

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Tuesday, 20 December 2016

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 5 January 2017**
Time **9.30 am**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

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

Councillors
K G Hardisty
J Noone
C Patmore
B Phillips
C Rooke
Mrs I Sanderson

Other Members of the Council for information

PLEASE NOTE THAT THERE WILL BE NO MEMBER TRAINING

AGENDA

Page No

1. MINUTES
To confirm the minutes of the meeting held on 8 December 2016 (P.18 - P.19), 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 - 158
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 9.30 am on Thursday, 8th December, 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
	Mrs B S Fortune		Mrs I Sanderson
	K G Hardisty		

Also in Attendance

Councillor	Mrs C S Cookman	Councillor	Mrs J Watson
	M S Robson		S Watson

P.18 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 10 November 2016 (P.16 - P.17), previously circulated, be signed as a correct record.

P.19 **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) 16/01683/FUL - Demolition of a redundant agricultural shed and erection of a single new dwelling at Mayfield, Youlton Lane, Alne for Mr S Hopkins and Miss L Newton

PERMISSION GRANTED

The decision was contrary to the recommendation of the Executive Director. The development was considered to make a significant environmental improvement pursuant to Policy CP4 criterion (ii).

(The applicant, Sam Hopkins, spoke in support of the application.)

- (2) 16/01700/OUT - Outline application for 5 dwellings, with access from Hunters Ride, with all other matters reserved at Village Farm, Front Street, Appleton Wiske for Mr Robert Atkinson

PERMISSION GRANTED

(Shirley Duffield spoke objecting to the application.)

- (3) 16/01067/MRC - Application to vary condition 3 of planning approval 15/02324/MRC to allow one of the holiday cottages to be used as a dwelling at The Cedars, Carlton Husthwaite for Mrs C Sunderland

PERMISSION REFUSED

- (4) 16/02010/OUT - Application for Outline Planning Permission with some matters reserved (considering access) for a detached dwelling at Field House Farm, Exelby Close, Exelby for Mr & Mrs G Lee

PERMISSION GRANTED

(The applicant, Becky Lee, spoke in support of the application.)

- (5) 16/02247/FUL - Development of five dwellings at Part OS 8471 and 9170, Gracious Street, Huby for Northminster Ltd

DEFER for examination of whether cumulatively this development and development granted under 16/02064/FUL create a requirement for a contribution towards affordable housing; consideration of pedestrian safety; provision of a second passing place; details of parking layout and street lighting.

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

- (6) 16/02086/FUL - Demolition of domestic garage and construction of two, four-bedroom, two-storey with attic room terraced houses to include parking, landscaping & means of enclosure at 3 Belgrave Terrace, Mowbray Place, Sowerby for Mr & Mrs Menzer

PERMISSION GRANTED

(The applicant's agent, Ken Wood, spoke in support of the application).

(Alison Ballard spoke objecting to the application.)

- (7) THORMANBY - First floor extension to existing dwelling at The Old Black Bull, Thormanby for Mr Peter Gibson

DEFER for site visit.

The meeting closed at 12.00 pm

Chairman of the Committee

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PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 5 January 2017. The meeting will commence at 9.30am.

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 January 5th 2017

Morning session starting at 9:30am, Thursday 5th January 2017

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	16/02048/FUL Mr K Ayrton Great Ayton Page no. 11	Revised application for change of use of land to holiday lodge park (54 Lodges) with associated reception building, solar farm, landscaping and amenity ponds, together with formation and alteration of highway access and internal roads and associated car parking For: Mr Alan Petch At: Angrove Park, Winley Hill, Great Ayton RECOMMENDATION: GRANT
2	16/01941/FUL Mr A Thompson Huby Page no. 35	Proposed construction of new dwelling For: Miss Caroline Thomson At: Edgewold, Easingwold Road, Huby RECOMMENDATION: REFUSE
3	16/02136/FUL Mr A Thompson Knayton with Brawith Page no. 39	Change of use of agricultural land to provide extension of existing caravan park for provision of 49 permanent static unit pitches For: Mr and Mrs Cook At: Canvas Farm, Moor Road, Knayton RECOMMENDATION: GRANT
4	16/02127/FUL Mr A Thompson Newton-on-Ouse Page no. 49	Site development to form 3 new dwellings (revision to planning application 16/01540/FUL) For: Mrs Toni Johnston At: Land to the south of Bravener Court, Newton-on-Ouse RECOMMENDATION: GRANT
5	16/02464/FUL Mrs H Conti Shipton Page no. 61	Retention of three existing dwellings located within converted outbuildings to the rear of Framfield House For: Mrs M Johnson At: Framfield House, Main Street, Shipton by Beningbrough RECOMMENDATION: GRANT
6	16/02441/FUL Mrs J Forrest Shipton Page no. 69	Construction of a replacement detached domestic garage For: Mr & Mrs B M Dean At: Amblers Lodge, Amblers Lane, Shipton by Beningbrough RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
7	16/00529/FUL Mr A Thompson West Tanfield Page no. 73	Demolition of an outbuilding and the construction of 42 residential units For: Berkeley DeVeer At Station Yard, Mowbray Terrace, West Tanfield RECOMMENDATION: GRANT

Afternoon session starting at 1.30pm, Thursday 5th January 2017

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
8	16/01614/OUT Mrs C Strudwick Alne Page no. 83	Outline planning application with details of access and layout (all other matters reserved) for residential development For: Mr R G Hirst and Mrs C M Clift At: Land adjacent Church House, Church Wind, Alne RECOMMENDATION: GRANT
9	16/02163/FUL Mrs H Conti Coxwold Page no. 91	Revised retrospective application for change of use from agriculture to temporary mixed use, adding external temporary storage of log cabins and static holiday homes For: Mr Ben Duffield At: Sunley Woods Farm, Husthwaite RECOMMENDATION: REFUSE
10	16/02307/FUL Mrs H Laws Exelby, Leeming & Newton Page no. 97	Change of use of annexe to a dwellinghouse and formation of access For: Mr & Mrs J Bleasdale At: Tatton Lodge, Londonderry RECOMMENDATION: GRANT
11	16/02401/FUL Mr P Jones Husthwaite Page no. 101	Retrospective application for change of use of agricultural building to general machine/contractor repair For: Mr Thomas Carter At: Bye Green Holdings, Low Street, Husthwaite RECOMMENDATION: GRANT
12	16/02182/FUL Mrs A Sunley Hutton Rudby Page no. 107	Two storey and single storey extensions to the rear of the dwellinghouse For: Mr Kevin Smith At: 22 North End, Hutton Rudby RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
13	(a) 16/02242/FUL & (b) 16/02243/LBC Mrs H Laws Kirklington Page no. 111	Applications for planning permission and Listed Building Consent for demolition of agricultural buildings, conversion of agricultural building to dwellinghouse, construction of two dwellinghouses and construction of building for parking/storage, construction of replacement garage and alterations to the access drive For: Kirklington (Yorks) Estates At: Goldswang Farm, The Green, Kirklington RECOMMENDATION: (a) GRANT RECOMMENDATION: (b) GRANT
14	16/02343/FUL Mr K Ayrton Northallerton Page no. 121	Formation of new car parking including alterations and improvement to car parking layout with associated landscaping following the removal of existing buildings to the rear of 8-18 Priory Close For: South Tees NHS Foundation Trust At: Friarage Hospital, Northallerton RECOMMENDATION: GRANT
15	16/02339/FUL Mrs A Sunley Seamer Page no. 129	Alteration to existing roof height of single storey dwelling to create first floor accommodation and a single storey extension to front of the bungalow and the creation of a new access For: Mr & Mrs Simon Evershed At: Debeviane, Hilton Road, Seamer RECOMMENDATION: GRANT
16	16/01575/FUL Mr T Wood Thirsk Page no. 135	Demolition of substation, office building and garage and construction of 2 detached single storey dwellings with vehicle parking together with modified verge crossing and associated works For: Mr I Stevenson At: Masonic Lane, Thirsk RECOMMENDATION: GRANT
17	16/02304/FUL Mr A Thompson Thirsk Page no. 143	Proposed alterations and change of use of ground floor to a retail unit, change of use of second floor from dance studio/gym to three apartments and the construction of a detached dwelling to the rear For: Mr W Calvert At: 2 Castlegate, Thirsk RECOMMENDATION: REFUSE
18	16/02380/FUL Mrs J Forrest Thormanby Page no. 149	First floor extension to existing dwelling For Mr Peter Gibson At: The Old Black Bull, Thormanby RECOMMENDATION: GRANT

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
19	16/01951/FUL Mr A Thompson Topcliffe Page no. 151	Construction of a warehouse in association with the existing business use and two storey ancillary mess facility with associated external access, parking and drainage attenuation pond For: NTS Dalton At: Land adjacent Eldmire Lane, Dalton RECOMMENDATION: GRANT

