the building is also supported by Policy CP4iv in that it would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy.
- 5.4 The proposal includes a building that was permitted as a vets' surgery and other floor space that could be utilised for agricultural enterprise purposes. The total amount of floor space lost to agriculture and veterinary services would be 758sqm. The building proposed under application reference 15/02666/FUL would be 54.8m by 30.4m (1,665sqm) and therefore would be larger than any building lost to agriculture as a result of this proposal. It is important to note that the floor space of the building proposed in application 15/02666/FUL is substantially greater than is lost through the conversion of the agricultural and vet buildings in this application. The existing buildings would also be awkward in relation to the operation of the site and the weighbridge due to their respective position with the weighbridge located to the rear of the site and the buildings the subject of this application principally located either to the front or side of the site.
- 5.5 It is noted that an MOT test station was refused in 2006 for the reason that the large scale and commercial nature of the proposed use were inappropriate within this rural location and was not supplementary to the agricultural enterprise. However since that time significant development has occurred on the site and in the vicinity of the application site. As a result of residential and commercial development in the area there has been a significant change in the character of the area since that refusal. The adoption of the Core Strategy in April 2007 marked a change in local policy because policy CP4 does not require commercial re-use of a rural building to be supplementary to an agricultural enterprise. Further the NPPF recommends support for economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development, support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; and promote the development and diversification of agricultural and other land-based rural businesses. The application is supported by Policy CP4iv and is well located and related to the existing settlement of Easingwold, with the Development Limits wrapping around the northern and western boundaries, uses existing buildings and proximity to services and public transport are all positive considerations.
- 5.6 It is therefore considered that on balance, having regard to the positive economic benefits of job creation and other positive benefits including the effective re-use of existing buildings, the close physical relationship of the site to Easingwold, the planning history including diversification of the existing buildings, and the layout of the site and the relationship to the development boundaries, the proposal can in principle be supported.

The Character and Appearance of the area

- 5.7 The proposal would re-use buildings which appear akin to large commercial buildings and as such can be, and are being, used without change to the external fabric of the building. There are also HGV movements and other commercial activities occurring elsewhere on the farm complex. Therefore the principal visual impact and change in the character of the area is from the parked cars for sale.
- 5.8 It is considered that the two businesses could therefore use the site without an alteration to the character of the area. The car sales area is well contained and surrounded by other buildings which reduces the visual impact on the countryside.
- 5.9 Whilst there has been an intensification of the use of the site, it is not considered that it has resulted in a material adverse impact on the character of the area. The proposal is therefore considered acceptable in this regard.

Neighbour amenity

- 5.10 As previously stated the nearest unrelated residential properties at Nine Acres and on Hurns Way are a significant distance from the application site. The intervening commercial operations would reduce the impact on neighbouring properties further and there is good screening to Longbridge House. Areas of open display could be controlled by condition meaning that external operations (e.g. valeting and preparation of cars) would be limited.
- 5.11 In addition it is noted that no objections have been received citing loss of amenity from the current operation of the MOT and car sales business. The proposal is therefore considered not to have a material impact on nearby residents and is considered acceptable.

Highway safety and Health and Safety

- 5.12 The application site benefits from a wide access onto Stillington Road with good visibility. There are no proposed changes to the access. The comments of the Highways Authority are noted and considered.
- 5.13 The comments of Environmental Health Officer with regard to the previous concerns of the Committee and the submitted scheme are noted. The revised scheme has addressed the concerns regarding vehicle sales customers who would now be separated from the other uses, HGVs and activity. Any outstanding issues can be addressed through Health and Safety legislation. The previous reason for refusal is therefore overcome.
- 5.14 The visitor parking is located on a portion of the site which is away from existing main operations of the site, it is considered by Officers that the layout does not compromise the use of the weighbridge or interfere with the movements around the site associated with the agricultural operations as it will be fenced off under the new proposals. The Highway Authority have confirmed that there is no concern regarding the safety of the internal layout.
- 5.15 Overall it is considered that there is no significant or material harm to the highway network and the safe movement of people within the site has also been satisfactorily dealt with under the amended scheme.

The Planning Balance

- 5.16 The application has been carefully considered against the balance of sustainable development, the significant case history and the impact of the proposal. The

retrospective nature is a material consideration against the application, however physical mitigation, boundary treatment, orientation of buildings such that harm has been designed out, has already been delivered through the development of the buildings and as such further physical mitigation is not required. It is also noted that general storage and alternative uses such as vets have been considered acceptable on the site.

- 5.17 Overall the positive economic benefits of job creation outweigh any limited harm to the character of the area and the proposal is considered acceptable. As part of the permission conditions are required to ensure that the development continues to cause no harm to the other uses on the site or cause conflict with HGVs and to ensure that car sales or storage do not encroach further into the countryside. Restrictions on the areas of sale and operation of the cars as shown on the plan are also proposed alongside restrictions on external music, valeting and servicing.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be carried out in accordance with the details on the approved plans submitted to the Local Planning Authority on 13 September 2016 with the revised visitor car parking layout being shown on drawing PB16/29 being implemented within two months of the date of this permission and retained thereafter.
 2. There shall be no external car sales or storage of vehicles outside the area shown as the Open Display Area hatched on the approved drawing PB16/29 submitted to the Local Planning Authority on 13 September 2016.
 3. There shall be no external valeting or servicing of motor vehicles.
 4. All deliveries and collections by car transporter shall take place in the area shown as the Open Delivery Area and shall only take place between the hours of 08.00 to 18.00 weekdays and Saturdays and not at all on Sundays or Public Holidays.
 5. No speakers or public address facilities shall be installed externally.
 6. No external lighting for security or other purposes shall be installed until full details have been submitted to and approved in writing by the local planning authority. The details shall include the number, position, height, main beam angle, spill shield details and the intensity of all lights. Lighting shall not be installed other than as approved.

The reasons are:

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

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

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Parish: Great Ayton
Ward: Great Ayton
5

Committee Date: 10 November 2016
Officer dealing: Mr P Jones
Target Date: 25 November 2016

15/02856/FUL

Construction of a retirement village (Use Class C3) comprising 80 apartments and associated community facilities (element of extra-care) at Cleveland Lodge, Great Ayton for Mr Jonathan Raistrick

1.0 UPDATED POSITION

- 1.1 Planning Committee deferred consideration of this application at the September meeting. Concerns were raised by Members on the following points:
- Extension of the development site beyond the area of the allocation;
 - The impact of the height, size and massing of the development on the character of the area;
 - The level and form of the affordable housing offer; and
 - The design of the access arrangements and car parking provision.
- 1.2 The applicant's response to this is set out in this section and third party comments on the additional material are set out in section 2. Section 3 is the officer assessment of the revised proposal. Sections 4 to 9 replicate sections 1 to 6 of the previous report.
- 1.3 The applicant in evaluating Members concerns has carried out additional viability assessments which have concluded that fewer than 80 units would not be financially viable. Discussion on this is set out below. The outcome of this is that the applicant has not altered the scale and form of the proposal but has revised the details of the elevational treatments. The amendments made are:
- Roofs have been hipped so that the buildings appear less overbearing;
 - Some of the window bays on the front elevations have been removed so that the design feels less regimented or formal; and
 - Curtain walling to the community hub has been increased substantially to provide a more contemporary design, which is much lighter internally and gives better views out.
- 1.4 The applicant has also submitted sections through the site to the woodland and housing to the north, in order to give a clearer indication of the impact of the proposal on the neighbouring properties and the character of the area.
- 1.5 The viability of the site has been re-visited in order to assess the impact of losing the top floor from the development. On this basis a revised viability appraisal has been prepared for 64 units. This appraisal demonstrates that the development would still be financially viable and the site could effectively provide an affordable housing contribution of £350,000, revised from £800,000, and a land value of £800,000. It is considered that whilst this would significantly reduce the capital receipt to the land owner, it is still at a level that would be reasonable. It is not known whether the landowner would be willing to accept the reduced price this would entail.
- 1.6 The applicant is also putting forward a new pedestrian link to Great Ayton, avoiding Newton Road. This would essentially create a new pedestrian link to the former drive linking into the existing footpath network at the junction of Station Road and the High Street.

- 1.7 The applicant has submitted an additional supporting statement which is summarised below:

Scale and massing

- The site is allocated for “very sheltered housing” (independent housing with an element of close/extra care for the elderly) – capacity of around 60 apartments at 70 dwellings per hectare;
- The Allocations DPD does not aim to deliver a care home or nursing home;
- A low density development would not comply with policy.
- The proposal is a maximum of three storeys;
- Scale and massing are appropriate to the isolated and spacious, parkland setting;
- Cross-section drawings show the buildings next to neighbouring properties and trees; and
- The proposal complies with LDF, therefore the NPPF’s “presumption in favour of sustainable development” is engaged.

Overdevelopment

- The allocation site spans 0.84 hectares;
- The application site covers approximately 0.99 hectares, an increase of 0.15 hectares;
- The resultant density is 80 dwellings per hectare, i.e. 10 dph higher than the allocation site;
- This slight increase in site size and numbers is necessary from a viability perspective;
- Registered Providers are no longer interested in developing the site;
- The site can only be delivered by a commercial operator;
- Viability is on a knife-edge due to significant developer contributions and abnormal costs;
- Delivering 80 units is a minimum requirement;
- Increasing the number of units keeps the selling prices down and the service charge affordable;
- Reducing the site size but maintaining numbers would necessitate an increase in building heights;
- Extending the site by around 30-40 metres in an easterly direction will not cause harm; and
- The Council has been flexible about development on allocated sites, in terms of numbers and size.

Affordable Housing

- The previous application included a residential care home (C2) but was withdrawn following a request by Officers for an apartment scheme (C3);
- Planning and housing professionals agree that on-site affordable housing is unsuitable within extra-care schemes;
- The Council has consistently accepted commuted sums for affordable housing;
- Registered Providers cannot afford to pay service charge on behalf of tenants;
- Doubling the service charge for paying residents would be unreasonable and unaffordable;
- A commuted sum of £10,000 per unit has been agreed, which is double that paid by McCarthy & Stone at Easingwold; and
- A reduction in apartment numbers would dramatically reduce or eliminate the commuted sum.

Car Parking Numbers

- The proposal provides 45 parking spaces for residents, which equates to 56% parking provision;
- Parking surveys were carried out at a number of similar sites;
- The parking surveys showed spare capacity at all sites (including: Cherry Garth, Malpas Court);
- The parking provision is appropriate to the nature of the development in this location;
- If parking demand exceeds the provision, additional parking spaces will be provided.
- Demand will be monitored annually; and
- A residents permit scheme will be operated.

Design of the Access

- The existing access will be improved to provide safe and suitable access;
- The existing boundary walls onto Newton Road will be realigned in order to provide the required visibility splays and footway (as recommended within the Allocations DPD); and
- Pushing the road to the rear minimises the visual impact associated with vehicles and creates a more relaxed and pleasant environment.

2.0 ADDITIONAL REPRESENTATIONS ON THE REVISED SCHEME

- 2.1 Parish Council - The proposed development as amended is not in compliance with the LDF SH4 Cleveland Lodge Great Ayton. It is unclear whether or not the amended plan is within the allocated site however the amended plan does not provide "very sheltered/extra care housing."

The LDF also includes:

- *The design of the development respects the location of the parkland setting of a listed building.* The multi story apartment blocks make absolutely no effort to be in compliance with this requirement. The significant massing of the proposed apartment blocks is not only inappropriate to the parkland setting but also the vernacular architecture of the village of Great Ayton.
- *The front boundary wall being re positioned to allow safe access.* The LDF does reference a large number of dwellings (60) however it needs to be recognised that this number was in the expectation that perhaps many of the occupants of the development were in extra care. As such it is reasonable to assume that the occupants would not be requiring frequent access. The current proposal is **in essence** the provision of a significant number of dwellings / homes available to anyone to purchase (provided one is over 50 yrs?) all of which could well be in need of frequent access to go to work and the like. It is questionable whether the access is safe and suitable for such numbers. The site as proposed is not dissimilar to a housing estate development.
- *"provision of suitable and safe footpath access to Newton Road..." and contributions from the developer towards traffic calming ..."* Having got to Newton Road whilst there is a reasonable footpath to the Health Centre the access to the village centre is far from safe and suitable from anyone who is not of fleet of foot and nimble. The lower end of Newton Road is narrow not only for vehicles (who largely have to pass single file) but for pedestrians. Mobility scooters occupy the whole footpath width. (meaning any pedestrians or other mobility scooters have

to use -and do use the highway) If the application is granted it is useful to note that the landowner of the development owns land which could be the location of a safe and suitable access to the village centre.

- "*Significant landscaping.....*" The amended application does not include proposals for landscaping other than reference significant work needed to the shelter belt on the north and west sides of the site. The creation of an additional shelter belt planting to the south will isolate the multi-storey apartments but is this appropriate to a parkland setting?

The Parish Council notes that the requirement for affordable housing has been omitted and replaced by a payment which is less than indicated by professional valuation. The affordable housing is required IN the village. The Parish Council does not believe the need for affordable housing cannot be accommodated in any development on the site.

It is worthy of note that the inclusion of the site in the LDF was after democratic consultation within the village the outcome of which supported a rational that "*residents living in large homes could simply move into very sheltered care housing leaving the larger dwelling for others without a need for a sheltered home.*" The agent for the developer took it upon himself to tell the Parish Council that such rational was not a viable option in 2016. There is perhaps a realisation that he is to some degree perhaps right and what is in the LDF cannot be delivered to the village. Notwithstanding the extension of this logic does not mean that the village has to accept a totally inappropriate development. Given the option the village would rather having nothing on the site. Notwithstanding the Parish Council believes that very sheltered/extra care housing suitable for 2016 CAN be delivered on the site but does recognise that the financial equation for the developer in delivering such housing would probably be difficult to balance.

In conclusion the amended proposal is not supported and for the avoidance of any doubt the village does not want multi story apartment blocks which can be sold on the open market, do not provide very sheltered/extra care housing and is outwith the LDF.

2.2 Six additional representations have been received based on the revised drawings. Four object to the scheme and can be summarised as follows:

- The proposal fails to address the concerns of the public, Parish Council or Members;
- Three-storey buildings remain unacceptable;
- The developer was asked to review the height of the buildings. The previous design had a ridge height of 11.56m, which has now increased to 12.0m. The height of the top floor has also increased from 7.66m to 8.5m;
- It is extremely contrived simply to replace the individuals on the artist impression with elderly people;
- Insufficient car parking on site;
- No bus waiting area on Newton Road;
- The access is unsuitable; and
- It should be a care home and not just housing for the over 50s.