Parish: Great Ayton

Ward: Great Ayton

1

Committee Date: 5 January 2017

Officer dealing: Mr K Ayrton

Target Date: 13 December 2016

16/02048/FUL

**Change of use of land to holiday lodge park (54 lodges) with associated reception building, solar farm, landscaping and amenity ponds, together with formation and alteration of highway access and internal roads and associated car parking
At Angrove Park, Winley Hill, Great Ayton
For Mr Alan Petch**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on land that currently forms part of Winley Hill Farm. The farmstead is located approximately 1.7km to the west (as the crow flies) of the built up area of Great Ayton; and 0.8 km to the east of the built up area of Stokesley. The farmstead has an existing access off the A173, which crosses over the River Leven.
- 1.2 The application site covers approximately 13.43 hectares. It is located on the eastern part of the holding, with the eastern boundary of the application site being located approximately 600 metres to the west of the built up area of Great Ayton.
- 1.3 The application site includes a proposed vehicular access route, which heads north from the A173 over the River Leven, to the site. The site also extends to the north east to partly adjoin Yarm Lane.
- 1.4 The land surrounding the site generally comprises agricultural land, with some pockets of woodland. The River Leven extends along the south of the site and is delineated by the steep, vegetated banks of the river. Winley Hill Farm operates a camping / pod site on land to the west of the application site, next to an area of woodland, operated under the terms of a planning permission granted in 2011.
- 1.5 There are also a number of isolated residential properties located around the site. These include (distances indicate approximate separation from the edge of the boundary of the application site):
 - The Grange (and associated properties) – 165m
 - East Angrove – 155m
 - Angrove House – 620m
 - Angrove North Farm – 690m
 - Beatle Bridge – 425m
- 1.6 A public footpath passes along the southern boundary of the site, which runs parallel with the River Leven for the extent of its length. It is understood that some of this footpath is on land beyond the ownership of the applicant. It links to Stokesley to the west; and Yarm Lane to the east, just before it reaches the built up area of Great Ayton.
- 1.7 The nearest listed buildings are located some 0.5km away on Yarm Lane; and 0.8km away on the farmstead at Winley Hill Farm. The application site is not located within or close to the setting of any Conservation Areas. The nearest one is Great Ayton Conservation Area, which wraps around the edge of the built form of Great Ayton extending along Yarm Lane toward the application site.

- 1.8 The site and surrounding area is not the subject of any national or local landscape designations.
- 1.9 The topography of the site sees the land gently rise from the River Leven towards the north east, with some more localised level changes within the site. There is an existing network of planting along the southern and eastern boundary along with a field boundary passing through the centre of the site. The northern and western boundaries are more open to the wider field network.
- 1.10 The application is for a change of use of the land to form a holiday lodge park for the siting of 54 lodges with associated reception building, solar farm, landscaping and amenity points, together with the formation and alteration of highway access, internal roads and car parking.
- 1.11 The applicant has submitted several documents in support of the application, including:
- Transport Statement
 - Travel Plan
 - Tourism & Economic Impact Report
 - Consultation Statement
 - Details of Solar Panels
 - Agricultural Land Classification
 - Flood Risk & Drainage Assessment
 - Flood Risk Assessment
 - Supplementary Ecological Appraisal
 - Design and Access Statement
 - Planning Statement
- 1.12 The application has also been supported by a proposed site layout plan, however this is in illustrative form. Making reference to the proposed site plan and supporting planning and design and access statement, the proposed development includes:
- A reception building sited to the south west corner of the site. This would be formed by connecting two lodges together. The building would welcome visitors, provide office accommodation, staff toilet facilities and a bike hire facility;
 - 54 single storey lodges distributed evenly throughout the site, in clusters of three or four, incorporating a mix of 2, 3 and 4 bedroom units. No elevations have been submitted, however example images have been included in the design and access statement, which describes them as being “deliberately uncomplicated in order to create a peaceful and tidy aesthetic. They will be timber-clad with a timber-skirt, timber decking and slate effect roofs. The lodges fall within the legal definition of a caravan but are “high-end” in terms of their build-quality, external appearance and internal fixtures and fittings”;
 - The holiday lodges will be leasehold. Owners will be encouraged to hire their lodges to other holidaymakers through a site rental scheme operated by the management company;
 - New tree and shrub planting around the perimeter of the site to mitigate any visual impact;
 - Soft landscaping within the site along with pockets of open space and internal pedestrian and vehicular links;
 - A new vehicular access to the site from the A173, which would cross the River Leven. The new junction with the A173 would be an all movement priority junction (i.e. no traffic lights). A separate emergency access is proposed onto Yarm Lane to the north east of the site;

- Connections with the public footpath that passes alongside/through the site and the ability to accommodate the delivery of the separately proposed Endeavour Way (a cycleway between Stokesley and Great Ayton) through the site. The delivery of the Endeavour Way is being dealt with by Sustrans (and is not part of this application);
- A cluster of ground mounted solar panels on the western part of the site; and
- Balancing ponds within the site to manage surface water.

1.13 The application follows the withdrawal of a previous application (15/02420/FUL) for a similar form of development, albeit at a larger scale, with 179 units proposed. The site area was 29.3 hectares. The application was due to be determined at Planning Committee on 23 June 2016 but was withdrawn before a decision could be made. The officer recommendation was one of refusal for the following reasons:

1. Due to its scale and extent, the number of users and associated activity, the proposed development would be an inappropriate form of tourism development and would result in an unacceptable level of harm to the existing tranquil agricultural character of the surroundings, and would contribute to the further urbanisation of the countryside in an 'Area of restraint'. The proposal would therefore be contrary to Local Development Framework Spatial Principle 2 and policies CP4, CP15, CP16, DP30, and NPPF paragraph 28 and would not therefore be a justified exception to the policy principles of Local Development Framework Policies CP1 and CP2.
2. The development would result in the loss of Best and Most Versatile agricultural land and would have a detrimental effect on this natural asset and would not be a sustainable form of tourism development, contrary to Local Development Framework Policies CP1 and CP16 and NPPF paragraphs 109 and 112.

2.0 RELEVANT PLANNING HISTORY

- 2.1 10/02544/FUL - Change of use of agricultural land to a camp site consisting of 10 pods and a portable shower block and portable toilet block; Granted 4 February 2011.
- 2.2 15/01264/FUL - Retrospective application for change of use of agricultural land to a campsite, siting of a steel container, barbeque pod and three camping pods pavilion building and ancillary structures; Granted 2 November 2015.
- 2.3 15/02420/FUL - Change of use of agricultural land to holiday lodge park with associated solar farm, landscaping and amenity ponds, formation and alteration of highway access and internal roads, construction of office/hub building and associated car parking; Withdrawn 15 June 2016.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP15 - Rural Regeneration
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy 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 DP16 - Specific measures to assist the economy and employment
 Development Policies DP25 - Rural employment
 Development Policies DP26 - Agricultural issues
 Development Policies DP28 - Conservation
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP34 - Sustainable energy
 Development Policies DP36 - Waste
 Development Policies DP37 - Open space, sport and recreation
 Development Policies DP38 - Major recreation
 Development Policies DP39 - Recreational links
 Development Policies DP43 - Flooding and floodplains
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Great Ayton Parish Council - A representative from the group opposed to this development provided a detailed report and this was reinforced by others present. The main concerns raised were in regard to the possible increase in traffic on Yarm Lane as this was perceived as dangerous. They were also concerned about the impact this would have on the already very congested Stone Bridge.

This development is outside the LDF and would lead to the loss of agricultural land. A number of issues were raised in regard to proposed traffic calming measures however, no details on this were included in the application and therefore members felt that this would be a consideration for Highways.

The Parish Council hear that if the application was approved it would provide benefits to the local economy (tourist industry) by increasing footfall into the village, the application would be supported by many. Support from the business forum was evident on the basis that businesses in the village would benefit from such a development. The applicant who was also in attendance was asked why he had not applied for a development on the site of his existing camping pod. His response implicated that the LPA who apparently advised him to use the proposed site before the Parish Council.

- 4.2 Stokesley Parish Council - – members supported the application subject to the following issues being addressed – A173 access to be reviewed by Highways. Yarm Lane footpath safety issues to be addressed and planning conditions to be applied to the proposed sale of any of the lodges to ensure they remain as holiday lets.
- 4.3 Environmental Health (Contaminated Land) – No objection.
- 4.4 Northumbrian Water - We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled “Flood Assessment”. In this document it states that

surface water will discharge directly to the watercourse and foul flows will discharge to the existing 525mm combined sewer at manhole 0001.

We would therefore request that a condition be attached to any planning approval.

- 4.5 NYCC Heritage Services - I have checked the site against the North Yorkshire Historic Environment Record (HER) and can advise you that there are no currently recorded archaeological remains within your area of interest. However, there are known remains within the vicinity and I would consider your area of interest as one of archaeological potential. Recent archaeological investigations in the form of field-walking and trial trenching on the north western side of Stokesley have discovered evidence of both prehistoric and medieval activity. Therefore, there is the potential for hitherto unknown archaeological remains to exist within the area.

The developer has previously demonstrated that the land has been subject to intensive agriculture in recent years and in particular has provided evidence of land drainage. I agree that this reduces the archaeological potential of the area.

Information has also been provided on the construction methodology for the chalets which are largely pre-fabricated and will cause a minimal amount of ground disturbance. I agree that this reduces the impact of the proposal on any potential archaeological features. There are certain components of the development that would have a negative impact on archaeological features including the ponds/lakes, hub building and potentially the access tracks and service installation.

Therefore, I would advise that a scheme of archaeological mitigation recording is undertaken in response to the ground-disturbing works associated with this development proposal. This should comprise an archaeological strip, map and record to be undertaken in conjunction with site preparation works including top soil stripping, excavations for new foundations/water bodies and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.

This advice is in accordance with the historic environment policies within Section 12 of the National Planning Policy Framework, CLG, 2012 (paragraph 141).

- 4.6 Environmental Health Officer - If planning approval is granted, the occupier of the land will be required to obtain a Caravan site Licence under the provisions of the Caravan Sites and Control of Development Act 1960, which would be granted subject to conditions being met.
- 4.7 NYCC Sustainable Drainage Officer - No objection subject to the imposition of a condition.
- 4.8 Environment Agency – No objection, subject to conditions. In principle the development of the holiday lodges are acceptable, provided they are implemented to the details specified in the flood risk assessment.

In addition, we have noted that there is limited information about the crossing over the River Leven. A more detailed design of the bridge, along with an assessment of the associated flood risk is required.

- 4.9 Yorkshire Wildlife Trust (first response, dated 18 October) - The Trust welcomes the reduced size of this development. The Trust is also pleased to see a more detailed Supplementary Ecological Appraisal Report.

The application does not include any information on the way in which the site will be landscaped. The pictures in the Design and Access report of the camping area which has already been developed show areas of amenity grassland and gravel. This type of landscaping will have very little value for wildlife. Without a Landscape Plan including protection of hedges and trees on the site, native planting, species rich grassland, pond design, and features such as bat and bird boxes the authority cannot be certain of the effect of the development on biodiversity. Further issues will be suitable soil for wildflower areas as enriched arable soils are usually not suitable for wildflower meadows. The National Planning Policy Framework paragraph 109 gives Local Authorities a duty to work towards “minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”. The Trust would recommend that planning permission is not given until much more detail is available for landscaping and drainage.

If the authority were to give planning permission for the development it will be vital that conditions to manage the construction of the development and the future management of the site are put in place. In order to reduce impacts on wildlife and habitats and ensure gains for biodiversity a Construction Environmental Management Plan and a Landscape and Ecological Management Plan will be required.

- 4.10 Yorkshire Wildlife Trust (second response dated 15 November) - The problems with the updated Supplementary Ecological Appraisal Report identified in the first response have been addressed by the applicant’s ecologist. A Construction Management Plan, Landscape Planting Scheme and an Ecological Management plan can of course be conditioned. However having more information on the planting scheme before planning permission is given does give more confidence that the scheme will indeed provide enhancements for the area.
- 4.11 Highway Authority (First Response) – The first response from the local highway authority raised some queries with the submitted Transport Assessment and requested clarification on points made in the statement.
- 4.12 Highway Authority (Second Response) - The Technical Note – Response to NYCC addresses and clarifies the issues raised in the Local Highway Authority’s (LHA) two letters issued in October to address general matters and in response to the Stage 1 Road Safety Audit (RSA1). The LHA considers that the Technical Note suitably addresses the matters of concern to the LHA and whilst there are some minor amendments which will need to be made these can be conditioned.

The applicant has shown that a safe and satisfactory vehicular access can be created onto the A173 in accordance with national standards.

The applicant is also proposing works along Yarm Lane to form a link between the Public Right of Way (PRoW) which passes through the site and Low Green to extend it as an appropriate route for users of the site to travel to Great Ayton without travelling by car. These works include two short sections of narrowed carriageway where traffic will give way to oncoming traffic. This will lower traffic speeds on the approach to Low Green and enable a short length of footway to be created to provide the missing link into Low Green.

The proposed route will not be a formal footway providing access to dwellings but a maintained grass verge which will be similar in surface characteristics as Low Green and the PRoW passing through the site and suitable for use by holiday makers.

The RSA1 independently assesses the potential safety implications of the proposed link between the PRoW and Low Green. The LHA is satisfied that the matters raised

in the Audit can be addressed in amendments to the design when detailed drawings are being produced. There will also need to be a S106 requirement to cover the maintenance of the grass verge to a suitable standard for use by pedestrians.

A framework Travel Plan has been submitted to show how visitors to the site can be encouraged to make journeys by means other than the private car.

The Local Highway Authority recommends that the following matters are addressed through inclusion in a Section 106 Agreement or by the imposition of conditions any planning permission the Planning Authority is minded to grant.

Matters to be included in a Section 106 Agreement to which the Local Highway Authority would wish to be a party:

The future maintenance of the verge between the point where the public right of way footpath and Low Green to a standard suitable for use by pedestrians using the rest of the route between the site and Low Green.

4.13 Public Comments – A significant number of letters of support and objection have been received from residents of the village, the surrounding hinterland and the wider District.

4.14 Approximately 144 letters of support have been received, making the following comments:

- The proposal would help with farm diversification;
- This business should be supported and allowed to grow;
- The development will bring tourists, create jobs and allow local families to live and work in the country;
- It would create a unique development that would promote a link between Great Ayton and Stokesley;
- The development will improve the natural surroundings if the landscaping and ecology plans are carried out correctly;
- It will be a great asset to the local community;
- Tourism is the future, use it or lose it;
- Events nearby such as Stokesley Show and surrounding markets will reap rewards as more people will be willing to attend as their will be extra accommodation just down the road;
- The new plans are vastly revised and should be approved to secure the future development of our area;
- The location is perfect as it's not too close to disturb local villages and towns but close enough to have a nice cycle along to get anything we need;
- It will encourage cycling in the area;
- I am aware that this development will support the Endeavour way cycle route between Great Ayton and Stokesley. This can only be a huge boost to the area as currently the only way to get to the two centres by bike is along the fast flowing A 173;
- There is a noticeable and distinct shortage of holiday lodges within the area for tourists to stay at and enjoy. The Park will be ideal for families, from other parts of the United Kingdom and abroad, to come and enjoy our beautiful surrounding countryside with its visitors attractions, including 'Captain Cook Country', the North Yorkshire Moors, the Yorkshire Dales and their National Parks;
- At this present time, new and local jobs are few and far between and the job prospects the Park will create and offer will boost the local employment status greatly within the Great Ayton and surrounding areas;
- To have a new enterprise at this time of national uncertainty can only be applauded;

- This modest scheme is not likely to cause overcrowding, and will also allow tourists to explore and enjoy what we locals take somewhat for granted;
- We are very lucky where we live we need to welcome tourists to see all Great Ayton has to offer;
- Angrove Park is a local initiative run by local people who are having a positive impact on the rural economy;
- Firstly the area is crying out to enhance the tourism opportunities. Having visited the Lake District many times one can see how this type of development can go side by side with the local community bringing money into the area, creating job opportunities without having negative impact. It is also of note that vibrancy to the area goes hand in hand as I have seen in the Lakes;
- I am aware that Hambleton are promoting the vibrant towns scheme to support our local high streets and villages. This development is smack between Great Ayton and Stokesley which are both areas that are trying to attract business and tourism to the area. This area has also been hit by various downturns on Teesside (e.g. Redcar steel works) so it is very refreshing to see a local family prepared to invest in the local area;
- Overall I feel this is an excellent and sensitively considered scheme and I support it;
- I think it will add to the ecology of the area as the land, rather than being farmed is going to have wildlife corridors and ponds;
- Rural communities originally relied on their local assets for their existence mainly through agriculture and its derivatives. As times have changed this is no longer the case and as a result there are fewer rural employment opportunities which this application would provide together with the knock on effect of increased spending in the area;
- From my experience I have had very little problem with traffic congestion other than at peak times when people are travelling to and from work and as a professional driver I find this is the case in most places I have visited. The majority of people on holiday avoid these times rather than spend their leisure time queuing in traffic; and
- The health benefits of more people cycling in a world where kids are getting fatter shouldn't be understated. Rejecting this application is just down right narrow minded.
- There are not 555 members of the 'Say YES' facebook group.

4.15 Approximately 115 letters of objection have been received, raising concerns regarding the following matters:

- The scale of development is too large for its location;
- The number of lodges has been reduced but the coverage has not been reduced by the same proportion;
- A greenfield site should only be considered for re-designation for other purposes in exceptional circumstances;
- This is a major development which applies to land outside the Local Development Framework;
- There is a glut of applications to build more holiday huts in this area, and possible increase tourism, with the tantalising promise that this will somehow benefit the local retailers and offer employment. I do not believe this will happen; they will come with their caravans well stocked;
- The proposal would therefore be contrary to Local Development Framework Spatial Principle 2 and policies CP4, CP15, CP16, DP30, and NPPF paragraph 28 and would not therefore be a justified exception to the policy principles of Local Development Framework Policies CP1 and CP2;

- I am against this proposal as I believe it will contribute to the complete urbanisation of the village. It will not be long before Ayton is merely a suburb of Middlesbrough;
- It is clear that the proposed development is to be constructed in an 'open' landscape made up of large fields used for growing arable crops. Despite this no detailed landscaping plan is submitted by the applicant to show how the new development can sit sympathetically within its surroundings;
- One of the most crucial issues with the current application is that there has been no landscaping scheme. "No detailed landscaping scheme is provided in conjunction with the application..." (Design & Access Statement, 2016; doc: 01794499) - without a clearly defined landscaping scheme, if granted approval, the applicant could technically follow none of the promised 'plans' for providing a development that is in keeping with the LDF;
- Considerable disruption to the elderly/disabled villagers;
- Great Ayton does not require a development of this size on its doorstep. Parking in the village is already inadequate for the residents and visitors that the village attracts throughout the year;
- Similar developments as that proposed for Angrove Park already exist within a 20-25 mile radius of Great Ayton;
- We completely understand the need to diversify and the applicants existing business does not create any problems, we would support a smaller scale development. However this proposal is too large for the area;
- The proposals state that it will increase business for the local economy. However, it will have a significantly negative impact on existing 'bed and breakfast' and 'cottages to let' businesses;
- The economic impact assessment is highly speculative and lacking any tangible detail regarding types of job creation, wider impact on businesses and any sort of decipherable calculations;
- The reliance on the STEAM model to measure tourist footfall in the area. This model has been shown to be inaccurate and in taking data from other areas (NYNMP) to base calculations of cumulative expenditure on, I argue we have no clear idea of exactly how much the proposal will boost the local economy;
- This scheme will increase the pressure on already overloaded infrastructure and offers no benefit for the parish of Great Ayton;
- This site will be used as permanent homes as such sites are not policed;
- The access arrangements are not suitable;
- No one will police the use of the emergency access;
- The proposed access from Yarm Lane would create a potential increased use of the lane, which is unsuitable for increased traffic;
- Yarm Lane is already heavily used by people travelling towards Stokesley (myself included) and any traffic controls would cause delays and congestion. It is a narrow road and as such tractors which have to use the lane struggle to negotiate the road so any further traffic or emergency vehicles would have a negative effect;
- We are also concerned by the proposed road narrowing and traffic barriers in order to fit a footpath on Yarm Lane. As a footpath/grass area is already present along most of Yarm Lane for pedestrian use, the proposed changes are unnecessary;
- The proposed passing points will cause problems for residents to access their properties. Those who would normally park outside their own homes would need to find alternative parking places;
- The road safety analysis is 16 months out of date;
- The number of car parking spaces is excessive. Most places like this have one space and a small number if extra for visitors;
- Increased pressure on already difficult parking in Great Ayton;