2.3 Two additional letters have been received in support of the proposal, which can be summarised as follows:

- The village is in need of accommodation of this type;

- A greater number of smaller units will result in a lower (more affordable) unit cost;
- The site is well screened and the building is not too large for the site; and
- This accommodation will allow people from Great Ayton to stay in the village instead of being forced to move to smaller accommodation outside the area.

3.0 OBSERVATIONS ON THE ISSUES GIVING RISE TO DEFERRAL

Extended Development Area

- 3.1 The allocated site is small for a development of the density proposed and it was considered by officers at the pre-application stage that a small expansion of the site might provide an opportunity to achieve a better scheme in terms of the layout, service provision and landscaping of the site. This view was taken in principle, in advance of the scheme being designed. The applicant states that a reduction in the site area, back to the limits of the allocation, would make the development unviable.
- 3.2 The additional area of land is relatively small and still within the area enclosed by the access road to the lodge, the tree belt to the north and the landscape form to the north east of the site. It should be noted that the site boundaries in the Allocations DPD are approximate, not being based on the detailed survey work that would need to inform a planning application. In view of this, and taking account of viability and deliverability issues, the Council has on occasion resolved to approve schemes that include land beyond the allocation site, recent examples being the North Northallerton Development Area (NM5) and Wilberts Farm, Aiskew (BH5).
- 3.3 The additional area of development proposed is not considered to be harmful to the landscape character of the area, over and above the impact of the allocation itself and is considered to be acceptable in this instance.

Design

- 3.4 The Committee's concerns were expressed in terms of the scale and form of the proposal and there were concerns about the design of the community hub building. As noted above, the applicant has declined to reduce the scale of the development for viability reasons. However, the applicant has revisited other aspects of the design, which has been modified. Additional information has also been provided in an attempt to address Member's concerns. The basic form of the development remains as submitted although the roof forms have been hipped to reduce their impact. The treatment of the fenestration has been changed to give a slightly softer appearance with a less regimented development form.
- 3.5 The amendments to the design are considered to be an improvement over the original submission. However, Members will need to be satisfied that the amendments are sufficient to address their concerns.
- 3.6 The applicant has submitted two cross-sections through the site, one long section from Cleveland Lodge itself showing the landscape form between the listed lodge building and the proposed development along with the relative heights of the two structures. This section is intended to illustrate that the listed building remains in isolation from the proposed development, as it is from the village. The listed building retains its hierarchy in the landscape and as such the section confirms the previous report's conclusion with regard to the impact of the development on the setting of the listed building. The second section is taken through the site, the woodland adjacent and the housing beyond, in order to illustrate the relative heights of the proposed development to the nearby existing housing but also in relation to the height of the tree belt. Concern had been raised previously that the illustrations

provided showed a higher tree belt than in reality. Officers are satisfied that the section reasonably reflects the situation on the site.

- 3.7 In conclusion the scheme remains largely as previously presented to Members. However, a number of modifications have been made which are considered to improve the overall appearance of the development. The sections presented by the applicant confirm earlier conclusions with regard to the height of the development compared to that of nearby housing and the TPO tree belt which separates that housing from the development site. The height, massing and form of the development is considered to be in keeping with the form of development which the allocation envisaged and is not considered to be harmful to the landscape setting of the village or the setting of the listed building.

Affordable Housing Offer

- 3.8 The application proposes a commuted sum to cover the provision of affordable housing. This is standard practice where sheltered housing developments such as this are concerned, where there are significant service charges associated with the development which would cause the scheme to be unaffordable. The commuted sum would be made available to a Registered Provider (Housing Association) to be spent in Great Ayton or the wider Stokesley sub-area. This money could be spent on a new build or purchase of a property from the existing housing stock, to then be occupied in accordance with the Council's affordable housing policy.
- 3.9 In terms of the level of the offer, this remains at £800,000 as previously reported to Members. This is a variance of £60,000 from the advice provided to the Council by Kier but is considered to be acceptable in this instance for the reasons given in section 8 below.

Access and Parking

- 3.10 The Highway Authority has assessed the application in the light of other similar developments in Hambleton. It is satisfied that the car parking provision is acceptable in this instance.
- 3.11 Members raised concerns about the road access onto Newton Road, the proximity to the bus stop and the ability for residents to cross Newton Road to gain access to the village. The applicant has suggested an alternative pedestrian access into the village, through the provision of a footpath along the field boundary, through to the former access road to Cleveland Lodge. This route avoids Newton Road altogether and provides a direct route to the village.

4.0 PROPOSAL AND SITE DESCRIPTION

- 4.1 The site is located off the east side of Newton Road, approximately 400m east of High Green. The site is on the north side of the private access road to Cleveland Lodge, a grade II listed building. Cleveland Lodge lies approximately 100m beyond the site. The land rises gently at the eastern end. The site is bounded on the north and west side by a band of trees. There are additional individual trees along the drive. The trees are subject to Tree Preservation Orders. A public right of way runs east-west approximately 150m to the south of the site. The area of the site is approximately 0.9 ha.
- 4.2 To the north of the site, beyond the tree belt, the site backs onto bungalows on Roseberry Crescent and two storey houses on Farm Garth. Beyond the north-west corner of the site is a detached two-storey brick house with decorative brick work,

possibly a former lodge. Opposite the site, on Newton Road, the existing development is mainly two storey housing, in terraces.

- 4.3 The application is for 80 retirement apartments comprising 20 one-bedroom and 60 two-bedroom units. The apartments are in four blocks, up to three stories in height and laid out in an angled radial arrangement. The application also proposes a central single storey community hub building with a lounge and kitchen area, management office and visitor accommodation.
- 4.4 The final design of the buildings feature gable ends and stepped roofs, and external materials are mainly brick with stone detailing. The buildings feature angled window projections, and balconies. Landscaped gardens are proposed on the south side of the buildings.
- 4.5 The development is accessed from Newton Road via the existing entrance, with an internal access road along the north side of the buildings, with parking arranged in groups in the spaces between blocks on the north side.
- 4.6 The major part of the site is allocated in the Hambleton Local Development Framework under SH4 for very sheltered housing. The development extends eastwards approximately 34m beyond the allocated site.
- 4.7 Northumbrian Water (NW) has a flood alleviation project on Cleveland Lodge land to the south of the application site, which is separate from the planning application but which is planned to be implemented concurrently with the development. The associated drain is shown routed along the new service road on the north side of the site.
- 4.8 The application was submitted with Ecological, Historic Environment, Drainage (Northumbrian Water Storage Pond), Arboricultural and Transport assessments.
- 4.9 In the course of the application a revised Transport Statement has been submitted, together with a Travel Plan.

5.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 5.1 15/01400/FUL - Construction of 44 extra care units with associated community facilities (Use Class C2 and a 40 bed residential care home (Use Class C2); Withdrawn 18 January 2016.
- 5.2 15/02049/LBC - Repositioning of boundary wall (to facilitate the access associated with this application); Pending determination.

6.0 RELEVANT PLANNING POLICIES

- 6.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP7 - Phasing of housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy 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 DP13 - Achieving and maintaining the right mix of housing

Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Core Strategy Policy CP21 - Safe response to natural and other forces
Allocation Policy SH4 – Cleveland Lodge, Great Ayton
National Planning Policy Framework

7.0 CONSULTATIONS

- 7.1 Parish Council - Members were disappointed that the Care Home Facility had been removed and that there are no bungalows contained within the proposal. The size of the site is outside of the agreed scale contained within the Local Development Framework.
- 7.2 Historic England - The application should be determined in accordance with the national and local policy guidance and on the basis of your specialist conservation advice.
- 7.3 Northumbrian Water - Currently there is no capacity within the public sewerage system to accommodate the surface water flows from the development site without increasing flood risk within the catchment where there are already properties which suffer flooding. There has however been positive dialogue with the landowner regarding a collaborative surface water drainage solution which would not only reduce the flood risk to properties but would also provide a sustainable drainage outlet and storage for the development site. No details of the disposal of surface water have been submitted with the planning application. Condition requested.
- 7.4 Environment Agency – No comments.
- 7.5 Network Rail - No objection; asks that new residents are made aware of a nearby footpath crossing of the railway crossings and that level crossing safety leaflets are included in information/welcome packs.
- 7.6 NYCC Archaeology - No known archaeology constraints.
- 7.7 Yorkshire Gardens Trust - Reduced massing (compared with previous scheme, now withdrawn) and more sympathetic approach to the retention of existing trees and hedgerow will have a lesser impact. A sympathetic landscaping scheme is important to integrate the scheme with selective new planting a management plan for the existing historic planting and the creation of new garden features for the enjoyment of the future residents.
- 7.8 NYCC (Lead Local Drainage Authority) – No objection; condition requested.
- 7.9 Public comment – two representations in support, stating that the care facility is much needed, and 19 representations objecting on the following grounds:
- The proposal is not in accordance with the Allocation requirements because of a reduction in very sheltered residential accommodation (Use Class C2);
 - The development will make traffic worse; Newton Road is hazardous and there is doubt about suitability of the footpath (on one side only) for mobility scooters. There are discrepancies in the transport statement, which retains references to the previous scheme.

- Two and three storey blocks are excessive, out of keeping with nearby housing and larger than originally contemplated; the village cannot sustain any more development;
- The tree constraints plan is insufficient and an arboricultural assessment is not included with this application;
- The design does not blend in with the parkland setting as claimed in the Design and Access Statement, which includes outdated references to the previous scheme;
- There would be a harmful effect on Cleveland Lodge (Listed Building) and the associated Lodge; loss of parkland to Cleveland Lodge;
- An inspector turned down an appeal at a nearby site due to the value of open land to the village;
- Trees will not provide amenity screening in winter and there would be adverse effects through overlooking, kitchen emissions and a dominating effect; and
- Flood risk.

8.0 OBSERVATIONS

- 8.1 The majority of the site is within the Development Limits of Great Ayton where there is a good range of services available. The majority of the site is allocated for very sheltered housing, being independent housing with an element of close/extra care, at a density of at least 70 dwellings/ha, and 50% affordable housing. As such the principle of the development is not in question, unlike the School Farm site referred to by an objector, and the determination of the application should turn on detailed assessment of the proposal, including how closely it conforms to the Allocation.
- 8.2 The proposed development extends eastwards beyond the allocated site by approximately 35m, and includes an additional 0.14 ha of land. Overall the density would be 88 dwellings/ha. While the site extends beyond the allocation the additional proportion is relatively minor overall and the proposal can continue to be assessed against the other relevant policies prior to final consideration of acceptability.
- 8.3 The key issues to be considered are: (i) whether the development would deliver appropriate affordable and extra care housing as required by Policy CP9 and the detail of the allocation; (ii) design and the likely impact on the setting of the Listed Building and the surrounding parkland; (iii) the likely effect on trees and ecology; (iv) residential amenity; (v) highway safety; and (vi) flood risk.

Affordable and extra care housing

- 8.4 The majority of the site is allocated (Policy SH4) for independent housing for older people, with an element of close/extra care. The terminology regarding the care provided is not given an explicit definition within the policy however the supporting text sets out that the site will be developed for very sheltered/extra care housing, “providing self-contained accommodation in the form of one or two bed flats, with access to care and support”. A management statement has been submitted with the application which describes the development as provision for older people, and that a minimum amount of domestic assistance will be provided as standard with access to additional help as required, and 24 hour emergency assistance. Provision within the building structure specific to the needs of older people includes charging points for mobility scooters, passing points in corridors, and access to a community area.
- 8.5 The National Planning Policy Framework and supporting guidance set out that housing provision is necessary to meet demographic trends, and the needs of older people. In response the Council has adopted a Size, Type and Tenure of New Homes Supplementary Planning Document (SPD) which considers measures to increase options for older people in Hambleton to make down-sizing or moving to

specialist housing simpler and more attractive. The SPD notes that the alternative options are currently limited. The document identifies that private provision will be important as social housing is not an option for many older people in Hambleton with income and/or assets above the qualifying level.

- 8.6 It is considered that while the proposed scheme proposed offers limited care on entry, it would provide access to care and support as required in the allocation, and would therefore make a significant contribution to meeting the recently identified needs of older people for small accommodation, with scope for extra care as required. As a private development this can be negotiated between the parties concerned. Overall, the proposal is acceptable as broadly in accordance with this aspect of the allocation.
- 8.7 Due to the additional costs relating to management of the apartments and the nature of the site, the provision of affordable housing has been considered on the basis of a commuted sum because on-site affordable housing would not be able to contribute to service charges. The ability of the development to provide an equivalent sum to fund off-site provision of affordable housing has been taken into consideration through a viability assessment which has been considered by the Council's independent assessor, Kier (formerly Mouchel).
- 8.8 The submitted evidence indicates that viability of the proposal is constrained by land costs and high quality materials and accordingly the applicant believes that a maximum sum of £680,000 is justified, compared with similar projects. This has been reviewed by the Council's advisor, who considers that the scheme could make a contribution of approx. £860,000 and still be viable.
- 8.9 Whilst the applicant does not accept the Council's advisor's findings, he is prepared to offer £800,000 in the hope that the matter can be agreed locally. It is understood that if the scheme became the subject of an appeal, the applicant would revert to his previous position and seek to justify a maximum contribution of £680,000.
- 8.10 The offer falls approximately £60,000 short of the sum recommended by the Council's advisor. Both valuations would come under further scrutiny if agreement cannot be reached locally and the application became the subject of an appeal, so it cannot be assumed that either valuation would prevail. Considering the relatively small shortfall, 7% of the sum recommended by the Council's advisor, and the advantages in securing timely development of the allocated site, it is considered on balance that the offer should be accepted as a pragmatic solution in this instance.

Design and setting

- 8.11 Design is a criterion of the allocation, and policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that takes account of local character and setting, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space. In this case the site is located within the parkland setting of a Listed Building and as well as the design issues outlined above, the effect on the setting of the Listed Building and the parkland setting is to be taken into account.
- 8.12 The submitted design statement sets out the historical background to the site and describes its features including tree belts to the north and west and the parkland setting. The evolution of the design takes account of the linear form of the site and the southerly aspect by putting the access road and parking to the rear of the proposed buildings and positioning the higher parts of the development towards the rear of the site.

- 8.13 When seen from the public footpath to the south the development will be seen as a radiating cluster of buildings each falling gently in height and animated by angled windows and balconies and with the eastern building nestled within the land form. The development as a whole will be contained within the enclosing tree shelter belts to north and east and while some trees along the drive may be removed, appropriate landscaping, and materials, which can be ensured by condition, would result in an acceptable form of development. Through the course of the application the applicant has agreed to the use of improved and locally relevant building materials, which offers an improved relationship to the character of the village as a whole.
- 8.14 Due to its position the development would not be particularly visible in relation to Cleveland Lodge and in the terms set out in the NPPF would result in less than substantial harm to the heritage asset which must be off-set by public benefit to be considered acceptable, in this case the provision of extra care housing.
- 8.15 The parkland setting is not designated, and requires a balanced judgement as to the scale of any harm or loss and the significance of the parkland. In this case the use of the linear field is of benefit and the tree cover is sufficient to screen the development from most directions. The key view point would be from the south where the development may be viewed from the nearby public footpath and it is important that the design is high quality and the scheme laid out so that the landscape becomes part of the design. Amendments to the design have incorporated improved architectural detailing and use of higher quality materials. This has reduced the extent of white painted render and brought in vernacular brick and slate materials for walls and roofs. Therefore whilst the overall scale and mass of the development will be significant, the use of vernacular materials would provide visual balance in relation to the surroundings and taking into account the public benefit of the scheme will result in less than substantial harm to the non-designated parkland setting.
- 8.16 In conclusion, the proposed development takes into account local character and setting and results in less than substantial harm to the significance of the heritage assets and the harm is outweighed by the public benefit of the proposal in delivering housing for older people for which there is an identified need.

Trees and ecology

- 8.17 An arboricultural pre-development report submitted with the application assessed the trees and identified some to be removed to allow for drainage access from the north and to provide for an enlarged access from Newton Road. A subsequent Arboricultural Impact Assessment has been received and sets out that three trees along the existing drive would need to be removed due to their proximity to the proposed building. A 'no dig' surface, such as a cellular confinement system is proposed for the access road, limited to the indicative position of the proposed Northumbrian Water (NW) drain, and also key areas in front of buildings 1 and 3 (numbering from west). The arboricultural report acknowledges that the extent of encroachment into root protection zones is beyond that recommended in BS5837:2012 (Trees in Relation to Design, Demolition and Construction) but notes that the recommended construction method would limit potential harm overall, and recommends future monitoring. A subsequent amended Arboricultural Impact Assessment omits the line of the proposed NW sewer, as a revised route is under consideration. The applicant has agreed in principle that if the application is approved they will do the necessary investigations for an alternative route.
- 8.18 The development would result in the loss of protected trees including three trees which are currently significant parkland features along the existing drive to Cleveland Lodge. Taking into account the allocated site size and recommended minimum density within the allocation, it is realistic to suppose that the development would

result in significant effects on the natural landscape and loss of some trees would result. There is scope to consider that in the changed environment resulting from the proposed development new planting suited to the proposed development can be provided by means of a high quality landscaping scheme which would have the positive benefit of providing a response to the design of the new development, in the context of the parkland setting. The protection of retained trees can be ensured by a suitable condition.

- 8.19 The provision of the NW drain along the service road on the north of the site would require deep digging in this area, and an independent arboricultural assessment for the Council (A Whitehead Associates) has identified that this is a source of significant potential harm to the trees in this area along with issues related to the proximity of the development to tree canopies. A subsequent Arboricultural Impact Assessment submitted by the applicant acknowledges the latter point by the removal of two trees (numbered 75 and 80) and considers that remaining trees along the driveway can be appropriately pruned without harm to their structural integrity. An alternative route of the NW drain between buildings 1 and 2 would reduce some of the impact on trees and has been the subject of discussion. As a result of the discussion, both the applicant and NW have expressed willingness in principle to route the drain away from the majority of the root protection zones along the proposed drive and if the proposal is otherwise acceptable, a suitable scheme can be secured by condition. There is scope to require additional planting within the shelter belts which would replace trees which suffer decline in the longer term as a result of the drainage scheme or other works.
- 8.20 The submitted ecological report identifies that the southern boundary hedge is considered important and that there is bat roosting potential within some retained trees. The hedge would be retained, save for some breaks for pedestrian access, and subject to monitoring of future intention to remove trees with potential as bat roosts, the scheme does not raise significant concerns about ecological issues.

Residential amenity

- 8.21 Neighbours to the north with a facing elevation to the site would be a minimum of approximately 30 m away from the developed area of the site and particularly taking into account the well-established tree screening that is available in the summer and which would also soften views into the site through the winter months, there would not be an unacceptable harmful effect on the amenities of nearby occupiers. A traditional lodge building at the north-west corner of the site would be slightly closer to the development and occupiers of the lodge would view the development at an angle and as a result the scheme would not be unacceptably harmful to amenities, particularly taking into account an existing partly restricted outlook from the lodge into the roadside tree belt.

Highway safety

- 8.22 The applicant has been working with the Highway Authority to resolve issues of concern, and a revised Transport Statement and a Travel Plan have been produced.
- 8.23 The applicant has met with NYCC highway officers and planning officers and the key issues outstanding are:
- The justification for the proposed parking provision; and
 - Consistency and detail within the Transport Plan and Travel Plan.
- 8.24 To deal with parking, the applicant is undertaking a survey of parking usage at similar developments, the findings of which will be reported to the meeting. The Highway

Authority has given advice on clarifications and additional supporting information required in the Transport and Travel Plans. The informal advice of NYCC officers is that the outstanding issues are surmountable, and it is anticipated that a set of draft conditions will be available for the Committee's consideration.

Flood risk

- 8.25 As described above, the proposal is concurrent with a separate flood alleviation scheme by Northumbrian Water to which the development would be linked and the proposed housing scheme does not therefore raise concerns about additional flood risk.

9.0 RECOMMENDATION

- 9.1 That subject to any outstanding consultations the application is **GRANTED** subject to (a) the satisfactory completion of a planning obligation to secure a contribution of £800,000 toward affordable housing in the Stokesley sub-area in lieu of on-site provision; and (b) the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered SK5500 Rev G; SK5520 Rev F; SK5572 Rev B; SK5582 Rev E; SK5510 Rev L; SK5570 Rev B; SK5571 Rev B; SK5581 Rev F; SK7010 Rev A; SK7011 Rev A; SK7000 Rev E received by Hambleton District Council on 23 December 2015 and 1 August 2016, unless otherwise approved in writing by the Local Planning Authority.
3. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied except by persons 55 years old or older, in accordance with a scheme of qualifying occupiers and care provision previously approved in writing by the Local Planning Authority.
4. 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.
5. 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 during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.
6. The development hereby approved shall not be commenced except in full accordance with an Arboricultural Method Statement and Tree Protection Plan previously approved in writing by the Local Planning Authority. The details submitted for approval should include (amongst other measures) full details of any works to the canopy of retained trees and a programme of supervision and inspections by an

appropriately qualified arboricultural consultant. The development shall thereafter be carried only in accordance with the agreed details and scheme, unless otherwise agreed in writing by the Local Planning Authority.

7. 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.

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 CP16 and DP28.
3. To provide for the identified needs of the population, in accordance with Local Development Framework Policy CP8 and DP13.
4. 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.
5. 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.
6. In the interests of the protection of trees, in accordance with Local Development Framework Policy CP16 and DP28.
7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.

Informatives

1. With regard to Condition 6, it is expected that the scheme of arboricultural supervision will include arboricultural inspections to show that surface water drain, porous drive, trenching and foundations have been installed in accordance with the approved tree protection measures, and a provisional order of supervisions by an arboricultural consultant, including notifications to the Local Planning Authority that the measures have been complied with at each stage.
2. With regard to Condition 7, the landscaping scheme should include measures for additional tree planting within shelter belts to the north and east of the site, as well as open areas around the proposed buildings.

3. 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: Hornby
Ward: Appleton Wiske & Smeatons
6

Committee Date: 10 November 2016
Officer dealing: Mr K Ayrton
Target Date: 27 October 2016
Date of extension of time: 14 November 2016

16/01885/OUT

**Outline planning application with all matters reserved for construction of a detached dwelling
At land adjacent to Field View House, Hornby
For Mr Andrew Edwards**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the western edge of Hornby, which is a small village located some 10km to the north of Northallerton. The site lies adjacent to Field View House, which is a recently converted chapel. The plot forms part of a larger parcel of land, which wraps around the rear of Field View House. The land is physically separated from the adjoining countryside by a fence and what appears to be a recently established hedge.
- 1.2 At this end of the village, the built form is linear in nature. Field View House is set relatively close to the roadside and the neighbouring property of Talbot House is set further forward. The Grange Arms Public House is located beyond, fronting the junction. The dwellings to the south of the road are set further back from the road with a large detached property visible on the approach to the village.
- 1.3 This approach to the village is enhanced by good quality planting including mature trees and hedgerows, which soften the transition between the built form and the countryside.
- 1.4 The boundary of Hornby Conservation Area wraps around the converted chapel building, with the application site falling immediately outside. The converted chapel building is recognised as being a non-designated heritage asset. This was established when planning permission (13/01129/FUL) was granted to convert the chapel into a dwelling.
- 1.5 The application is in outline form. All matters are reserved. An illustrative site plan, floor plans and elevations have been submitted in support of the application. However, as all matters are reserved, these have been given limited weight in considering the merits of the proposed development.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 01/50365/P - Formation of vehicular access with gate; Granted 15 June 2001.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 - Access
Core Policy CP4 - Settlement hierarchy
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all

Development Policy DP10 – Form and character of settlements
Development Policy DP28 - Conservation
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Interim Policy Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Highway Authority - No objections subject to conditions relating to discharge of surface water and details of parking.

4.2 Parish Council - Would like to see this application refused. The general opinion was that the proposed building is too big for the size of the plot and it is not in keeping with the village.

4.3 Public comment - One letter of objection making the following comments:

- The main areas where I consider there to be serious conflict with planning policy relate to the failure of the outline application to conform to the requirements of the Interim Housing Guidance, as a result of its impact on the character and appearance of the surrounding area, its reflection of the built form of the village, its access to nearby services, and the impact on the amenity of occupiers of the immediately adjacent residential dwelling (Field View House);
- It is appreciated that this application is in outline however an indicative site layout has been provided to demonstrate how the development is considered to function on site. In doing so it has demonstrated that distinct harm would be caused through a loss of privacy, and an increased sense of enclosure from the overbearing built form;
- Concerns raised with the impact of the proposed development as shown on the illustrative plans;
- Harmful sense of enclosure;
- Dwellings; height is too large and out of proportion with Field View House;
- The position of the dwelling on site is at odds with the immediate settlement pattern which predominantly comprise aligned dwellings evenly recessed from the public highway. To allow for sufficient access, parking and manoeuvring space a dwelling of this size would not have the potential to reflect the built form and character of Hornby;
- The inclusion of the integral garage to the front of the dwelling dominates and detracts from its visual contribution;
- The dwelling is too large for the width of the plot;
- The position of the dwelling on the indicative layout would have a detrimental impact on key views into the Hornby Conservation Area;
- A key issue which has been overlooked relates to the positioning of the site where it can support local services including services in a village nearby. The development is unable to necessarily support the services in a village nearby as the sustainable means of reasonably accessing them do not exist;
- The development is not compliant with the LDF policies relating to amenity due to its indicative size and where it has to be positioned on site to allow activity associated with it to function; and
- My Client accepts development on the plot may occur if it is in keeping with the scale and design of the surrounding built environment, promotes the most sustainable use of the site and most importantly protects the amenities of occupiers of property in the locality, particularly Field View House to enable an accurate understanding as to how the development could function in future, and

whether its principle is established through conformity to the Interim Housing Guidance, the development needs to be amended to address the concerns raised.

4.4 2 letters of support making the following comments:

- Providing the building is in keeping with the properties; a further property would not detract. The Chapel and windmill have been converted from their original purpose, therefore the suggested change is no issue.

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of a new dwelling in this location; (ii) the impact on the character of the surrounding area, including the character and appearance of the Conservation Area; (iii) the impact on the amenity of neighbouring occupiers; and (iv) highway safety.

Principle

5.2 The village of Hornby does not have any Development Limits, recognising its small size. Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.

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

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

- 5.5 In the IPG Hornby is identified as an Other Settlement. This is in recognition of the relatively small number of services and facilities, which include a pub and village green. Therefore it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. Where a cluster comprises only Other Settlements, they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.
- 5.6 Great Smeaton and Appleton Wiske, which are both Secondary Villages, are the largest settlements in closest proximity and are approximately 1.6km and 2.5km respectively. The IPG notes that in order to form a sustainable community, villages must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines “significant distance” as approximately 2km. It is therefore considered that Hornby can be viewed as an example of a cluster village with Great Smeaton and Appleton Wiske. It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

Impact on character

- 5.7 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings, however this does not automatically mean that 5 dwellings would be appropriate in every settlement. In this instance only one dwelling is proposed, which is considered to be an acceptable scale.
- 5.8 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural and built form, including the historic environment.
- 5.9 In making this assessment it is noted that the application is in outline form only with all matters reserved. The plans submitted as part of the application are for illustrative purposes only. Therefore, they have been given little weight in forming the recommendation, which focuses solely on the principle of development. It should be added that the illustrative plans present a form of development that would be unlikely to be considered unacceptable, were they being considered as part of a detailed planning application. This is by virtue of the scale, siting and appearance of the illustrative dwelling. It is further noted that several of the representations received have focused on the reserved matters that do not form part of this current application. Therefore at this stage, little weight can be given to them.
- 5.10 It is recognised that the proposed development plot is relatively small compared with some of the larger dwellings in the village, with particular reference to the detached dwelling opposite. However, it is clear that there is a mix of house sizes and designs in the surrounding area.
- 5.11 When approaching the village from the west, the converted chapel is visible, announcing the start of the linear form of development that is prevalent in the western part of the village, which is covered by the Conservation Area boundary. The only noticeable exception to the typical built form is Talbot House and the public house to the east, which are built hard up to the back of the pavement.
- 5.12 Any new form of development needs to reflect the existing built form. It is considered that the location of the site, which is located adjacent to an existing dwelling, is capable of accommodating a dwelling that is in keeping with the existing linear nature of development. It is likely that an acceptable form of development would require the building being brought forward to be more in line with the converted chapel.

- 5.13 It is considered that the site is capable of accommodating a dwelling designed to be responsive to its environment and proportionate to the plot size. Any design would need to respond to the converted chapel building, which is a non-designated heritage asset; and the character and appearance of the Conservation Area. However, schemes that do not consider and respond positively to this context are unlikely to be supported.
- 5.14 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Hornby Conservation Area. The NPPF also requires consideration to be given to the effect of an application on the significance of a non-designated heritage asset in determining applications. In this instance the converted chapel building is considered to be a non-designated heritage asset.
- 5.15 The Conservation Area covers a mainly residential area, accommodating dwellings with a predominantly linear built form on either side of the main road passing through the village. The conversion of the chapel has introduced more domestic elements to the building, albeit the work has been done sensitively and it retains elements of its original character. However, it is clearly in use as a dwelling and is viewed in this context. Therefore the introduction of an additional dwelling into this setting would preserve the existing character of the Conservation Area and converted chapel building. Further consideration of the impact of the design on these elements would be made at reserved matters stage.