- The endeavour cycle route does not depend on the success of this application. Sustrans have confirmed this to me and others - there is no connection or inter dependency between these schemes and it is misleading to infer so;
- Our principal objection is that the development is too close to the very well walked footpath which many older residents walk as it is flat;
- There is a bike shop in Great Ayton (a fairly new business) and this service (repairs) will be duplicated on the development so no extra business there;
- Little demand for log cabin accommodation in the area;
- All the comments for the previous application still apply;
- The economic benefits of the new development are going to be much reduced compared with the previous scheme;
- The people using the lodges will not go into the village - they will bring amenities so no extra business;
- Whilst there may be some advantage to some businesses in the area this is outweighed by the loss of business for others;
- If the application is granted there should be continuous strict control over the occupancy conditions to ensure the site is operated purely for holiday purposes and not for second homes;
- The scheme is located in a highly visible open landscape and will destroy this truly peaceful rural area and cause damage & disruption to local wildlife;
- Changes to the riverside would be detrimental to the local wildlife, which includes shrews, sand martins and kingfishers;
- The development would result in the loss of Best and Most Versatile agricultural land and would have a detrimental effect on this natural asset;
- Agricultural land is needed to provide food;
- Hopefully the number of units will not be allowed to creep up without further consultation;
- It represents a loss of over 30 hectares of prime agricultural land in an area of natural beauty. The area does not support nor justify this type of urban sprawl, from what in all likelihood will become nothing more than a residential caravan park;
- A Solar farm already exists at Winley Hill Farm;
- Concerns over noise and air pollution; and
- The open farmland between Great Ayton and Stokesley acts as a buffer between the two communities and should be maintained to preserve the rural nature of the area.
- The development would result in the loss of "Best and most Versatile Agricultural Land". It would not be a sustainable form of tourism development. There are alternative sites which could utilise lesser quality land.
- The land take for the development of 54 units is excessive and disproportionate.
- If the applicant considers there to be demand, why not continue to grow organically?
- I am aware that several other sites operating a similar model morph into low quality, cheap residential estates.
- It has been a long held concern of myself and others opposing that the site will not actually even bolster the area tourism offering but will instead be used as a cheap source of rural residential accommodation.
- Those who support the site on the basis that it will help and transform existing small business in Great Ayton and Stokesley are at best being misled and at worst short sighted.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of the development in this location; (ii) the impact of the development on the local economy; (iii) the impact on landscape character and visual impact; (iv) the loss of agricultural land; (v) the impact on wildlife

and biodiversity; (vi) the impact on residential amenity; (vii) design; (viii) flood risk; and (ix) highway safety.

Principle

- 5.2 Decisions must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.
- 5.3 The site is in a rural location beyond Development Limits where, under policies CP1 and CP2 of the Core Strategy, development will not normally be supported unless an exceptional case can be made.
- 5.4 Policy CP4 of the Core Strategy sets out criteria where an exception may be considered, including where (under criterion 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”. Tourism accommodation of this type, including holiday lodges intended to offer the benefits of rural surroundings, is considered to have an essential requirement for a rural location, and therefore accords with the Local Development Framework policy in principle.
- 5.5 Policy CP4 does not qualify the exception for tourism development by reference to the scale or type of development, which are more appropriately considered in relation to the policies covering the considerations outlined in paragraph 5.1. Any exception under policy CP4 must also rely on an exceptional case being made in terms of policies CP1 and CP2.
- 5.6 As a potential exception to CP1 and CP2, the application is to be considered in terms of the overall sustainability of its location. In this case the site is close to a large village (Great Ayton, designated a Service Village in the Council’s Settlement Hierarchy) where there is a good range of services as well as tourist attractions; and to a market town (Stokesley, designated a Service Centre in the Settlement Hierarchy). The site is also within reach of the urban conurbations of Teesside and recreational opportunities within the North York Moors National Park. The supporting Transport Statement confirms that the nearest bus stop to the site is located approximately 200 metres to the south of the site entrance, on the A173. There are regular (at least 1 per hour) bus services (services 28a and 81) between Great Ayton and Stokesley, and access to onward public transport including Teesside and the coast.
- 5.7 A railway station approximately 1 mile to the east of Great Ayton (approximately 3km from the site) serves the Esk Valley railway between Middlesbrough and Whitby. Overall, and considering the likely extent of private car use by tourists, the site location is considered to be a sufficiently sustainable location to be an exception for tourism accommodation under CP1 and CP2.
- 5.8 Section 3 of the National Planning Policy Framework (NPPF) offers support to sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors and which respect the character of the countryside. This includes support in appropriate rural locations where identified needs are not met by existing facilities. The degree to which this proposal would respect the character of the countryside is considered later.
- 5.9 The submitted details include a Tourism and Economic Impact report which shows the site to be in a good location relative to the competition and type of tourism offer and notes that demand is strong for high quality operations and properties. The report further shows that lodges, log cabins and barn conversions are effective businesses in the area and also that the holiday rental sector is performing well, with

North Yorkshire doing better than other areas. The report refers to the well-established economic benefits of tourism as a whole, and that self-catering accommodation is particularly important in the economies of rural areas. The statement is supported by a note from Hoseasons stating that it is their experience that demand is outstripping supply in the area around the North York Moors. The report satisfactorily demonstrates that the development will meet the needs of tourism with an essential need to locate in the countryside and will help to support a sustainable rural economy. The economic benefits are discussed in further detail below.

- 5.10 For the above reasons, the proposal is considered to be in accordance with the principles of the Local Development Framework (LDF) and the NPPF in relation to tourism development. Whether the proposal would accord with all policies of the LDF or achieve full compliance with the NPPF is dependent on further assessment with particular regard to the scale of the development and its likely impact on the area. The relevant considerations are examined below.

Impact on the local economy

- 5.11 The Tourism and Economic Impact Report has reviewed the relevant tourism policy context, profiled the likely performance of the development, evaluated the market need and calculated the economic impact. This report has been updated to reflect the revised scheme. It is noted that the report makes several assumptions including an average unit size of 3 bedrooms (or 6 bed spaces), and an average occupancy rate of 30 weeks (compared to a national average of 25 weeks). The report also identifies the proximity of Great Ayton and Stokesley to the development and argues that this would be a strength of the scheme rather than a weakness.
- 5.12 The report's conclusion identifies the following economic impacts:
- £935,388 of accommodation sales (i.e. potential rental income) per annum;
 - £1,402,304 of direct spend into the local economy per year by staying visitors;
 - Total direct economic impact of £2.34 million per annum;
 - Total indirect economic impact (e.g. supply chain, wages and other consumer spending) of £4.2 million per annum; and
 - Cumulative direct and indirect economic impact of £6.54 million per annum.
- 5.13 The report ends by stating that the author is confident that the economic impact will generate significant numbers of jobs (amounts not specified) on and around the site and within the local visitor economy supply chain.
- 5.14 The evidence indicates that the development would make a positive contribution to the local economy, which is a core aim of planning policy. The level of contribution to the economy is relatively subjective, although the supporting report would suggest that it would be significant. It is noticeable that the report highlights the site's relationships with Stokesley and Great Ayton, and the services and facilities they have, most notably shops and restaurants, which would meet the needs of occupants of the proposed holiday lodge park.
- 5.15 Therefore it can be concluded that the proposed development would help to support a sustainable rural economy, which should be given significant weight in determining the application. However, it should be added that if the lodges were not occupied at the average occupancy rate assumed in the supporting Tourism and Economic Impact report, the scale of contribution to the local economy would be reduced. Therefore the weight given to this benefit is linked to the ability to ensure that the proposed lodges are occupied in the manner that has been assumed in the supporting report.

- 5.16 To that end, officers have held discussions with the applicant to gain a clear understanding of the proposed occupation of the lodges and to seek confidence on the economic benefits. It had been understood that the scale of the previous application (179 lodges) had been determined by the need to generate sufficient revenue to recoup the capital costs of infrastructure, primarily the new access road incorporating a bridge over the River Leven. In this application, the primary source of infrastructure funding would be through private sales of 27 of the 54 lodges. The nature of occupation of the lodges is considered to be important in terms of the economic benefits: short-term rental occupation would maximise the turnover of occupiers, which would generate jobs in cleaning, laundry, etc. as well as the administration of the lettings. In addition it is considered that turnover of occupiers would increase the number of visits to, and therefore spending at, local attractions such as the Captain Cook Schoolroom Museum. It is considered unlikely that these economic benefits, the reason why tourism development is given exceptional support in policy CP4, would be secured to the same extent if the 27 privately owned lodge were only occupied by their owners.
- 5.17 It is considered that privately owned lodges would make an appropriate contribution to the local economy if holiday lettings are promoted to prospective purchasers. The applicant is willing to undertake such promotion and to manage lettings. While there is a risk that some purchasers may decide not to allow holiday lettings of their property, this is considered to be low. A scheme for the promotion of holiday letting can be secured by condition alongside restrictions of the pattern of occupation of all units, including a requirement that the lodges are occupied for holiday purposes only and not as a person's sole, or main place of residence.
- 5.18 In addition to support given to the rural economy, policy DP26 also encourages farm diversification where it helps to sustain the existing agricultural enterprise. This is reflected in the NPPF, which permits the development and diversification of agricultural and other land-based rural businesses.
- 5.19 The applicant has already diversified to an extent at Winley Hill Farm with the introduction of camping pods, which were approved in 2011. The proposed development would utilise approximately 10% (13 hectares) of the land in the applicant's ownership (approximately 130 hectares in total) and approximately 3.4% of the total holding (approximately 396 hectares), with the remainder continuing to be used for agricultural purposes.
- 5.20 Whilst it is accepted that income from the development would benefit the farming enterprise, without harming its operation, only limited evidence has been submitted in support of the application to quantify this. Therefore, the weight that can be afforded to this benefit is limited.

Loss of agricultural land

- 5.21 The agricultural land classification report submitted with the application indicates that the application site incorporates a mix of grades 3a, 3b and 4. It is noticeable that this mix of land classifications extends beyond the site.
- 5.22 Paragraph 112 of the NPPF requires the Council to take account of the economic and other benefits of the best and most versatile agricultural land (defined as grades 1, 2 and 3a). It also states that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use an area of poorer quality land in preference to that of a higher quality. This approach is reflected in policy CP16 (protecting and enhancing natural and man-made assets), which states that development or activities will not be supported which has a

detrimental impact upon the interests of a natural or man-made asset. The supporting text identifies the best and most versatile agricultural land as being such an asset.

- 5.23 The application site comprises a mix of best and most versatile agricultural land (class 3a - approximately 40%), along with class 3b and 4 agricultural land. The loss of this land needs to be balanced against all other planning considerations. It is noticeable that it would be difficult to develop this scheme in this area on a parcel of land that did not incorporate a proportion of best and most versatile land. This is largely due to the mosaic mix of land classification, which would result in an awkward and contrived site if all best and most versatile land were to be avoided. Therefore, whilst the loss of the best and most versatile land should be a factor that weighs against the proposed development, consideration also needs to be given to the wider benefits (e.g. landscape impact) of siting the development in this location

Landscape and visual impact

- 5.24 The proposal would introduce a significant amount of new development into an open rural landscape. The issues that need to be considered with regard to landscape impact are the extent to which the development would impact on the wider surroundings; the extent to which it would affect the experience of users of the countryside, particularly users of public rights of way; and its likely effect on the openness and intrinsic character and quality of the landscape, as required by policy DP30.
- 5.25 The existing landscape is agricultural in nature, with irregular fields contained in part on the west side by a block of woodland, and on the south by the River Leven and the associated medium height growth of bushes and trees along its banks. East of the site there are further blocks of woodland on the outskirts of Great Ayton. The immediate surroundings of the site are effectively contained within the neighbouring roads to the north (Yarm Lane) and south (A173) beyond which the rural landscape extends south and eastwards to the North York Moors, which forms a strong natural feature, and northwards towards the flat agricultural land south of the Teesside conurbation.
- 5.26 It is evident that there are no long distance views of the site of any significance. The most visible part of the site is its north eastern quadrant, which is its highest point topographically and visible from Yarm Lane. The views of the site from the south are restricted because of the screening effect of the trees along the River Leven, although it is noticeable that there is a gap in the planting on the south east corner of the site, which allows for private views of this part of the site from East Angrove.
- 5.27 Views from the west of the site are effectively screened by the Angrove and New Shed plantations. Views from the east are screened by the bordering trees to the Grange and belts of planting on the north side of the A173.
- 5.28 Therefore the combination of topography and existing landscape largely restricts views of the site from the wider area, limiting the majority of those available to the north of the site. Views of the site are also available from the public footpath that passes alongside the site. These would be extensive and for a relatively significant length of the footpath.
- 5.29 The illustrative proposed site plan identifies a significant amount of landscaping as part of the development. At this stage a detailed landscaping scheme has not been submitted. However, the applicant has confirmed that the landscaping scheme would include:
- Hedge planting either side of the new road access from the A173;

- The creation of structural buffer planting to the north and west edges of the site to assist in screening the development; and
- The provision of buffer planting at the south and eastern edges of the site, adjacent to the route of the Endeavour Way cycle path, to segregate the cycle path from the development site and to help screen the proposed chalets in views along this route.

5.30 It is considered that a landscaping scheme that would satisfactorily mitigate the landscape impact of the development can be delivered. This would include the introduction of structural buffer planting, most notably to the north to help screen the most visible part of the proposed development, in-filling the gap on the south eastern boundary to screen views of the site from East Angrove, and the public right of way along the southern boundary. It is clear that the landscape framework would be vital in successfully integrating the development into the local landscape, with a detailed scheme to be secured through condition.

Character of the countryside

- 5.31 Separate from the question of how the proposal would sit within the landscape, which is primarily a visual matter, it is necessary to consider whether the proposed development, by reason of its nature and scale and associated activity, would have any impact on the character of the countryside.
- 5.32 Whilst the location is relatively well protected from general public view from the wider landscape, the existing agricultural surroundings in this area are intrinsically quiet and tranquil in character and thus sensitive to development. The site is relatively large for this type of land use within Hambleton, and it is necessary to take into consideration whether the extent of the use and the activity it would generate would be harmful to the character of the countryside.
- 5.33 The use of 54 holiday lodges for holiday purposes would give rise to a high level of associated activity within these agricultural surroundings. Despite the relatively good screening noted above, this would result in the development being apparent in the rural surroundings and would alter the character of the countryside in this area, although not to the same extent as the previous 179-lodge proposal.
- 5.34 These changes would include a level of outdoor recreational activity and traffic movements, both of which would generate a type and level of noise that could be considered atypical of the countryside and would contribute to an overall change in the typically quiet and tranquil surroundings.
- 5.35 In considering the previously withdrawn application for 179 holiday lodges, officers formed the conclusion that the degree of change was significant enough to result in a level of harm that would be contrary to Policy DP30. It was considered that the proposal would contribute to the further urbanisation of the countryside in this area which is identified as an Area of Restraint in the LDF to protect against the development pressures from the Teesside area.
- 5.36 This application has significantly reduced the proposed number of holiday lodges from 179 to 54. The application site has also been reduced from 29.3 hectares to 13.43 hectares. No specific reason has been provided by the applicant as to why the site area has not reduced in proportion to the unit number reduction, however it is understood that the proposal is targeting larger, higher quality holiday lodges in a lower density environment than the previous scheme.
- 5.37 The reduced scale of development and the associated reduction in activities is considered to be a more appropriate size for a countryside location having regard to

its relationship with Great Ayton, albeit the site area and number of holiday lodges remain relatively large in comparison with other tourism development within the District. However, it has to be recognised that Great Ayton is one of the more sustainable locations within the Settlement Hierarchy and that Stokesley, a Service Centre, is relatively close. The relationship with these two settlements allows consideration to be given to a large scale development.

- 5.38 It has been demonstrated that the site benefits from the existing landscape, with views of the site largely restricted from the wider area. Where these are available, landscaping can be introduced to satisfactorily mitigate the visual impact of the development. Whilst the scheme would have an impact on the landscape character, the visual receptors of this impact are low in number and certainly much reduced when compared with the previous scheme. It is also considered that that the substantial level of landscape mitigation proposed would fit in with the overall character of the local landscape.

Impact on wildlife and biodiversity

- 5.39 Policy DP31 relates to the protection of natural resources, including biodiversity/nature conservation. It states that permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation, together with species that are protected or under threat. The policy adds that support will be given to the enhancement and increase in the number of sites and habitats of nature conservation value. This approach is reflective of section 11 (Conserving and enhancing the natural environment) of the NPPF.
- 5.40 The application is supported by a detailed Ecological Appraisal Report, which makes the following conclusions:
- Current planting schemes have left the fields with no headland margins to the edges of the crops. As such there is minimal habitat for wildlife with the exception of areas of deciduous woodland and tree lines found at several locations throughout the site. The River Leven to the southern boundary is considered to be a wildlife corridor for species moving through the area;
 - The proposed development with appropriate planting linking the site to the Leven would potentially result in an increase in habitat within the area, and a subsequent increase in the species diversity present within the site;
 - The current farming practice consisting of areas of mono culture result in what could be described as a “Green Desert” with little provision for wildlife, such intensive cropping of an area of land also requires high levels of fertiliser input together with the application of herbicides and pesticides;
 - The holiday accommodation with associated planting schemes, provision of additional hedgerows between different areas and the planting of species rich wildflower areas to the rear of each property, together with the construction of several ponds for wildlife within the site would we believe provide positive wildlife gains to the area; and
 - There may however be a minor negative impact to the current brown hare population within the site due to the increased disturbance associated with this type of development, however there are still large areas within the farm where the population can be maintained.
- 5.41 The report has been considered by the Yorkshire Wildlife Trust (YWT). Some points of clarification were requested by the YWT, which have since been responded to by the applicant. As a consequence, the YWT is generally happy with the contents and findings of the report, subject to the implementation of robust conditions securing an appropriate construction management plan, landscaping planting scheme and ecological management plan.

- 5.42 The above findings allow the conclusion to be formed that whilst there may be limited impact in the short term, the overall impact of the development is likely to enhance biodiversity, particularly in the long term. Therefore the proposal accords with the requirements of policy DP31 in that it would not result in significant harm to sites and habitats of nature conservation.