Residential Amenity

- 5.16 The main impact to consider is in relation to the occupiers of the converted chapel – Field Gate House. The curtilage to the rear of the dwelling is relatively constrained, therefore this rear amenity space is particularly sensitive as it provides the main area of private outdoor amenity. It is considered that a scheme for a dwelling, that has been sensitively designed, could be achieved on the site and not result in an adverse level of harm to residential amenity.

Highways

- 5.17 There is an existing access to the front of the site. It is considered that the site is capable of accommodating suitable access arrangements. Therefore the Highway Authority has raised no objections.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: (i) Five years from the date of this permission; (ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale of the proposed dwelling; (b) the layout of proposed building(s) and space(s) including parking areas; (c) design and external appearance of each

building, including a schedule of external materials to be used; (d) the means of access to the site; (e) the landscaping of the site.

3. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
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 of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: vehicular turning and parking arrangements.
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 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. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
7. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 6 above.

The reasons for the above conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. In accordance with policy DP3 and in the interests of highway safety.
4. In accordance with policy DP3 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
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 order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
7. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

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.

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Parish: Huby
Ward: Huby
7

Committee Date: 10 November 2016
Officer dealing: Mr Andrew Thompson
Target Date: 15 November 2016

16/02064/FUL

**Development of a detached dwelling with associated works
At Part OS 8471 and 9170, Gracious Street, Huby
For Mr Ian Robinson.**

1.0 APPLICATION SITE AND PROPOSAL

- 1.1 The application site is located on the southern side of Gracious Street, opposite residential properties of Shilling Cottage, Coniser Cottage and Thornfield. To the west is Ashdale with its garden sitting adjacent to the site which is planted with fruit trees. The site forms part of a field which is used for the grazing of horses and slopes down from the road. The boundaries of the site are formed by hedgerows with some gaps. Behind the hedgerow on the northern boundary is a post and wire fence.
- 1.2 The application proposes a two-storey detached dwelling with a detached garage, parking and access. The proposed access would be to the eastern end of the site (left hand side of the site when viewed from the road). The existing field gate onto Gracious Street would be closed and new hedge planting would form the boundaries to the site with the exception of a post and rail fence forming the southern boundary.
- 1.3 The site is outside the Development Limits which runs along and including Gracious Street and the verge in front of the site, the boundary line continues to the east to the last property on the northern end (Ryefield). To the west the Development Limits dissect the garden of Ashdale.
- 1.4 The application is supported by a Design and Access Statement, Flood Risk Statement, Phase 1 Ecological Assessment, and Landscape Statement. The applicant also highlights that the site is a part of a site identified for housing in the Preferred Options consultation document.
- 1.5 The application site is in Flood Zone 1, at the lowest risk of flooding.

2.0 RELEVANT PLANNING HISTORY

- 2.1 80/0901/OUT (alternative reference: 2/80/070/0101A) - Outline application for four detached dwellings; Refused 28 August 1980.
- 2.2 80/0910/OUT (alternative reference: 2/80/070/0101) - Outline application for residential development; Refused 28 August 1980.
- 2.3 86/0787/FUL (alternative reference: 2/86/070/0101B) - Detached dwellinghouse with double garage; Refused 14 May 1986, appeal dismissed.
- 2.4 16/02247/FUL – Five dwellings (on land adjoining and east of the application site); Consultation period ongoing.

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 DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP8 - Development Limits
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP43 - Flooding and floodplains
 National Planning Policy Framework - published 27 March 2012
 Interim Policy Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Kyle and Upper Ouse Drainage Board - No objection to the principle subject to appropriate conditions to deliver adequate drainage.
- 4.4 Contaminated Land Team - No objection.
- 4.5 Yorkshire Water – No comments received.
- 4.6 Public comment - representations have been received from seven local residents, with some residents writing more than once. The issues raised are:
- Concerns about the precedent being set for more development;
 - Drainage - the field is wet and low lying;
 - The parking on Gracious Street is not adequate at the moment and the cottages all use the verge opposite for parking;
 - There aren't any turning places on Gracious Street;
 - Impact on wildlife and loss of hedges;
 - Loss of view of a beautiful pasture with grazing horses and wildlife;
 - Detrimental effect on the value of the properties;
 - (There is no) need for the dwelling; and
 - Comments on the accuracy of the documents submitted.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development; and its likely impact on (ii) the character of the area; (iii) residential amenity; (iv) wildlife; (v) highways; and (vi) drainage.

Principle

- 5.2 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.
- 5.3 The Council's Interim Planning Guidance (IPG) notes that small scale development adjacent to the main built form of settlements (excluding Service Centres) will be supported where it meets the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.4 The development is considered small scale and the site is in close proximity to Development Limits and therefore has a good relationship to Huby. Huby is designated a Service Village in the 2014 Settlement Hierarchy and therefore there are no concerns raised with regard to the sustainability of the village. The continuation of the built form opposite would provide support for the development of the site.
- 5.5 The previous applications listed in section 2 were determined under policy frameworks which have since been superseded. Whilst the concerns over precedent are noted, each case must be considered on its merits and be considered against the planning policy framework at the time. It is noted that a planning application has been submitted for the remainder of the field frontage under planning application 16/02247/FUL. Overall it is considered that the proposals meet the first two criteria of the IPG.
- 5.6 The site is allocated as part of Site 15 in the draft Preferred Options however as the Local Plan is at an early stage of preparation, this carries very limited weight.

Character of the area

- 5.7 Gracious Street includes a variety of house types and age of property principally of two storey and traditional design and has a suburban/rural village street character. The buildings on the northern side of Gracious Street extend further east than those on the southern side. At the eastern end of the field is a pumping station. The proposal would follow the built form of the neighbouring Ashdale and would echo many of the design features of the local area. Whilst the field is pleasant visually it does not form part of the wider rural landscape due to the properties to the north and the field has a close relationship to the village of Huby. The provision of new hedges to the boundaries is considered to be in keeping with the area. The proposal is therefore considered to be in keeping with the character of the area.

Residential amenity

- 5.8 The proposal is separated from other properties and set off from the boundaries and is of sufficient distance from other properties to not result in harm to their occupiers by way of loss of light, overlooking or loss of privacy. Whilst the comments on views are noted, this is not a material planning consideration.
- 5.9 Overall it is considered that the proposal would not result in a significant detrimental impact on residential amenity.

Wildlife

- 5.10 The submitted Ecological Assessment states that the site consists predominantly of horse-grazed pasture (improved grassland), with unmanaged boundaries (hedgerows) and a defunct pond with associated dry ditch. The pasture is of negligible value to wildlife, whilst the dry pond and dry ditch's value to wildlife is compromised by the lack of water. However, retention of these features should be considered as they do provide potential shelter and habitat linkages to the wider landscape for wildlife. Hedgerows form a vital function in providing ecological connectivity across the wider landscape and as such it is recommended that they are retained and managed in any development of the site. Hedgerows should ideally be cut once every two years in order to stimulate a bushy growth and provide food and cover for wildlife.
- 5.11 The supporting Ecological Assessment makes a series of recommendations relating to further survey work and species that should be encouraged to provide habitat diversity within hedgerows to be beneficial to pollinating insects as well as providing shelter and nesting opportunities for birds.
- 5.12 Therefore the proposal is considered to have taken adequate account of the ecological issues and would include a positive contribution through the provision of new hedgerow planting with potential enhancements through the bird boxes also recommended by the ecological assessment.

Highways

- 5.13 The comments of neighbouring residents have been carefully considered and it is noted that the grass verge is used informally for parking provision for residents opposite. It is noted that the residents opposite do not own the highway verge.
- 5.14 The proposal would create a new access and include parking provision within the site for future residents and their visitors. There would be no substantive change to the character of the highway. The Highway Authority raises no objections to the application.

Drainage

- 5.15 The comments of the Drainage Board and local residents have been noted and considered. The site is located in Flood Zone 1, which is at the lowest risk of flooding. It is considered that having regard to the comments of the Drainage Board, there is a drainage solution available which would not cause harm or cause flooding to existing or future residents.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 4051-(05)01, 4051-(05)02 and 4051-(05)03 received by Hambleton District Council on 13 September 2016 unless otherwise approved in writing by the Local Planning Authority.
3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. Prior to the commencement of development details of surface and foul water drainage shall be submitted to and agreed in writing by the Local Planning Authority. The peak surface water run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area).
5. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
6. No site clearance, removal of hedgerows or other development that involves work to the site shall commence unless a bat emergence survey has been undertaken, survey report submitted and the mitigation measures submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented prior to the commencement of the demolition or other development that involves work to the structures. Thereafter the mitigation measures shall be retained in accordance with the approved scheme.
7. Prior to their installation details of bat and bird boxes shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be installed prior to the first occupation of the dwelling and retained thereafter.
8. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
9. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

10. The proposed garage and parking areas shall be laid out in a permeable material in accordance with plan reference 4051(05)02. Prior to the first occupation of the dwelling, the garage and parking areas shall be made available for the parking and manoeuvring of motor vehicles. The areas shall be retained for such purpose at all times thereafter.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.
3. In 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.
4. To ensure that the site is adequately drained and does not result in flooding elsewhere.
5. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
6. In order to prevent harm to habitat of protected species and to secure the implementation of mitigation measures submitted in the Ecological Assessment as part of the application and in accordance with Local Development Framework Policies CP16 and DP31.
7. In order to prevent harm to habitat of protected species and to secure the implementation of mitigation measures submitted in the Ecological Assessment as part of the application and in accordance with Local Development Framework Policies CP16 and DP31.
8. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton District Wide Local Plan Policy DP30, DP31 and DP33.
9. In accordance with Policy CP2 and DP4 and in the interests of highway safety.
10. To ensure that there is adequate provision of parking and turning areas within the site.

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.

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Parish: Hutton Rudby

Ward: Hutton Rudby

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16/01771/FUL

Committee Date: 10 November 2016

Officer dealing: Mr K Ayrton

Target Date: 20 October 2016

Date of extension of time: 14 November 2016

**Construction of detached dwelling
At Highfield, 12 Enterpen, Hutton Rudby
For Mr & Mrs D Preston**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located in Hutton Rudby, adjoining the southern edge of the built up area, with access off Enterpen road. The land is currently associated with 12 Enterpen, which is a large detached property set in attractive grounds.
- 1.2 A detailed description of the site is contained in the supporting planning statement. Briefly, the site comprises an open space, laid to lawn. There is a dip down from the highway at the front of the site, which accommodates a gated vehicular access. Beyond this, on its eastern side, is a row of mature trees that frame the access drive to 12 Enterpen. Further into the site, the land rises back up to a level comparable with the highway. It then continues on a more gradual slope to the rear boundary. Beyond this is a further paddock-like area with open countryside beyond.
- 1.3 The western boundary adjoins 12 Enterpen with its large garden to the rear. The eastern boundary adjoins a cluster of buildings/gardens in residential use.
- 1.4 The site is located beyond, but adjacent to, the Development Limits of Hutton Rudby. It is also located within the Conservation Area, which extends along the rear boundary of the application site.
- 1.5 The application is for the construction of a large detached dwelling. In support of the application is a detailed landscape proposal, which largely relates to the east section of the site, which is proposed to be retained as a 'Landscape Character Protection Area'.
- 1.6 The dwelling would be sited in line with number 12, albeit with a generous gap retained between the properties. This allows it to be set well back from the road frontage, behind mature trees and existing planting.
- 1.7 The supporting planning statement notes that the dwelling would be formed of handmade brick and slate. The windows and doors to the front would be timber, with the more contemporary openings to the rear being formed of high quality upvc and aluminium.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 None relevant to the application.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development

Core Policy CP2 - Access

Core Policy CP4 - Settlement hierarchy

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

Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP10 – Form and character of settlements
Development Policy DP28 - Conservation
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Interim Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Public comment - No representations received.
- 4.2 Durham Tees Valley Airport - No objection.
- 4.3 NYCC Heritage Services - The development is within the historic medieval settlement of Hutton Rudby and is likely to occupy the location of one or more later medieval properties with the site potentially being in semi-continuous use since the Norman Conquest. A scheme of archaeological mitigation recording is recommended; this should comprise an archaeological watching brief during excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation to ensure that a detailed record is made of any deposits/remains that will be disturbed.
- 4.4 Northumbrian Water - No objection; advises that a public sewer crosses the site.
- 4.5 Scientific Officer (Contaminated Land) - No objection.
- 4.6 Highway Authority - The existing access currently has substandard visibility in both directions. Visibility can be provided by some alterations to the vegetation and fencing local to the access. Conditions relating to parking, visibility and traffic management during the construction period are proposed.
- 4.7 Parish Council - Recommends approval but there is concern about the potential loss of amenity for the view across the fields.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of a new dwelling in this location; (ii) the design of the proposed dwelling and its impact on the character and appearance of the surrounding area, which is a Conservation Area; (iii) impact on the amenity of neighbouring occupiers; and (iv) highway safety.

Principle of Development

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

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

- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.4 In the IPG Hutton Rudby is identified as a Service Village. This status recognises its range of services and facilities and confirms that it is considered a sustainable settlement capable of accommodating small scale development.
- 5.5 Considering the site's close relationship with the Development Limits, it can be established that the proposal would meet criterion 1 of the IPG, in that it is located where it will support local services.

Design, character and appearance

- 5.6 To accord with criterion 2 of the IPG, proposals must be small in scale. In this instance a single dwelling is proposed and therefore compliance with this criterion is achieved.
- 5.7 IPG criterion 3 requires development not to have a detrimental impact on the natural, built and historic environment; and criterion 4 requires that the development does not have a detrimental impact on the open character and appearance of the surrounding countryside. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Hutton Rudby Conservation Area.
- 5.8 In considering this it is recognised that the application is supported by a detailed planning statement and landscape strategy plan. The planning statement sets out the design strategy for the development.
- 5.9 The statement acknowledges the site's location within the Conservation Area and the site's current contribution. In response to this, the submission focuses on the delivery of a 'landscape character protection area', along with a house design that is considered to reflect characteristics found in the surrounding architecture, highlighting the use of 'Georgian sash fenestration and detailing' in the more visible front elevation.
- 5.10 The assessment is considered to be sound. It is also supported by the detailed 'landscape strategy' plan, which provides more detail as to how the qualities of the existing open space can be preserved through the proposed development.
- 5.11 It is noticeable that the open space is more prominent when approaching the site from the east. This is largely because when approaching the site from the west, the views through the site are somewhat restricted by number 12 and trees on the western part of the application site. By proposing a 'landscape character protection area' and keeping this area separate from the more formal garden area through the use of soft landscape treatments (e.g. use of levels, planting), the views through the

site to the open countryside beyond will be retained, particularly when approaching the site from the east.