Residential amenity

- 5.43 The nearest residential properties are well over 100m away from the boundary of the application site, and views of the site would be from upper windows, and relatively distant. The extent of harm to amenities of residents would therefore be minor. The proposal does not include a significant centre for entertainment or leisure purposes and it is likely the largest potential for disturbance would be outdoor socialising, children playing and general activity levels within and around the site. It is normal for caravan sites to impose regulations on noise within the site for the benefit of holidaymakers but it would be impractical for the planning authority to monitor and enforce such controls for the benefit of the general population. However, in view of the separation distance from the nearest dwellings, the likelihood of noise disturbance is limited.
- 5.44 The public right of way eastward from the site runs along the south boundary of The Grange and towards Great Ayton. There is solid timber fencing and planting on the boundary. Use of the footpath is not likely to be extensive in unsocial hours, although it is not possible for the Council to regulate use of public footpaths.
- 5.45 In terms of the amenity of visitors, and possible concerns arising from the nearby sewage works, there is no history of complaints regarding the sewage works, and taking into account that visits would be for relatively short periods, the possibility of occasional smell issues would not preclude approval.

Design

- 5.46 The application is supported by a proposed site layout plan, which is illustrative in nature. The information submitted in support of the application indicates that the proposed holiday lodges would be single storey, with the design details restrained in character. The details include timber cladding exterior and the overall effect is appropriate for the purpose, and the rural surroundings. In order to respond positively to the rural surroundings it is important that a consistent level of design and palette of materials is provided throughout the site. This would be controlled and secured through condition to ensure a high quality design in accordance with policy DP32. The condition requires a site-wide, lodge design code to be submitted to and approved in writing by the Local Planning Authority.

Flood risk

- 5.47 The site includes an area of flood risk along the south side of the site, associated with the River Leven and the proposed development is sited so as to avoid these areas. The Environment Agency does not object to the proposed development. The proposal includes a drainage strategy with internal swales that satisfies the requirements of Northumbrian Water. Subject to details, which could be controlled by condition, the proposal would not therefore increase the risk of flooding in the vicinity of the application site or elsewhere in the catchment.

Highway safety

- 5.48 The supporting Transport Statement confirms that a new vehicular access is proposed to the site from the A173, which would cross the River Leven. The new junction with the A173 would be an all movement priority junction (i.e. no traffic

lights). A separate emergency access is proposed onto Yarm Lane to the north east of the site. A cycle link is also proposed onto Yarm Lane, through the existing field access at the north east point of the site.

- 5.49 Additional highway works are proposed off-site along Yarm Lane to form a link between the Public Right of Way which passes through the site and Low Green. These works include two short sections of narrowed carriageway where traffic will give way to oncoming traffic. This will lower traffic speeds on the approach to Low Green and enable a short length of footway to be created to provide the missing link into Low Green. The route will not be a formal footway but a maintained grass verge.
- 5.50 The development will provide for a minimum of two private cars per lodge, along with additional 'overflow' parking adjacent to the main reception building. Cycle parking will also be provided throughout the site, with provision at the main reception buildings and secure storage at the lodges.
- 5.51 The local highway authority has confirmed that they raise no objection to the proposed development. A Section 106 will also need to be entered into by the applicant to secure the maintenance of the grass verge.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to (a) the satisfactory completion of a Section 106 Agreement to secure the future maintenance of the highway verge; and (b) the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The proposed holiday lodges, including the associated reception building, shall be single storey only.
 3. No above ground construction work shall be undertaken until a site-wide, lodge design code has been submitted to and approved in writing by the Local Planning Authority. The design code shall include details of the materials to be used in the construction of the external surfaces of the development, window/door types and profiles, and associated decking. All lodges located on the site shall conform to the approved design code.
 4. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
 5. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Assessment". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 0001, and ensure that surface water discharges to the existing watercourse.
 6. 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. The scheme to be submitted shall

demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance.

7. Prior to the commencement of development, the developer shall submit detailed plans to the Local Planning Authority providing details of the proposed channel amendments to the River Leven and full details, including construction methods for the proposed bridge over the River Leven. These plans shall include a cross section of the channel showing that the bridge soffit is above the 1 in 100 year climate change modelled level. The plans shall be implemented in accordance with the approved details.
8. 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.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under this condition.

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 this condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

9. 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 scheme shall adopt the following principles established in its design, which are indicatively shown on the submitted site layout plan: (i) hedge planting either side of the new road access from the A173; (ii) the creation of structural buffer planting to the north and west edges of the site to assist in screening the development; and (iii) the provision of buffer planting at the south and eastern edges of the site, adjacent to the route of the Endeavour Way cycle path, to segregate the cycle path from the development site and to help screen the proposed chalets in views along this route.

The development 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 situated within the 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.

10. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following: (i) risk assessment of potentially damaging construction activities; (ii) identification of "biodiversity protection zones"; (iii) practical measures (both physical measures and sensitive working practices) to

avoid or reduce impacts during construction (may be provided as a set of method statements); (iv) the location and timing of sensitive works to avoid harm to biodiversity features; (v) the times during construction when specialist ecologists need to be present on site to oversee works; (vi) responsible persons and lines of communication; (vii) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and (viii) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

11. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following: (i) description and evaluation of features to be managed; (ii) ecological trends and constraints on site that might influence management; (iii) aims and objectives of management; (iv) appropriate management options for achieving aims and objectives; (v) prescriptions for management actions; (vi) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period); (vii) details of the body or organization responsible for implementation of the plan; and (viii) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

12. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until: (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority: (a) the new access onto the A173; and (b) the works to create a walking route between the Public Right of Way and Low Green; (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works; and (iii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
13. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 12: (a) the new access onto the A173; and (b) the works to create a walking route between the Public Right of Way and Low Green.
14. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of

mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

15. Prior to the development being brought into use, a Travel Plan based upon the submitted Framework Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include: (a) the appointment of a travel co-ordinator; (b) a partnership approach to influence travel behaviour; (c) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site; (d) provision of up-to-date details of public transport services; (e) continual appraisal of travel patterns and measures provided through the travel plan; (f) improved safety for vulnerable road users; (g) a reduction in all vehicle trips and mileage; (h) a programme for the implementation of such measures and any proposed physical works; and (i) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance. The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.
16. There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until details of measures to maintain the free flow of traffic on the highway network have been approved in writing by the Local Planning Authority in consultation with the Highway Authority and the development shall thereafter be carried out and operated in accordance with the Construction Traffic Management Plan. The measures shall include but not be limited to: (a) Details of the routes to be used by HCV construction traffic; (b) Traffic Management Plan; and (c) Parking / Storage areas.
17. There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until a detailed Construction Phase Management Plan relating to the programme of demolition and construction works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the development shall thereafter be carried out and operated in accordance with the Construction Phase Management Plan. The Plan shall include arrangements for the following: (a) Protection of carriageway and footway users at all times during demolition and construction; (b) Erection of hoardings, security fencing and scaffolding on/over the footway & carriageway; (c) Protection of contractors working adjacent to the highway; (d) Removal of materials from site; (e) Delivery of materials and plant to the site; (f) Loading/unloading of materials and plant; (g) Storage of materials and plant; (h) Parking of contractors vehicles; and (i) Programme for the works.
18. There shall be no access or egress between the highway and the application site at the approved emergency access by any vehicle save in an emergency. The access shall be maintained in a safe manner which shall include a means of locking to allow emergency use but prevent unauthorised use and approved by the Local Planning Authority in writing. For clarity emergency use shall be defined as use by emergency vehicles or unforeseen circumstances which prevent vehicles from using the main access for a period of time. In the latter circumstances a plan for traffic management, approved in writing by the Local Planning Authority in consultation with the Highway Authority shall be employed.

19. Prior to the occupation of any of the holiday units hereby approved details shall be submitted to and approved in writing by the Local Planning Authority to confirm the number of lodges (not less than 27) that will be retained by the park and restricted in their occupation for holiday letting purposes only. No occupier of those lodges shall use any of the (not less than) 27 units identified for more than 12 weeks in any single calendar year.
20. Prior to the occupation of any holiday unit hereby approved that forms part of the remainder of the 54 holiday units not identified under condition 19, a scheme for the promotion of holiday letting of those (not more than 27) units shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall make provision for the holiday letting of those units and shall specify the manner in which holiday letting will be promoted to potential purchasers. This scheme shall be implemented in full and continuously so long as any lodges are on the site.
21. The development must comply with the following requirements that: (1) the units shall be occupied for holiday purposes only; (2) the units shall not be occupied as a person's sole, or main place of residence; (3) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual units on the site, and of their main home addresses, and shall make this information available at all reasonable times to 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 ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
5. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
6. 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.
7. To ensure that flows within the watercourse are not obstructed.
8. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.
9. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.

10. To ensure that biodiversity is offered protection during the construction of the development in accordance with LDF policy DP31.
11. In order to satisfactorily mitigate the visual appearance of the development and deliver biodiversity benefits in accordance with LDF Policies CP16 and DP30 and DP31.
12. In accordance with policy DP3 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
13. In accordance with policy DP3 and in the interests of the safety and convenience of highway users.
14. 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.
15. In accordance with policy DP3 and to establish measures to encourage more sustainable non-car modes of transport.
16. In accordance with policy DP3 and to avoid interference with the free flow of traffic and to secure safe and appropriate access and egress to the site in the interests of safety and convenience of highway users and the amenity of the area.
17. In accordance with policy number and to avoid interference with the free flow of traffic and to secure safe and appropriate access and egress to the site in the interests of safety and convenience of highway users and the amenity of the area.
18. In accordance with policy DP3 and in the interests of both vehicle and pedestrian safety and the visual amenity of the area.
19. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Hambleton Local Development Framework Policies CP15 and DP25.
20. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Hambleton Local Development Framework Policies CP15 and DP25.
21. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Hambleton Local Development Framework Policies CP15 and DP25.