- 5.12 This leads to the conclusion that the siting of a dwelling in this location would preserve the special character and appearance of this part of the Hutton Rudby Conservation Area, most notably the sense of open space and views to the countryside beyond.
- 5.13 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.14 As described earlier, the dwelling is sited on the western side of the plot, broadly in line with number 12. Whilst the dwelling is large, it is reflective of number 12 and is considered to be in keeping with the existing scale and character of development. The dwelling will sit within a generous, but well-proportioned curtilage.
- 5.15 The design is traditional, particularly the front and side elevations. The rear uses more contemporary fenestration, no doubt taking advantage of the views to the rear of the site. The plans include architectural detailing reflective of the surrounding area.
- 5.16 It is noted that high quality materials are proposed, which would be key to delivering a high quality development. Therefore a condition should be attached to the permission requiring the submission and approval of external materials.
- 5.17 When combined with the submitted landscaping scheme, the proposed design is considered to be of a high quality that has responded positively to its context.

Neighbour Amenity

- 5.18 The dwelling would be located a significant distance from the majority of neighbouring properties. The nearest property is the host property, 12 Enterpen. The proposed dwelling will be sited to the side of number 12. The facing side elevation accommodates limited windows in the form of a first floor bathroom window and ground floor garage window. This relationship would not result in harm to residential amenity.

Highway Safety

- 5.19 The Highway Authority has considered the application and has raised no objection subject to compliance with conditions. It is considered that the proposed development would not adversely impact highway safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing

by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

3. The proposed landscape character protection area identified by the orange dashed line on drawing number 'Landscape Strategy – L2.431.2', does not form part of the more formal garden area. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order relating to 'permitted development', no development shall be carried out within the landscape character protection area without express permission on an application made under Part III of the Town and Country Planning Act 1990.
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. The dwelling shall not 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 application site have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of Enterpen from a point measured 2.4 metres 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.
6. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing no L2.431.1. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority 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.
8. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
9. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered L2.431.1, L2.431.2,

L2.431.3 and HDC/3090/02 received by Hambleton District Council on 03/08/2016 unless otherwise approved in writing by the Local Planning Authority.

10. (a) No demolition/development shall take place/commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and (i) the programme and methodology of site investigation and recording; (ii) community involvement and/or outreach proposals; (iii) the programme for post investigation assessment; (iv) provision to be made for analysis of the site investigation and recording; (v) provision to be made for publication and dissemination of the analysis and records of the site investigation; (vi) provision to be made for archive deposition of the analysis and records of the site investigation; and (vii) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- (b) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (a).
- (c) 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 approved under condition (a) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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. The Local Planning Authority would wish to retain control over the impact of any development in the interests of the character and appearance of the site in accordance with LDF Policy DP28.
4. In order to soften the visual appearance of the development and preserve the character and appearance of the Conservation Area in accordance with LDF Policies CP16, DP28 and DP30.
5. In accordance with policy number DP3 and in the interests of road safety.
6. In accordance with policy DP3 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
7. 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.
8. In accordance with policy DP3 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

9. 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.
10. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

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.

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Parish: Pickhill with Roxby

Ward: Tanfield

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Committee Date:

10 November 2016

Officer dealing:

Mrs H M Laws

Target Date:

11 November 2016

16/01594/OUT

**Construction of three two-storey dwellings including garages, parking area and gardens
At Nags Head, Pickhill
For Mr Geoff Simpson**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies to the rear of the Nags Head Public House, which is located in a central position within the village on the eastern side of the village street, and covers an area of approximately 700sqm. Pickhill Beck lies to the east of the application site at a lower ground level.
- 1.2 Part of the land is currently an area of grass on which a static caravan is positioned. The caravan is used to provide staff accommodation. The remaining land forms part of the existing pub car park and access driveway.
- 1.3 It is proposed to construct three dwellings on the site including garages, with parking and gardens included. The application is in outline only with all matters reserved although it is anticipated that access will be from the main village street, shared with the pub car park.
- 1.4 The pub and the application site lie adjacent to the boundary of the Pickhill Conservation Area.
- 1.5 Additional details have been submitted with regard to the use of the access, following receipt of the Highway Authority's recommendation. The access previously served Fryer Villa, which was an annexe to the pub and provided seven letting bedrooms. The building is no longer part of the pub's premises and is occupied as an independent dwelling. The supporting information suggests therefore that vehicle movements have significantly reduced.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 16/00315/OUT - Outline application with all matters reserved for three dwellings; Withdrawn 6 May 2016.

2.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation

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

Development Policies DP32 - General design

Development Policies DP43 - Flooding and floodplains

Interim Policy 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

4.2 Highway Authority - The design standard for the site is Manual for Streets and the required visibility splay is 2.4 metres by 43 metres. The available visibility is 2.4 metres by 8 metres in a southerly direction. Increased visibility is available over the frontage of Fryer Villa however this is not in the control of the applicant and still does not meet the requirements of Manual for Streets even if it could be relied upon. Visibility is also restricted in a northerly direction as a result of an A-board being placed in the splay but this is removable. Consequently, the Local Highway Authority recommends that Planning Permission is refused as the intensification of use that would result is unacceptable in terms of highway safety.

Whilst it currently may be possible to see to 34 metres, that visibility is reliant on looking over the wall and through the railings on the frontage of the adjoining property known as Fryer Villa. I understand that Fryer Villa was sold off in 2015 and therefore is no longer in the control of the applicant and whatever visibility had been available cannot now be relied upon. The applicant can now only rely on an available splay of 8 metres that is within the highway. For example, if the wall was raised in height or the railings changed to a fence or something planted in the frontage of Fryer Villa then visibility could be reduced to 8 metres. The recommendation of refusal therefore remains applicable.

4.3 Ministry of Defence - no safeguarding objections

4.4 Swale and Ure Internal Drainage Board - The EA flood risk map shows the Pickhill Beck at this location to be at risk of medium and high flood risk, albeit over a very narrow width. The village has flooded regularly the last time being in the Christmas 2015/16 event. Consequently, more vulnerable development close to the bank of the Beck must be considered at sufficient risk to require a site specific FRA and drainage strategy which properly assesses the risk against historical information and demonstrates the viability of the suggested "sustainable drainage system". I would recommend that the application be held pending submission of more detailed documentation re: drainage and flooding. Otherwise these matters should be reserved.

4.5 HDC Drainage Engineer - In the absence of Flood Zone 2 and 3 I am content to have drainage design as reserved matter. Subsoil conditions at Pickhill are uncertain and surface water discharge to Pickhill Beck may be required instead of soakaways.

4.6 Public comment - None received.

5.0 OBSERVATIONS

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

Principle

- 5.2 The site falls outside the Development Limits of Pickhill, which is defined in Policy CP4 of the Core Strategy as a Secondary Village. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant has submitted a statement to the effect that the development would help to support the public house business. It is stated that the sale of the site with planning permission would allow the owners of the Nags Head to achieve a stable financial position and would help to prevent the pub's closure. Financial information has been received, which has been kept confidential but much of the pub's trading difficulties were associated with the A1 upgrade, when roads into the village were closed for a considerable period of time. However, that was some years ago and should not have an impact on business now or in the future. It is also stated that Skipton Bridge, which is the most commonly used route from Thirsk, was also closed for between seven and nine months. Again, this was a past event and should not affect future viability.
- 5.3 The applicant states that monies received from the sale of the application site would allow them to reduce borrowings and upgrade the property by (i) repainting the outside of the building; (ii) starting to renovate three bedrooms; (iii) repainting and upgrading public areas; and (iv) looking at the possibility of a general store/delicatessen (in addition to fresh meat, fish, fruit, vegetables and dry goods currently in stock). There is, however, no business plan to demonstrate the future viability of the business, with or without the receipts that might be expected from sale of the application site. Furthermore, it is not clear from the information provided whether the loans arose from the periods of road and bridge closures or from other vulnerabilities of the business that might be expected to recur.
- 5.4 It is evident that the business could benefit from the receipts that would be generated from sale of the application site with planning permission, although it has not been demonstrated that the required financial security could not be provided by a smaller development. Policy CP4 does not set the financial viability of the business as an exception to normal policy to support new development of this kind, nor is it clear how the capital receipts from the sale of the land could be ring fenced to ensure that they were re-invested into the business. On the basis of the evidence presented, an exceptional case has not been demonstrated in terms of business viability.
- 5.5 It is necessary to consider more recent national policy in the form of the NPPF. To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas.
- 5.6 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets a set of criteria.
- 5.7 In the 2014 settlement hierarchy contained within the IPG, Pickhill is still defined as a Secondary Village and therefore a sustainable settlement; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the centre of Pickhill which has facilities including a school, church and pub. Criterion 1 would be satisfied regarding the site's sustainability.

- 5.8 A total of 20 dwellings have been granted planning permission in Pickhill since the adoption of the Interim Policy Guidance and it is therefore important to consider the cumulative impact of further development in the village. All of the approved dwellings are in different parts of the village and, although the current application site lies opposite the Chapel Farm site (8 dwellings), it does not relate to that site in terms of form and character. The site does not extend the village into the adjacent countryside and would help to support the existing services in the village, including the pub itself, and would not therefore be of too large a scale.

Character and appearance of the village, Conservation Area and effect on the rural landscape

- 5.9 It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG. The proposal should also provide a natural infill or extension to an existing settlement and also conform with other relevant LDF Policies. This part of Pickhill is characterised by linear, frontage development although there are sporadic examples of backland development within the village. Permission has recently been granted for a terrace of three dwellings to the rear of an existing terrace at the north western edge of the village. All applications are however considered on their own merits and this proposal would introduce a form of tandem development in a part of the village where it is currently absent.
- 5.10 The development would result in a second row of development behind the existing public house. Additional details have been submitted to illustrate the position of the proposed dwellings when viewed from the nearby village green, which lies within the Pickhill Conservation Area. The boundary between the village green and the neighbouring properties is landscaped and therefore, at certain times of the year, would help to screen the proposed development from public view in this direction. Although these trees are outside the control of the applicant the application proposes to plant additional trees along the northern boundary of the site to provide additional screening. Other available views would be glimpses from the main village street through the access between the pub and Fryer Villa and from the east from Lowfields Lane (glimpses through and above a well-established hedgerow) and from the public footpath that lies parallel to the beck, approximately 30m to the east of the site.
- 5.11 The dwellings would therefore be visible from outside the site. If well-proportioned and well designed, the development would not necessarily be harmful to the appearance of the Conservation Area; the illustrative scheme shows a narrow gable end, set at a height that would not cause visual harm. If constructed in a similar form therefore, the proposed development may be acceptable. The application site is however set at a higher level than the land to the east and also the neighbouring land between the site and the village green and, following comments from the Internal Drainage Board it is unlikely that the ground level of the dwellings could be dropped below the existing ground level due to its proximity to the beck. It is suggested therefore that a terrace of three two storey properties, positioned at a relatively high ground level, would result in a prominent development that would appear out of context with the remaining part of the village. It is not considered that adequate supporting information has been received to outweigh these concerns and the development would therefore be contrary to LDF Policies CP17 and DP32.
- 5.12 The site lies within the defined boundary of the public house at the end of the car park and forms part of the village rather than the adjacent countryside. It is not considered that the development would harm the character of the natural environment or wider countryside setting of the village.

Residential amenity

- 5.13 The effects of the proposed dwellings on the amenity of existing local residents would be properly assessed following the submission of a detailed reserved matters application but it is anticipated that an appropriately designed scheme would avoid overlooking or an overbearing aspect on the neighbouring properties, particularly the adjacent dwellings at Fryer Villa and Westholme, and would not therefore be contrary to LDF Policy DP1.

Flood risk

- 5.14 The site does not lie within an area of flood risk although the Internal Drainage Board has expressed an element of concern due to relatively recent flood events. It is recommended that a condition be imposed on any permission granted requiring the submission of details relating to drainage at reserved matters stage.

Highway safety

- 5.15 The application site meets the highway at the village street where access is currently gained into the pub's car park; it is proposed to serve the three dwellings from the same access. Visibility is currently restricted by the boundary fencing at the front of the neighbouring property, Fryer Villa. The railings above the dwarf wall could be altered and replaced with fencing in the future without requiring planning permission, which may further restrict visibility. The available visibility, without relying on land within the control of the neighbouring property, is 8m, which is inadequate and would lead to issues of highway safety. The Highway Authority therefore recommends refusal of the application for this reason.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable. The proposed development does not reflect the existing built form and character of the village as required by the Interim Policy Guidance. The proposal also fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy that would justify development outside Development Limits, and would therefore also be contrary to LDF Policies CP1, CP2, CP4 and DP9 and the Council's Interim Planning Guidance (2015).
 2. All new development should be of a scale appropriate to the size and form of its setting. It is considered that the proposal, in the absence of adequate details, is out of context and character with its surroundings and would be unduly prominent on an area of high ground at the eastern edge of the village. The proposal therefore fails to respect the character of the local area and would result in a form of development that would have a detrimental impact on the surroundings, contrary to the high quality design principles of LDF Policies CP17 and DP32.
 3. The existing access, by which vehicles associated with this proposal would leave and re-join the County Highway is unsatisfactory since the required visibility of 2.4 metres x 43 metres cannot be achieved at the junction with the County Highway in a southerly direction and therefore, in the opinion of the Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety. The proposed development is therefore

contrary to LDF Policies CP2 and DP4, which require all development to ensure safe access.

Parish: Sandhutton
Ward: Thirsk
10

Committee Date: 10 November 2016
Officer dealing: Mr T J Wood
Target Date: 17 November 2016

a) **16/01446/FUL**

Alterations and change of use of former Methodist Chapel to a dwellinghouse

b) **16/01447/LBC**

Listed Building Consent for alterations and change of use of Methodist Church to a dwellinghouse

**At Methodist Chapel, Sandhutton
For The Methodist Church**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies within the village of Sandhutton, set back from the village street by intervening space of the village green. The position of the chapel is within what appears as a relatively unbroken terrace and slightly elevated from the village green. The building is on broadly the same elevation as the neighbouring dwellings to east and west.
- 1.2 To the east side of the chapel there is an access to a dwelling that is attached to the rear of the chapel building. Further to the south there is land that is associated with the chapel.
- 1.3 The proposal seeks to convert the existing listed chapel to form a single dwelling by internal alterations that includes the provision of a first floor and the removal of pews. The internal space is also proposed to be unaltered at ground level and subdivided to form 3 bedrooms and bathrooms at first floor level.
- 1.4 There is no space accessible within the proposed layout for parking of vehicles. Space on the roadside and on a track in front of dwellings on the village green is commonly used for parking.
- 1.5 The land to the south of the dwelling is proposed to form garden space with a modest garden to the existing cottage and a more extensive but detached area of garden to serve the dwelling formed by the conversion of the chapel.
- 1.6 Additional information has been supplied to show how the existing and proposed dwellings can achieve bin storage and how the glazing in the rear of the chapel can be obscured to reduce the potential for a significant loss of privacy to the existing cottage.
- 1.7 The site lies within the Conservation Area of Sandhutton. The site lies outside of Development Limits. The settlement of Sandhutton was included as a Secondary Village within the Settlement Hierarchy 2014. As the chapel is a listed building (and the attached Chapel Cottage to the rear is a curtilage building) and the works include physical alterations to the building, as well as a change of use, both planning and listed building consent are required.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no relevant planning history.

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 DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP5 - Community facilities
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Interim Policy Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS

- 4.1 Sandhutton Parish Council - 'No observations', recommend for approval.
- 4.2 Highway Authority – recommends a condition relating to the storage areas during construction work.
- 4.3 Scientific officer (contaminated land) – The proposal does not identify any potential sources of contamination, no objection.
- 4.4 Environmental Health Officer – No objection.
- 4.5 Public comment – None received.

5.0 OBSERVATIONS

- 5.1 The main planning issues are those of (i) the principle of the conversion of a building to a residential use and whether the location and access to services, loss of a place of worship is sustainable in the terms of the LDF policies; and (ii) the impact on the heritage assets of the Listed Building and Conservation Area. Other matters of design, access and highway safety, and amenity are also to be considered.

Principle of development

- 5.2 The site lies outside of the Development. 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 proposal would lead to the conservation of a feature of acknowledged importance and can be considered under the provisions of CP4 ii. However it is also appropriate to consider more recent national policy in the form of the National planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and could boost overall housing supply and affordable housing provision within the District. The Council's Interim Planning Guidance therefore should also be considered.
- 5.4 As noted above Sandhutton is a Secondary Village and can therefore be a sustainable location for small scale development by the IPG. As a conversion of an historic building the to a single dwelling the proposals relate well to the existing settlement subject to detailed consideration of the design, layout and relationship to neighbouring properties meet the requirements of criteria 1 to 5 of the IPG. However the re-use of a place of worship as a private dwelling would result in the loss of a "local service". The loss of a "local service" or "community facility" would be contrary to LDF Policy DP5 unless one of the proposal meets one of the three tests of DP5, that either:
- i. there is a demonstrable lack of community need for the facility , and the site or building is not needed for an alternative community use; or
 - ii. retention of the community facility is clearly demonstrated not to be financially viable when operated by the current occupier or by an alternative occupier; or
 - iii. an alternative facility is provided, or facilities are combined with other facilities which meets identified needs in an appropriately accessible location.
- 5.5 The case made by the applicant is that there is no longer a need for the facility. Evidence has been provided of efforts made to secure the future use of the building with letters to all households in the village and a public meeting held in July 2014 but these have been unsuccessful in finding a way of keeping the chapel open of finding alternative community use. The attendance had fallen to 5 members when the church was closed in October 2015. Those members now worship at Thirsk and Maunby. The lack of any comment from residents and the representations of "no objections" by the Parish Council are considered to demonstrate that the proposal meets the first test of DP5. It is not necessary to consider the other aspects of DP5 as the policy only requires one of the tests to be met.

Heritage assets

- 5.6 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.
- 5.7 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.
- 5.8 The National Planning Policy Framework at paragraphs 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
- 5.9 The proposed layout of the building shows that substantial alteration is required to enable the use of the building as a dwelling. There are no changes to the

fenestration of the building such that externally the building would appear little change. Internally the gallery timbers are retained and one of the set of steps from the ground to first floor will be retained but concealed below the new first floor structure. The pew timbers will be lost to create the living accommodation and new partition walls will be required at first floor level to create bedrooms and bathrooms. Overall the level of change is considered to be no more than reasonably necessary to accommodate the new use. The proposal preserves the historic fabric of the building as far as is practicably possible and meets the test of CP16 and DP28 as the alterations will secure the long terms retention of the heritage asset without loss of any features of significance.

Design, access and highway safety

- 5.10 The design of the dwelling respects the existing building, by re-using all the existing openings and retaining the entrance door on the north side of the building as the principle entrance to the dwelling.
- 5.11 The site has no formal off-street parking and the scheme would continue to rely upon the space on the frontage for parking as there is no means of accessing the land to the south to form a vehicular access to land to the rear. Whilst the arrangements are informal there are opportunities for parking in the street and no representations have been made that suggest there is any significant impact upon highway safety as a result of the proposal. There is no objection to the scheme from the Highway Authority.

Amenity

- 5.12 The scheme re-uses all the existing windows and would give rise to opportunity for mutual overlooking of windows in neighbouring property. However these are existing windows and whilst the re-use of the building as a dwelling may change the type of occupancy the potential harm can be mitigated in future as it can at present through the use of blinds and curtains. There is no expression of harm from neighbours as a consequence of the proposals.
- 5.13 Bin storage is proposed to take place at the rear of the chapel close to the Chapel Cottage, there is sufficient space to accommodate bin storage without harm to the amenity of occupiers of either property.
- 5.14 A pedestrian route can be provided along the west side of the chapel building through to the garden land that stretches 12m wide for 140m to the south of the buildings. The land available is capable of providing suitable amenity space for the existing and dwelling proposed dwelling. The chapel has a floor area of about 200sqm and therefore exceeds the Nationally Described Space Standards.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the applications are **GRANTED** subject to the following conditions:

16/01446/FUL

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered R1610-500, 501, 201 and 202 received by

Hambleton District Council on 21 June 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

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

Informatives

1. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
2. 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 or 0845 1211555.

16/01447/LBC

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered R16010-500, 501, 201, 202 received by Hambleton District Council on 21 June 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

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

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

Parish: Shipton
Ward: Easingwold
11

Committee Date: 10 November 2016
Officer dealing: Mr T J Wood
Target Date: 13 February 2015
Date of extension of time (if agreed): 17 November 2016

14/02558/MRC

**Application to vary conditions 18, 19, 20 and 21 of approved scheme 14/00141/FUL
At Norish Limited, Station Lane, Shipton by Beningbrough
For Wernick Group Ltd.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site on the west side of Shipton, and sits to the north of Station Lane and to the east of the East Coast Main Line railway.
- 1.2 A residential estate is positioned to the east of the site, with commercial units immediately to the west and beyond the public highway to the south. The site has been in use for commercial storage and recently gained approval as a place for the refurbishment of portable cabin buildings.
- 1.3 This application initially sought to vary conditions 18 and 19 of 14/00141/FUL and remove conditions 20 and 21. The aim of the applicant is to improve the wording of the conditions and allow scope for some work outside of the buildings. Following amendments to the proposal and background survey work the proposal is to vary conditions 18, 19, 20 and 21 with new wording.
- 1.4 The original conditions were as follows:
- Condition 18: No work shall be undertaken or cabins moved within the application site outside of the hours of 07.30- 18:00 Monday to Friday, and 07:30-12.30 Saturday. No work shall take place on Sundays and Bank Holidays.
- Condition 19: No vehicles shall operate between the purple demarcation line shown on drawing PKA/1/004G received by Hambleton District Council on 12 August 2014 and the eastern boundary of the site outside of the hours of Monday-Friday 07:30-18:00. No movements shall occur on Saturdays, Sundays or Bank Holidays.
- Condition 20: No noisy activities shall be undertaken other than within the retained workshop buildings and during such works the doors and windows are to be kept shut.
- Condition 21: No works shall take place on cabins located externally to the factory workshop other than inside the cabins and not within 20m of the eastern boundary.
- 1.5 In each case, the reason for the condition was "in the interests of neighbour amenity in accordance with Local Development Framework Policy CP1 and DP1".
- 1.6 The proposed wording of the four new conditions as set out by the agent for the applicants on 1 June 2015 is as follows:

Replacement for 18 and 19 (hours of working)

No work shall be undertaken or cabins moved within the application site outside of the hours 07:30 - 18:00 Monday to Friday other than the following activities:

1. Office / administration work;
2. Works within the workshop building providing doors and windows are kept shut where no noise is discernible at the eastern boundary of the site;
3. Internal works to the cabins located in the storage area including painting, carpentry, floor laying, electrics and plumbing where no noise is discernible at the eastern boundary of the site;
4. Painting the cabins located in the storage area; and
5. Movement of forklift trucks and vehicles within the area to the west of the purple demarcation line on drawing PKA/1/004G received by Hambleton District Council on 12th August 2014 which in any event will be no earlier than 06.00 hours and no later than 20.00 hours.

Replacement for 19 (Vehicle movements)

No vehicles shall operate between the purple demarcation line shown on drawing PKA/1/004G received by Hambleton District Council on 12th August 2014 and the eastern boundary of the site outside the hours 07:00 to 19:00 Monday to Friday, except for staff accessing the designated parking area.

Replacement for 20 (Inside operations during working hours)

During works within a workshop the workshop doors and windows to that workshop shall be kept closed.

Replacement for 21 (Outside operations during working hours)

No work shall be under taken outside the workshops other than, painting of the cabins and carpentry works as defined in Table 1 of Supplementary Noise Report DYN260214A/2_SUP dated August 2014, floor laying, electrics, and plumbing with 110 volt hand tools inside the cabins and the movement of fork lift trucks and vehicles within the area of the purple demarcation line shown on drawing PKA/1/004G received by Hambleton District Council on 12th August 2014.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/00141/FUL - Change of use of land and buildings from B8 storage to a mixed use of B8 storage and B2 general industrial use, demolition of warehouse units and two storey office building, and siting of single storey modular office with associated car parking, roadways and hardstandings; Granted 11 November 2014.
- 2.2 15/02683/ADV - Retrospective Advertisement Consent to display 2no non-illuminated free standing post mounted hoarding signs and 1no non illuminated high level sign to gable end of warehouse – granted 1 July 2016.
- 2.3 Enforcement investigation 15/00311/CAT3 - New external lighting fitted in breach of condition 12. Lighting units have not been removed but officers have been advised that the lighting will not be used.

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
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP17 - Retention of employment sites
Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Parish Council - 1st response: (on original and not amended condition wording):

Greatly concerned by the application to vary conditions 18 and 19 and removed conditions 20 and 21 in the previously approved scheme 14/00141/FUL Condition 18 as drafted by the applicant effectively would permit 24 hours per day 6 days per week including vehicle movements and fork lift trucks operation. The imposition of condition 18 was to provide local residents with some protection and minimise the loss of amenity through noise intrusion. Subject to the possible addition of the words "on cabins" after "No work shall be undertaken" the condition must stand to protect the local residents With regard to Condition 19 this was imposed on previous occupiers without objection, and the current applicants seek to extend the hours that vehicles can operate in the area. The will undoubtedly result in a further loss of amenity to local residents and must therefore be refused again.

With regard to the removal of conditions 20 and 21 this again would be unacceptable as these conditions impose restraints on the applicants to prevent them from causing nuisance to residents, some of whom are close to the edge of the applicants' boundary. Whilst accepting that perhaps the definitions may need to be extended the attempt to extend working hours and also extend the extent of outside work possible must be resisted. Shipton Parish Council request that this application is brought before the full Planning Committee and not treated as a delegated item.

2nd response; maintain objection and raise concern about the way that the applications have been proposed to be changed without discussion with the Parish Council. The Parish Council consider that it would be 'grossly unfair' to allow extended working hours as that would have a significant adverse effect of local residents.

4.2 Highway Authority - No objection.

4.3 Network Rail – No objection.

4.4 Environmental Health Officer – Scrutiny of the acoustic report and experience of complaint following activity on the site before 7:30am shows that there is the potential for complaint if activity on the site exceeds the restrictions of the conditions. The updated acoustic report provides a basis for consideration of the application.

4.5 Public comment - 26 responses received in summary mainly concerning:

- Disturbance from construction works;
- Noise restrictions;
- Hours of operation;
- Impact on neighbour amenity;

- Traffic/highway safety issues;
- Results of noise assessment;
- Light pollution; and
- Impact on enjoyment of footpath.

5.0 OBSERVATIONS

- 5.1 As noted earlier, the conditions were imposed in the interests of neighbour amenity, which is therefore the primary planning consideration. The key determining issue is whether the proposed variations would make the conditions more, less or equally effective in securing the public protection they were designed to achieve, having regard to the stated reasons for them. It follows that the variations should only be refused if it is concluded that they would be less effective and would thus give rise to harm.
- 5.2 The applicant's proposed changes are stated to have the aim of giving greater precision that will do two things: (a) allow the operator more scope for work; and (b) protect the amenity of neighbours.
- 5.3 The proposed conditions seek to achieve greater clarity of the works that may be undertaken on the interior and exterior of cabins stored outside the buildings on the site and to extend the time for such work. The range and times of working outside the buildings would be controlled so as not to harm amenity. In order to assess the impact of the proposed variation additional background noise monitoring was required as the monitoring work done in April 2014 only measured noise levels during the period 11:15 to 14:20 and not at the earlier and later parts of the day. Additional noise monitoring work was undertaken between 06:00 and 20:00 on 30 June 2016 (with a break in the middle of the day) and a report submitted. Following clarification that the activities on the site during the background noise monitoring did not interfere with the monitoring it is possible to give further consideration to the case.
- 5.4 The proposed conditions as set out at paragraph 1.6 above are considered to meet the six tests for a planning condition prescribed in the Planning Practice Guidance. It is known that the conditions (i) are necessary to protect amenity, (ii) relate to planning and (iii) the development permitted and the wording proposed is considered to be clear such that they would be (iv) enforceable and (v) precise, and (vi) reasonable in all other respects. The terms are considered capable of being monitored by both the operator and others outside the site and would allow the site to operate for the purposes approved whilst protecting the public (especially the residents of nearby dwellings).
- 5.5 The current controls prevent any work outside of the approved buildings beyond the core business hours; the proposal seeks to allow works that are not noisy (such as the internal decoration of cabins) to be undertaken outside those hours. The caveat is included in the conditions that the impact of activity must not be discernible at the boundary of the site. As a consequence if activity is discernible in homes, in gardens or on neighbouring public open space outside the period 07:30 - 18:00 Monday to Friday then the proposed replacement for planning condition 18 has been breached. An amendment to the applicants proposal is that the restrictions in each of the revised conditions should preclude works during Bank Holidays.
- 5.6 The proposed conditions would allow forklift movements to take place between 06:00 and 20:00 on the multi-stacked part of the site to the north of the workshops and away from the eastern boundary. This would be an extension from the current 07:30 – 18:00 controls. Whilst the provisions are for earlier and later movements than formerly proposed they still allow no movements at weekends.