Informative

1. There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.

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Parish: Huby
Ward: Huby
2

Committee Date: 13 October 2013
Officer dealing: Mr Andrew Thompson
Target Date: 20 October 2016

16/01941/FUL

**Proposed construction of new dwelling
At Edgewold, Easingwold Road, Huby
For Miss Caroline Thompson**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is 110 metres to the rear of the existing house of Edgewold which is to the western side of Easingwold Road. A plan has been submitted showing the layout of the ground floor and the immediate surroundings of the proposed dwelling. There are mature trees on three sides of the proposed dwelling and on the fourth side a range of buildings. The plan does not show the extent of the curtilage of either the existing or proposed dwelling or the means of access to the proposed dwelling.
- 1.2 Although the layout plan is imprecise it is evident that buildings shown on the plan are the existing buildings 130m to the west of Edgewold. The buildings are used for storage and keeping of animals and maintenance of the land.
- 1.3 The application proposes a two bedroom dormer bungalow next to the existing gate to the rear field and agricultural buildings. The building is shown to have a footprint of 79sqm, total floor area of 137sqm and height to ridge of 6.9m.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 07/01889/FUL - Two storey extension; Granted 8 August 2007.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Landscape Character
Development Policies DP32 - General design
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework (NPPF)

4.0 CONSULTATIONS

- 4.1 Parish Council – Object as this would set a precedent for backland development.
- 4.2 Highway Authority - No objection subject to site management and parking conditions
- 4.3 Public comment – one letter of objection making the following points:

- Edgewold has already been extensively extended to make a large family house;
- The application is purely for profit;
- The roof of the proposed property will be clearly visible from the objector's property;
- Building in the back garden would be out of character with the village;
- Approval would set a precedent for similar development;
- More traffic onto the road opposite a busy junction, where the school bus picks up by Edgewold's gateway; and
- A substantial amount of trees will have to be felled.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development; (ii) the impact on the character of the area; (iii) the impact on residential amenity; (iv) access and parking; and (v) flooding.

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 Huby is a Service Village and therefore considered a sustainable location for small scale development by the IPG. The site is adjacent to Development Limits. It is noted that the site is close to other properties within the settlement and close to local facilities including the village shop and public houses. As such the proposed dwelling would relate well to the existing settlement and would therefore be acceptably located subject to detailed consideration of the design, layout and relationship to neighbouring properties.

Character of the area

- 5.5 Criterion 2 of the IPG is of particular relevance in considering the likely impact of the proposal on the character of the area. It states "Development must be small in scale, reflecting the existing built form and character of the village". A single dwelling of the size proposed is clearly small-scale, so the acceptability of the proposal in this regards turns on how well it reflects the village's built form and character.

- 5.6 The site for the dwelling is to the rear of Edgewold and is therefore out of keeping with the surroundings that follow a linear pattern. Although there are a significant number of outbuildings and an exception to the linear pattern exists at New Grange, (a dwelling approved with an agricultural occupancy condition later overcome by a Certificate of Lawfulness) there are no 'backland' dwellings in a similar form to that proposed on the west side of the Sand Lane.
- 5.7 There are other agricultural buildings beyond the frontage dwellings on the west side of the Sand Lane to the rear of Edgewold and north of the dwelling. There are many dwellings on Shaw Crescent, Horner Avenue, Horner Close and White Rose Close to the east side of the Sand Lane. These do not alter the overall form of this part of the settlement that is confined to frontage development. The proposal would not follow this form and is therefore contrary to the second criterion of the IPG.
- 5.8 The site is well contained through landscaping and boundary treatment, though there is concern that tree removal would be required to create the proposed dwelling. Such removal would reduce the enclosure of the site. To the south of Edgewold dwellings are tightly defined by a clear boundary on to a field.
- 5.9 The IPG requires all criteria to be met, the proposal fails to meet the requirement of criterion 2 and therefore fails the tests of the IPG. The scheme cannot benefit from the relaxation afforded by the IPG from the controls of CP4 and the proposal is therefore contrary to the LDF.

Residential amenity

- 5.10 The proposal is separated from the existing property and neighbouring residents by significant distances. Taking into account the scale and mass of the proposed building, the separation distances between dwellings, it is considered that the proposal would not cause harm to the residential amenity of neighbouring properties.

Access and parking

- 5.11 The proposal would utilise an existing access track which runs from Sand Lane to the rear of the site to agricultural buildings and land. The existing access has good visibility and despite the lack of clarity of the plans it is considered that there would be adequate opportunity to turn and manoeuvre within the site. Therefore there are no concerns raised with regard to this issue.

Flooding

- 5.12 The site is not located within a designated flood zone, as defined by the Environment Agency Flood Map, and is therefore at the lowest risk of flooding. Similarly, no local drainage issues are known.

6.0 RECOMMENDATION

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

16/02136/FUL

Change of use of agricultural land to provide extension of existing caravan park for provision of 49 permanent static unit pitches.

**At Canvas Farm, Moor Road, Knayton
For Mr & Mrs Cook**

1.0 APPLICATION SITE AND PROPOSAL

- 1.1 The application site is 2.6 hectares in size, and abuts the existing Hillside Caravan Park which itself extends to approximately 6.2 hectares and accommodates 50 touring caravan pitches, timber camping pods (eight approved under 14/02595/FUL) and a single holiday let plus communal amenity block, games room and office/reception plus original farmhouse and storage space. The site lies approximately 2km northeast of Knayton, to the north of Moor Road. The caravan park is a former agricultural (dairy) farmstead and wider holding that has diversified into tourism as the mainstay of the business.
- 1.2 The proposed development is for the creation of an additional 49 pitches for permanent holiday accommodation. The agent has said the units are to be sold as holiday homes, and advises that as holiday homes a reduced traffic flow and low occupancy rate would occur than under a weekly let arrangement with higher traffic flows higher occupancy rates anticipated.
- 1.3 The existing site access would be used. The established well planted boundaries would be retained and bolstered to enhance the sense of enclosure and screening to the site. The layout includes decking areas for each unit with intervening landscaping in the form of grassland and tree clusters. This includes woodland planting across the site and with a specific landscaping scheme being proposed.
- 1.4 An access track would be provided from the existing track which runs north-south with a circular route around the proposed static caravans. The track would be formed of crushed stone. A public right of way (footpath) passes through the Canvas Farm site in a generally east-west orientation parallel with an 130 from Moor Road.
- 1.5 The application site is currently a grassed area bound by shrubs and hedgerows. The site is relatively flat and gently slopes to the north. The boundary to Moor Road is a mature hedge.
- 1.6 The application is supported by a range of documents including a Planning Statement, Design and Access, Flood Risk Statement, Ecological and Landscape and Visual Assessment. A Transport Statement is also included.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/02/088/0148 - Alterations to ancillary domestic accommodation for use as tourist accommodation; Granted 21 March 2003.
- 2.2 2/02/088/0149 - Change of use of agricultural land to use as a site for seasonal touring caravans with associated facilities to include the construction of a shower/toilet block; Granted 21 March 2003. The scheme included agreement to form 6 passing places on Moor Road (road number 98R)

- 2.3 2/02/088/0150 - Change of use of agricultural buildings and land to use for the storage of touring caravans; Granted 21 March 2003
- 2.4 2/02/088/0150A - Alterations to disused agricultural building for use as offices; Granted 21 March 2003
- 2.5 05/00287/BOC – Enforcement investigation into alleged breaches of condition 4 of 2/02/088/0148 and condition 9 of 2/02/088/0149 (delay in provision of the approved passing places); Case closed 16 June 2005.
- 2.6 08/04440/MRC - Application to vary condition 2 (months of use of the touring caravan site) of planning permission 2/02/088/0150; Granted 22 December 2008 allowing use from 4th February to 4th of January of the following year.
- 2.7 11/01942/FUL - Alterations and extension to former agricultural building to form a reception, office, recreation and amenity building with a worker/holiday flat at first floor; Granted 16 November 2011.
- 2.8 11/01943/FUL - Change of use of agricultural land for an extension to the caravan park to create an additional 15 touring caravan pitches; Granted 7 November 2011.
- 2.9 14/00614/MRC - Variation of condition 5 of planning permission 11/01942/FUL to allow extension of building; Granted 9 May 2014.
- 2.10 14/02595/FUL - Eight timber camping pods with access; Granted 3 March 2015.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy 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 CP19 - Recreational facilities and amenity open space
- Core Strategy Policy CP21 - Safe response to natural and other forces
- Development Policies DP1 - Protecting amenity
- Development Policies DP2 - Securing developer contributions
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies 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 DP31 - Protecting natural resources: biodiversity/nature conservation
- Development Policies DP32 - General design
- Development Policies DP33 – Landscaping
- Development Policies DP37 – Open space, sport and recreation
- Development Policies DP39 – Recreational links
- National Planning Policy Framework - published 27 March 2012
- Written Ministerial Statement on Landscape Character – March 2015

4.0 CONSULTATIONS

4.1 Knayton cum Brawith Parish Council – Objects on the following grounds:

- Question the suitability of drainage;
- Impact of the proposal on highway safety and the suitability of existing passing places;
- The road cannot cope with the additional traffic;
- Cycle safety should also be considered as it is part of the National Cycle Network;
- Speed of traffic through the village from visitors – danger to pedestrians;
- Users of the caravan park provide little or no employment or benefit to the community – apart from the public house; and
- The local facilities and amenities can only be accessed by car.

4.2 The applicant has written to suggest that the submitted comments summarised above are not an accurate reflection of the Parish Council meeting held on 14 November, which they attended.