- 5.7 Balancing the varied conditions that would allow an increase in hours of work against those that would require any work to be not be discernible on the boundary of the site, it is considered that the impact upon the amenity of neighbours would be neutral. The test set at paragraph 5.1 is therefore met and the application is recommended for approval.
- 5.8 As a decision the grant this application would result in a new planning permission (albeit a variation of the earlier permission) all the conditions need to be restated. However, some of the conditions of the initial condition are no longer relevant as they related to construction work that is complete. Details have been submitted in applications to discharge the requirement for written approval of other conditions, applied to the initial permission, so some conditions need to be varied, others deleted and new conditions are required. The amended conditions proposed are therefore recommended as conditions 9 to 12 below.
- 5.9 Some responses to consultation remark about construction noise (which is now complete) and traffic movements, that are not relevant to the proposal to change conditions 18 - 21. The concerns relate to other matters about the development of the site that are not within the scope of the application and cannot be considered in this case.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered PKA/1/002, PKA/1/003 received 21 January 2014 (file ref 14/00141/FUL) , Site Plan PKA/1/004G received 12 August 2014 (file ref 14/00141/FUL), PKA/1/005C received 2 September 2014 (file ref 14/0141/FUL) and stack height plan PKA/1/004H received 25 September 2014 (file ref 14/00141/FUL) transport assessment received 1 May 2014 (file ref 14/00141/FUL), Supplementary Noise Reports of September 2014 received 17 December 2014 (file ref 14/02558/MRC) and Background Noise Survey report September 2016 received 29 September 2016 (file ref 14/02558/MRC) unless otherwise approved in writing by the Local Planning Authority.
 2. The approved parking, unloading and turning areas (on drawing PKA/1/004G) shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 3. No structures shall be sited within 2 metres of the western boundary of the site which is adjacent land belonging to Network Rail.
 4. The landscaping scheme shown on plans RF14-232-D01 and RF14-232-L01 (file ref 14/00141/DIS11) shall be completed and any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 5. No external lighting shall be installed on site except in accordance with the details received on 11 February 2015 unless otherwise approved by the Local Planning Authority.
 6. The boundary treatments shown on plan PKA/2/009C received 18th August 2015 (file ref 14/00141/DIS13) shall be implemented in full and thereafter the boundary treatments shall be retained in accordance with the approved details.

7. The approved fork lift truck audible warning safety system for the fork lift trucks shall be operated and be maintained in accordance with the approved scheme submitted on 17th August 2015 (file ref 14/00141/DCN) and the manufacturers' recommendations.
8. No openings shall be created to the eastern elevations of the retained warehouse structures on site.
9. No work shall be undertaken or cabins moved within the application site on Bank Holidays or outside of the hours 07:30 - 18:00 Monday to Friday other than the following activities:
 1. Office / administration work;
 2. Works within the workshop building providing doors and windows are kept shut where no noise is discernible at the eastern boundary of the site;
 3. Internal works to the cabins located in the storage area including painting, carpentry, floor laying, electrics and plumbing where no noise is discernible at the eastern boundary of the site;
 4. Painting the cabins located in the storage area; and
 5. Movement of forklift trucks and vehicles within the area to the west of the purple demarcation line on drawing PKA/1/004G received by Hambleton District Council on 12th August 2014 which in any event will be no earlier than 06.00 hours and no later than 20.00 hours.
10. No vehicles shall operate between the purple demarcation line shown on drawing PKA/1/004G received by Hambleton District Council on 12th August 2014 and the eastern boundary of the site during a Bank Holiday and not outside the hours of 07:00 to 19:00 Monday to Friday, except for staff accessing the designated parking areas.
11. During works within a workshop the workshop doors and windows to that workshop shall be kept closed.
12. No work shall be under taken outside the workshops other than, painting of the cabins and carpentry works as defined in Table 1 of Supplementary Noise Report DYN260214A/2_SUP dated August 2014, floor laying, electrics, and plumbing with 110 volt hand tools inside the cabins and the movement of fork lift trucks and vehicles within the area of the purple demarcation line shown on drawing PKA/1/004G received by Hambleton District Council on 12th August 2014
13. The recommendations and mitigation measures identified in the protected species survey received by Hambleton District Council on 11 February 2015 shall be implemented in full.
14. Notwithstanding the submitted drawing PKA/1/004H received 25 September 2014 (file ref 14/00141/FUL) no cabins shall be stacked on the easternmost or the southernmost shaded areas of drawing PKA/1/004H (annotated as "Hatched Areas") or on land outside of the remaining areas designated for multi storey stacking on the drawing PKA/1/004H unless otherwise approved in writing by the Local Planning Authority.
15. No cabins shall be stacked to a height of more than 6m unless otherwise agreed in writing by the Local Planning Authority.

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, CP16, CP17, DP1, DP30 and DP32.
2. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
3. In the interests of the safe operation of the adjacent railway.
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 DP30.
5. In the interests of local visual and neighbour amenity and the safe operation of the adjacent railway.
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
- 7-12. In the interests of neighbour amenity in accordance with Local Development Framework Policy CP1 and DP1.
13. To safeguard against harm to any protected species present within the buildings proposed for demolition.
- 14–15. In the interests of neighbour and visual amenity in accordance with Local Development Framework Policy CP1 and DP1.

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16/01640/FUL

Construction of four dwellings with garages, alterations to existing boundary wall and formation of vehicular access

**At land off Bellingham Close, Thirsk
For Newspan Construction Ltd.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a predominately flat piece of land, measuring approximately 0.23ha with a frontage on Bellingham Close facing The Old Workhouse (a grade II listed building). The site is surrounded by other residential properties varying in height and size. Properties to the east and south are single storey. The access is gained through the brick wall that forms the boundary to the Listed Workhouse. The wall is considered to be a boundary to the Listed Workhouse and is protected as a curtilage structure.
- 1.2 The site of the proposal lies within the Development Limits of Thirsk and is accessed from A170 Sutton Road, Thirsk to Sutton under Whitestonecliffe road.
- 1.3 The proposal is for the development of four three-bedroom dormer bungalows. There have been several revisions of the design of the dwellings to ensure a sympathetic design, which relates to the listed building and development at Bellingham Close.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 10/02721/LBC - Application for listed building consent for alterations to wall to create a vehicular access; Withdrawn 9 September 2011 following a resolution to grant consent.
- 2.2 10/02722/FUL Construction of six dwellings and a garage block; Withdrawn 9 September 2011 following a resolution to grant permission subject to a S106 Agreement.
- 2.3 16/01641/LBC Application for listed building consent for alterations to boundary wall – see separate report on this agenda.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP2 - Access
Development Policies DP32 - General design
Development Policies DP37 - Open space, sport and recreation
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP20 - Design and the reduction of crime
Development Policies DP4 - Access for all
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Thirsk Town Council - Wish to see the application approved.
- 4.2 Highway Authority - Recommends conditions.
- 4.3 Historic England - No comments to make.
- 4.4 Yorkshire Wildlife Trust - No comments to make.
- 4.5 Natural England - No comments to make.
- 4.6 Public comment - 13 objections have been made; the issues raised in these objections are:
- The increase in noise and pollutions from traffic as a result of the four houses;
 - The increase in safety risks to children playing on Bellingham Close and pedestrians from increased traffic;
 - Unacceptable impact on residential amenity and restricted views;
 - Disruption to residents during the construction of the dwellings;
 - Impact on loss of security for residents of Bellingham Close;
 - Loss of green space;
 - The application is for high density housing;
 - There is not enough parking in Bellingham Close, this will worsen the situation;
 - The scheme is badly designed;
 - The proposal will change the character of Bellingham Close and the conservation area;
 - The access should come off Sutton Road;
 - Potential disruption to phone and internet cables under the site; and
 - Questions as to who will be responsible for the upkeep of the listed wall and communal green space.

5.0 OBSERVATIONS

- 5.1 The issues to be considered when determining this application are (i) the principle of development; (ii) the design proposed and the impact, if any, on (iii) heritage, including the adjacent listed building; (iv) residential amenity; and (v) highway safety.

Principle of development

- 5.2 The site is within the Development Limits of Thirsk and 400m from the Market Square. It is considered that this is a sustainable location which can support four additional dwellings. The development of additional homes in this location is supported in principle by the policies of the LDF and the NPPF.

Design

- 5.3 The proposed bungalows are dormer style, with one bedroom on the ground floor and a further two on the first floor. The development of bungalows is welcomed, as the Council is keen to ensure that there is a range of housing options for older people, including bungalows. Additionally, nationally and as an authority there is a forecasted need for more two and three bedroom homes, and more homes to meet the needs of older people. This proposal meets both these needs and is in line with the LDF policy and the Size, Type and Tenure of New Homes Supplementary Planning Document.
- 5.4 There has been concern that this proposal results in a high density development. Plots 2 and 3 would have integral garages, the total floor area of these dwellings,

without the garage would be 174sqm. Plots 1 and 4 would each have a total of 191sqm of living space. Both designs are well above the Nationally Described Space Standards which sets a minimum size of 102sqm of living space for a three-bedroomed (6 bed space) double storey property.

- 5.5 The development of bungalows would be in keeping with the bungalows to the south of the site and on the southern end of Hambleton Close, to rear (east) of the site. The low ridge line would maintain the open views to residents of Bellingham Close and the former workhouse (grade II listed).
- 5.6 The design and the layout of the scheme has changed during the application process, to arrive at what is considered to be a well-designed, high quality design which links well to and maintains the character of the former workhouse and the relatively recent development to the rear, Bellingham Close.
- 5.7 This has been achieved through the addition of the arched headed windows to the ground floor and the paned windows to the first floor, to reflect the windows in the former workhouse. Amendment has been made to bring together the dwellings in a square formation and a wall has been added to link between each of the buildings to reflect the character and appearance of the wall on the boundary of the site with Bellingham Close and to reflect the block development of Bellingham Close. Recessed bricked gateways have been added to the walls to mirror this detail in Bellingham Close.

Impact on heritage, including the listed building

- 5.8 Notwithstanding the comments made by neighbours, the site does not lie within the Thirsk Conservation Area. However, the former workhouse fronting Sutton Road on the opposite side of Bellingham Close, now converted to dwellings, is listed grade II. 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.
- 5.9 The proposed development will have impacts upon the fabric and setting of the Listed Building. The direct impact on the fabric of the building arises from the need to provide an access to the new homes and that the proposal is to create this access by removal of part and realignment of part of the boundary wall to the Workhouse, this is a listed structure. The further impact is upon the setting of the building by the change to the boundary wall and by the construction of new dwellings in close proximity. The impact on the fabric of the building is set out in the accompanying report. The impact on the setting is considered to be minor because there are other low buildings in the landscape around the Workhouse, the field upon which the dwellings are proposed is not noted to have a function relating to the former operations of the Workhouse and visually it is not evident that the open space is important to the setting of the Workhouse. The low height of the proposed dwellings maintains the Workhouse as the dominate building in this location and does not harm its setting. The scheme therefore achieves the objectives of local and national policy and the requirements of the Act.

Residential amenity

- 5.10 There would be a separation distance of approximately 48 metres between the front elevation of plot 4 and the side elevation of the former workhouse. The nearest plot to Bellingham Close would be plot 1, this dwelling is shown to have one ground floor window on the elevation which faces Bellingham Close, this is a utility room window.

There is a distance of 5.4m between this window and the site boundary which is formed by a brick wall of about 2 metres in height. Accordingly it is considered that the positioning of these low level dormer bungalows will not result in unacceptable impact on the amenity of the residents of Bellingham Close as they are separated by the retained and reconstructed boundary wall.

- 5.11 A comment has been made regarding the loss of security for the people of Bellingham Close. Access to the site is proposed to go through the wall from Bellingham Close; this would be the only point of access. It is considered that this scheme ensures that there are no potential escape routes, other than the single point onto Bellingham Close and the dwellings would face onto the communal areas, ensuring overlooking and passive surveillance of these areas.
- 5.12 Comments have been received regarding the loss of green space. This site is not a public site, it is not designated for recreational use in the Local Development Framework and it is not used for recreation by the residents of Bellingham Close. Whilst it is appreciated that the site currently provides a pleasant view for residents of Bellingham Close it is considered that this is a well-designed and attractive development, making best use of this space in a sustainable location.

Highway safety

- 5.13 The greatest number of objections are regarding the increase of traffic from four additional dwellings and the impact of this on pollution levels, congestion in exiting onto Sutton Road and the impact on safety for children playing in Bellingham Close and pedestrians walking past the Bellingham Close access.
- 5.14 The increase in movements associated with four additional dwelling over the 28 dwellings currently accessed from Bellingham Close is not so substantial to make the scheme unacceptable as the site is accessed by a road that allows two way traffic, has a footway on one side and the point of access from the road is on a section that is straight and before reaching the main square and parking areas associated with the dwellings on Bellingham Close. The comments of the Highway Authority and recommended conditions are noted. There would be sufficient on site car parking and the access arrangements as proposed would be satisfactory. As such the proposal is in accordance with policy.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered PP02B and PP03B, PP04A received by Hambleton District Council on 26th October 2016 unless otherwise approved in writing by the Local Planning Authority.
 3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. 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. The works shall be implemented in accordance with the approved details and programme.
5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site 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: the crossing of the highway margin on Bellingham Close shall be constructed in accordance with the approved details and Standard Detail number E7. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
6. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the existing boundary wall on Bellingham Close has been realigned and rebuilt in accordance with the submitted drawing (Reference "Proposed PP02"). The area between the realigned wall and the carriageway shall be surfaced in tar macadam in accordance with Standard Detail number E6.
7. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference "Proposed PP02"). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. There shall be no access or egress by any vehicles between the highway and the application site until 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. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
9. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
10. Prior to development commencing, as a minimum, a Land Contamination Phase 1 Preliminary Risk Assessment must be submitted and approved in writing by the Local Planning Authority in order to obtain a good understanding of the history of the site, its setting and the potential to be affected by unacceptable levels of pollution. The Phase 1 assessment should comprise a desk study, site walkover and conceptual site model and should also provide recommendations for any further works.

Thereafter the measures identified in the recommendations shall be undertaken in accordance with the approved scheme.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP1, DP28 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In the interests of highway safety
5. In the interests of highway safety
6. In the interests of the safety and convenience of highway users.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
8. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
9. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
10. In order to understand any potential contamination on site.

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 this informative.
2. 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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16/01641/LBC

**Application for listed building consent for alterations to boundary wall
at land off Bellingham Close, Thirsk
for Mr & Mrs Parkinson/Hare/McColmont**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Listed building consent is sought to alter the western boundary wall of a piece of land off Bellingham Close, Thirsk. The site is predominately flat approximately 0.22ha with a frontage on Bellingham Close facing The Old Workhouse (grade II listed building). The site is surrounded by other residential properties varying in height and size.
- 1.2 It is proposed to create an opening of approximately 7.2 m some 21m from the northern end of the wall. This is to allow access on the site which is the subject of a planning application for 4 dwellings.
- 1.3 The creation of an opening within the wall that lies on the boundary of the Listed Building requires consent as a curtilage structure to the Workhouse. The scheme would result in the loss of some fabric and will also result in the realignment of two sections to allow for visibility splays to be formed on to Bellingham Close to serve the development of four dwellings proposed in application 16/01640/FUL.
- 1.4 The wall is to be rebuilt on the new alignment using original bricks as far as possible, and integrating suitable reclaimed bricks where necessary.
- 1.5 It should be noted that this application supersedes a previous application, 10/02721/LBC, which accompanied application 10/02722/FUL for the construction of 6 dwellings and a garage building.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 10/02721/LBC Application for listed building consent for alterations to wall to create a vehicular access as amended by plans received by Hambleton District Council on 18 January 2011; Application withdrawn 9th September 2011.
- 2.2 16/01640/FUL Construction of 4 dwellings with garages, alterations to existing boundary wall and formation of vehicular access as per amended plans received by Hambleton District Council on 26th October 2016 - pending consideration and listed separately on this agenda.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Thirsk Town Council - Made the following observations: There seems no reason to allow a breach to be made in the listed wall until the application for building in the field is made and (possibly) approved. If several dwellings are planned we would have concerns about the access onto the A170 - a very busy road.
- 4.2 Public comment - 12 objection comments have been received but it should be noted that several of these are duplicate submissions. The main thrust of the objections are in relation to the associated housing development, not the actual proposal of works to the wall. Comments made directly in reference to the listed building consent are:
- There is no valid reason to alter a historic listed wall; and
 - There should be an alternative access point.

5.0 OBSERVATIONS

- 5.1 The main planning issues raised by this application are whether the proposed works, to remove a section of wall and realign the wall would complement the wall as a curtilage structure to the former workhouse and the setting of the former workhouse and whether there would be any adverse impact upon its character and historical value.
- 5.2 The proposed alterations and part demolition are considered appropriate to maintaining the character and appearance of the wall whilst allowing the development of new dwellinghouses to go ahead (application no.16/01640/FUL). It is considered that the proposed works would respect the architectural merit of the structure and would allow the continued use of the wall as a boundary feature whilst meeting the needs of future development for the 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 The National Planning Policy Framework at paragraphs 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
- 5.5 It is proposed to rebuild the wall using the original bricks and copings to ensure the works remain in keeping with the historical wall at present. A condition for a schedule of works for the wall can ensure the demolition and rebuild are monitored and controlled ensuring this feature is preserved.
- 5.6 Having taken the above into account it is considered that the proposed works would accord with the policies of the Local Development Framework. Hence this application is recommended for approval.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered PP02 received by Hambleton District Council on 19th July 2016 unless otherwise approved in writing by the Local Planning Authority.
3. No works shall be undertaken on the development until a schedule has been agreed with the Local Planning Authority of those materials forming part of the boundary wall of the Old Workhouse to be demolished which are worthy of re-use on the site. The schedule shall include a reference to where the materials will be used in the redevelopment of the wall. The wall shall be carefully taken down or dismantled and the materials contained in the schedule and stored for later re-use in the proposed redevelopment of the wall. The materials contained in the schedule shall be re-used in the redevelopment of the wall in the manner indicated in the schedule.
4. 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.
5. No demolition shall commence unless contracts have been exchanged for the construction of the development permitted under 16/01640/FUL.

The reasons are:

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings including the Listed Workhouse and in accordance with the Development Plan Policies CP16 and DP28.
3. In the interest of maintaining the character and setting of the Listed Workhouse and set out within Policy CP18 of the Local Development Framework
4. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site, listed building and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
5. To ensure that the demolition of the wall is not undertaken in isolation of the redevelopment of the boundary wall and to enable the residential development of the adjoining land.

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16/01498/FUL

**Alterations to former joiners workshop and cottages into two live-work dwellings
At Former Old Joinery, Flawith Road, Tholthorpe
For Mr Andrew Holmes**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located to the south east of Flawith Road within the village of Tholthorpe opposite the New Inn public house. Access to the site is taken between Green Gables and Duck Cottage. There are ground floor windows overlooking the access. The former joinery workshop and dwelling are of a domestic scale built of brick and tile. Some of the outbuildings and sheds would be removed from the site. The buildings are currently vacant and have fallen in to a state of disrepair.
- 1.2 The application proposes the conversion of two former workshops into two live-work units with gardens and car parking included. Both dwellings are part single part two storey with 1 and 3 bedrooms proposed. The work space is shown as 'office' space and is approximately 25sqm to the 3 bedroom unit and 33sqm to the 1 bedroom unit. The proposals involve the re-use of existing building fabric and demolition of stores and alterations to create a vehicular access to back gardens and parking area. The layout would create a central courtyard which the proposals would overlook.
- 1.3 The access to the application site is within the Development Limit of Tholthorpe, the majority of the buildings and land are outside the Development Limits.
- 1.4 The application is supported by a Design and Access and Planning Statement which concludes that conversion within a residential area seeks to utilise existing buildings and remove unsightly, unsuitable structures providing a work live model much needed to sustain and encourage a rural communities. It is stated the scheme will: bring clarity and definition to the village boundary without further encroachment into the countryside - a key planning concern; and has a sustainable ethos, in terms of re-use of a rural building coupled with the live-work strategy.
- 1.5 The statement highlights the 'as existing' situation of a disused commercial building, the intended sympathetic changes to the existing buildings and the redevelopment of the timber framed lean-to into a sympathetic high quality residential extension to supplement the proposed conversions.

2.0 RELVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 86/0936/EUC - Established Use Certificate for the change of use of existing joiner's shop to residential use; Refused 28 November 1986.

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 DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Tholthorpe Parish Meeting - The application was fully supported by residents and no issues were highlighted.
- 4.2 Highway Authority – No response.
- 4.3 Yorkshire Wildlife Trust - The survey by Wold Ecology shows a Brown Long Eared bat roost is present. A European Protected Species Licence will be required before work can go ahead.
- 4.4 Natural England - No comments to make.
- 4.5 Ministry of Defence - No safeguarding objection.
- 4.6 Public comment – one response received concerned about the impact on the wall and boundary treatment.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of the development; (ii) its impact on the character of the area; (iii) its relationship to neighbouring properties; (iv) access and car parking; and (v) ecology.

Principle

- 5.2 As noted above the application site is part inside, part outside of the Development Limits of the village. The Development Limits are drawn to incorporate the housing development to the south and cut through houses (e.g. Waterside Lodge) and gardens. The relationship to neighbouring properties and the public house has a cultural and historic significance as part of the built form of the village the existing buildings should therefore be considered in a historic context as being within the village.
- 5.3 Noting the above, the Government since the adoption of Development Plan policy, both through Parliamentary reviews, formal policy (NPPF) and Permitted Development legislation have made provision for buildings, particularly those of substantial construction into residential use.
- 5.4 In terms of the development plan, policy CP4 sets out Development in other locations (in settlements or in countryside) will only be supported when an exceptional case can be made for the proposals in terms of Policies CP1 and CP2, and where:

- i. it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy; or
 - ii. it is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or
 - iii. it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or
 - iv. it would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or
 - v. it would make provision for renewable energy generation, of a scale and design appropriate to its location;
 - vi. it would support the social and economic regeneration of rural areas.
- 5.5 In this instance the development would aid the rural economy through the commercial element of the live/work proposal. The group of buildings is considered to be a non-designated heritage asset (NDHA). The buildings are largely unchanged from their original condition and meet 4 of the Council's criteria for NDHA status as the buildings are significant by reference to (i) their age; (ii) their representativeness; (iii) their aesthetic value; and (iv) group value.
- 5.6 The re-use of buildings can be considered to be a sustainable form of development and given that the buildings were formerly in residential and commercial uses their reuse would not give rise to an increased need for travel and would not be in conflict with policies CP1 or CP2. Overall it is considered that the proposal would be in acceptable as an exception to the strict control of development outside Development Limits allowed for by policy CP4 as it would conserve a feature of acknowledged importance (criterion ii) and help to support a sustainable rural economy (criterion iv).

Character of the area

- 5.7 As discussed above the application buildings are old and have a historic and cultural relationship to the village. The proposal is for re-use of a non-designated heritage asset with a strong cultural and physical link to the historic pattern of the village. The development would benefit the character of the area by re-use of the building.

Relationship to neighbouring properties

- 5.8 There is an existing permitted use of Use Class B1(c) as a joinery to consider with the existing buildings and courtyard is the main access with an established level of commercial activity and access, including outdoor storage. The proposal would improve the physical relationship to the existing neighbouring properties and would improve the landscaping and character of the area.
- 5.9 Having regard to the existing buildings and the proposals to use existing openings there would be an overall improvement in the relationship to neighbouring properties and neighbour amenity by bringing the building back into use. There would be no overlooking or loss of privacy with an existing tight relationship already present on the site.

Access and car parking

- 5.10 Access would be via an existing access and the proposal incorporates parking to an appropriate level. Overall there would be no impact on highway safety and the proposal would be in accordance with policy. Moving the car parking to the rear would allow for an improved appearance to the village and reduce the likelihood of car parking and manoeuvring impacting on neighbour amenity.

Ecology

- 5.11 All developments known to contain bat roosts require a licence from Natural England. Under Section 9 of the Wildlife and Countryside Act (1981) it is an offence for anyone without a licence to kill, injure, disturb, catch, handle, possess or exchange a bat intentionally. It is also illegal for anyone without a licence intentionally to damage or obstruct access to any place that a bat uses for shelter or protection.
- 5.12 The submitted ecological assessment identifies a bat roost which Yorkshire Wildlife Trust identifies needs a licence is required. There are no objections raised and the presence of protected species is known and identified. Adequate mitigation is therefore capable.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The development hereby permitted shall be carried out in accordance with the plans submitted to the Local Planning Authority under reference 01, 02, 03, 04, 05, 06 (Proposed plans), 01, 02, 03, 04 and 05 (Existing plans)
 3. The development hereby permitted shall be carried out in external materials to as close as practicable match the existing buildings on site.
 4. Prior to the commencement of built development a detailed landscaping scheme and maintenance strategy for the development (including any necessary phasing of implementation and replacement strategy) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include, where applicable, details of: (i) bat and bird boxes; (ii) proposed planting (including height, number and species); (iii) proposed boundary treatment; and (vi) hard landscaping works. The approved scheme shall be implemented in accordance with the submitted details and retained thereafter.
 5. Prior to the first occupation of any dwelling to which this permission relates the access ways, turning areas and parking facilities shown on the approved plan shall have been properly consolidated, surfaced, drained, free of loose stone and otherwise constructed in accordance with details to be submitted to and approved in writing by the local planning authority and these areas shall be thereafter be retained and kept available for those uses at all times.
 6. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation) and deliveries to the site, shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00 Monday to Friday, and 08.00 to 14.00 on Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. (* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing

Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

7. The business floor space of the live/work unit shall be finished ready for occupation before the residential floor space is occupied and the residential use shall not precede commencement of the business use.
8. The business floor space of the live/work unit shall not be used for any purpose other than for purposes within class B1 in the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
9. The residential floor space of the live/work unit shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floor space of that unit, a widow or widower of such a person, or any resident dependants.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the permission and to ensure that the development is in keeping with the character of the area and to secure a satisfactory development of the site.
3. To ensure satisfactory development of the application site.
4. To ensure the satisfactory appearance of the development in accordance with policy DP33
5. In the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway.
6. Having regard to the relationship to neighbouring properties and their amenities.
7. In order to ensure satisfactory development of the application site and to maintain the opportunity for continued use of live/work facilities and support the rural economy.
8. In order to ensure satisfactory development of the application site and to maintain the opportunity for continued use of live/work facilities and support the rural economy.
9. In order to ensure satisfactory development of the application site and to maintain the opportunity for continued use of live/work facilities and support the rural economy.

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
3. Legal obligations towards bats are generally concerned with roost protection. All developments known to contain bat roosts require a licence from Natural England. Under Section 9 of the Wildlife and Countryside Act (1981) it is an offence for anyone without a licence to kill, injure, disturb, catch, handle, possess or exchange a bat intentionally. It is also illegal for anyone without a licence intentionally to damage or obstruct access to any place that a bat uses for shelter or protection.

Parish: Well
Ward: Tanfield
15

Committee Date: 10 November 2016
Officer dealing: Mrs H M Laws
Target Date: 14 November 2016

16/02246/APN

**Application for prior notification for the construction of an agricultural store for the storage of slurry and other forms of fertiliser material
At Mowbray Hill Farm, Well
For Mr S Webster**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies on the northern side of the B6268 between Nosterfield and Masham, approximately a mile to the south west of Well. The farm is set back from the road at the end of a 200m long driveway. The farmhouse lies in the north eastern corner of the farm complex with buildings extending across the farmyard to the west.
- 1.2 It is proposed to erect a slurry store on the northern side of the farm buildings, beyond an existing tree screen.
- 1.3 The store would have a diameter of 23m and a maximum height of 2.7m constructed of galvanised steel mesh.
- 1.4 The notification is presented to the Planning Committee as the applicant is a relative of a Council Member.
- 1.5 The application is for prior notification under the General Permitted Development Order as opposed to an application for planning permission. Essentially the development is considered to be permitted development but the applicant is required to notify the Planning Authority who can then assess the impact of the development on the landscape character of the area.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/97/167/0048B - Agricultural storage building; Granted 7 April 1997.
- 2.2 06/01317/FUL - Agricultural building and associated hardstanding; Granted 31 July 2006.
- 2.3 09/01171/FUL - Agricultural building; Granted 5 June 2009.
- 2.4 12/01166/APN - Application for prior notification for construction of steel portal framed building to the Agricultural Specification B.S. 5502, Class 2 for the housing of cattle; No objection 28 June 2012.
- 2.5 12/01175/APN - Application for prior notification for construction of steel portal framed building for the housing of cattle; No objection 28 June 2012.
- 2.6 14/00808/FUL - Agricultural building; Granted 2 May 2014.
- 2.7 16/01082/FUL - Lean-to extension to a livestock building to cover a cattle loafing/feeding area; Granted 24 June 2016.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
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 None are required for an APN application.

5.0 OBSERVATIONS

5.1 The key issue is the impact of the development on the appearance of the countryside. The site lies within an undulating landscape with a high degree of trees and hedgerows, providing screening from long distance views.

5.2 The site lies beyond the edge of the existing farmyard area, adjacent to a well-established small woodland area of trees, which significantly reduces the visual impact of the proposed development.

5.3 The site would not be visible from the road and there are no public rights of way in the vicinity. The proposed store would not have an adverse effect on the appearance of the surrounding landscape.

6.0 RECOMMENDATION

6.1 That the application is **GRANTED**.