4.3 Hillside Parish Council – expects the Highway Authority to comment on increased traffic using the road. No other comment.

4.4 Highway Authority – No objection however consider that three extra passing places on Moor Road would be required to mitigate the extra traffic associated with the proposal. Conditions are recommended to deliver these improvements.

4.5 Yorkshire Wildlife Trust - recommends that the mitigation and compensation (such as the planting of the south boundary hedge) in the supporting ecological report should be secured by condition and all opportunities to enhance the site for wildlife and biodiversity are taken.

4.6 Environment Agency - The application includes proposals for foul drainage to be connected to a package treatment plant. The Local Planning Authority should be satisfied that the applicant has given due consideration to the drainage hierarchy as set out in national planning policy and detailed below. Following consideration, should connection to the public sewer not be a feasible option, the applicant is advised to contact the Environment Agency at the earliest opportunity to discuss Environmental Permitting requirements for the existing and proposed new package treatment plants.

4.7 Natural England - no objection to issues of nature conservation. The landscape impact should be considered against national and local planning policy.

4.8 Ministry of Defence – No safeguarding objection

4.9 Ramblers – No objection but the physical impact should be mitigated.

4.10 Lead Local Flood Authority – Requested further detail on drainage (since submitted).

4.11 Swale and Ure Drainage Board – No objection subject to a condition on drainage detail. The appropriate greenfield run-off rate is 1.4 litres per second per hectare.

4.12 Environmental Health Officer – No objection

4.13 Yorkshire Water – No comment

- 4.14 Public Comment – a total of 16 submissions have been received. Eight raise the following points of concern and objection:
- Highway Safety;
 - Amount of additional traffic;
 - Landscape impact of additional units;
 - Impact on rights of way;
 - Light pollution; and
 - Drainage concerns.
- 4.15 Eight expressions of support have been received from local residents, users of the caravan park and businesses. The points made are:
- Provides local employment and sustains other nearby businesses by encouraging visitors to explore the local area;
 - The addition of further pitches can only enhance the local economy;
 - The proposal delivers further quality accommodation in the area;
 - Hard to identify any real impacts on local traffic given the small scale of this proposal;
 - The design would have minimal impact on the landscape;
 - The development would support the local public houses; and
 - It is a good location for exploring the Dales and Moors.

5.0 OBSERVATIONS

- 5.1 The key determining issues are (i) the principle of development in the rural setting; (ii) the impact on the character of the area and the countryside; (iii) highway impacts; (iv) impact on ecology and wildlife; and (v) drainage.

Principle

- 5.2 The Local Development Framework (LDF) at Policies CP1, CP2 and CP4 sets the local policy context for consideration of the proposal. Policy CP4 in seeking to exercise constraint on development in locations outside the settlements of the settlement hierarchy provided within Policy CP4 (and updated in 2014) allows for exceptions. CP4i allows for development in the countryside where it is necessary to meet the needs of, amongst other things, tourism, that has an essential requirement to locate in a smaller village or the countryside and help to support a sustainable rural economy. It is also required by CP4 that the development should not conflict with environmental protection and nature conservation policies of the LDF and that mitigation and compensatory measures may be required to address harmful impacts.
- 5.3 Paragraph 7 of the National Planning Policy Framework highlights that there are three dimensions to sustainable development: economic, social and environmental.
- 5.4 Paragraph 28 of the National Planning Policy Framework (NPPF) encourages support for a prosperous rural economy requiring planning policies to take a positive approach to sustainable new development. It also requires planning policies to support the sustainable growth and expansion of all types of business and enterprise in rural areas; to promote the development and diversification of agricultural and other land based rural business and to support rural tourism that benefits businesses in rural areas, communities and visitors and where it would respect the character of the countryside. This also includes supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

- 5.5 The proposal is for an extension to the caravan park and therefore it would support the growth of an existing business. The occupiers of the proposed 49 units would be likely to support local businesses and facilities such as the public house in Knayton and, as referenced in supporting comments would represent a good location as a base for walking on the Dales and Moors but also for visiting tourist attractions that are easily accessible on the A19.

Character of the area and the countryside

- 5.6 The application site is relatively low lying in the landscape and therefore its visual prominence is limited. The submitted Landscape and Visual Assessment (LVIA) has identified the wider and local impacts as well as the impacts on the public rights of way network, both the public footpath through the site and the network of paths and bridleways outside and within the North York Moors National Park. The LVIA concludes that when the effects of localised topography, built form, and particularly the intervening trees and hedgerows in the landscape are taken into consideration, the development would be seen from very few small and isolated parts of the surrounding area.
- 5.7 It is agreed that most views would be restricted to a greater or lesser degree by the level of tree, woodland and hedgerow cover in the landscape. There are few views from close range or from intermediate distances. The clearest views are from the high open ground of the North York Moors National Park, but these views would in themselves be restricted by distance (1.5 to 2.0km), atmospheric conditions, light levels and by the proposed mitigation measures built into the site layout.
- 5.8 There are no farmsteads or residential properties with the potential for significant views of the site. The potential for significant views is primarily from a small number of recreational footpath users. The impact on these footpath users has also been considered carefully in the design and mitigation within the proposal by the planting of a new field hedge and tree groups to screen the development to footpath users. There would be pedestrian links to the holiday homes at the mid-point of the southern boundary of the application site and the south-eastern corner of the site, to allow park users access to the public footpath. The surface of the path would not change and its route will not be narrow or confined by the planting of the new hedge. It is considered that the main users of the footpath are likely to be the users of the caravan park itself. Overall the proposal would not harm the enjoyment of the use of the public footpath and would provide further opportunity for the use of this as a recreational resource.
- 5.9 It is concluded in the LVIA that the proposal would create a visually pleasant and biodiversity-rich environment which would protect and enhance key landscape features and incorporate new features and spaces that would reflect local landscape character and contribute to character, appearance and sense of place.
- 5.10 These conclusions are considered to be reasonable and, together with the mitigation proposed, the development would accord with policies DP30 and CP17 in particular such that there would be no significant adverse landscape or visual effects.
- 5.11 The issue of the impact of external lighting is raised in representation, it is considered that the use of external lighting can be controlled by planning condition and prevent harm to the landscape.
- 5.12 Separate from the question of how the proposal would sit within the landscape, which is primarily a visual matter, it is necessary to consider whether the proposed development, by reason of its nature and scale and associated activity, would have any impact on the character of the countryside.

- 5.13 The location is relatively well protected from general public view and the wider landscape, the existing agricultural surroundings in this area are intrinsically quiet and tranquil in character and thus sensitive to development. The proposal is relatively large and it is necessary to take into consideration whether the extent of the use would itself be harmful to the character of the countryside, along with the activity it would generate.
- 5.14 The use of 49 static caravans for holiday purposes would give rise to an increased level of associated activity. The approved 50 touring caravan pitches, 8 camping pods, a Certificated site (5 touring caravans) and a holiday cottage together with the new 49 lodges will increase the level of activity at and around Canvas Farm. The development would result in a change to the character of the countryside. These changes would include additional outdoor recreational activity and traffic movements, both of which would generate a type and level of noise that is not typical of the countryside and would contribute to some change in the quiet and tranquil surroundings, the extent of change in this case is considered to be sufficiently small to not generate a harmful impact in terms of Policy DP30.

Highways

- 5.15 The comments of Knayton Parish Council are noted. As part of its representation, to amplify the level of traffic, the Parish Council highlights that a traffic survey was carried out in March 2015 over a seven-day period that there were 2,265 vehicles going towards Canvas Farm and 2,481 going towards the A19. This equates to approximately 323 and 354 vehicles per day. It is not clear from the submission where the survey was carried out or the number of hours observed. Given the area of land and number of properties with access to the A19 at the Knayton junction, the comings and goings associated with farming and other rural activities, the level of traffic does not appear significant.
- 5.16 The Parish Council also comment about the speed of traffic on the highway and through the village. This cannot be attributed to the caravan park alone and would not be a sustainable consideration. An increase of 49 holiday units at Canvas Farm would increase the number of movements, however there is no evidence to associate an increase in holiday homes with traffic speed.
- 5.17 The Highway Authority notes that the submitted Transport Statement discusses the suitability of the existing passing places and ultimately concludes that the existing road and three additional passing places would be able to accommodate the extra traffic as a result of the proposal.
- 5.18 The assumptions relating to trip generation in the Transport Statement rely on observations recorded on CCTV on the busiest days at the caravan park. This does not include any traffic on the single track section of Moor Road that is not associated with the caravan park. Moor Road is a part of the road network around the villages of Kirkby Knowle, Cowesby and Knayton and serves the surrounding farms. Given that the peak tourist season can coincide with peaks in farming activity in the area then the issue of conflict between any increase in traffic from the caravan park and other traffic on Moor Road would become more apparent.
- 5.19 The Highway Authority considers that three extra passing places (in addition to the 5 existing) are required to prevent the additional traffic that would be generated by the proposal causing damage to the highway verge or existing access points. A survey of the route was undertaken by the Highway Authority in late November which is an off-peak period in terms of the operation of the site. There were areas where vehicles had overrun the verge or used private made and unmade accesses as passing places. The use of unmade accesses and verges by passing vehicles can lead to the

deterioration of the edge of the road and should not be encouraged. Additionally private accesses should not be considered as part of or to supplement the existing passing place system.

- 5.20 Subject to the extra passing places being provided, the highway impact of the proposal on all highway uses (including cyclists) can be mitigated.

Ecology and Wildlife

- 5.21 The application is supported by a detailed ecological assessment which includes levels of mitigation and enhancement to the ecological features of the site. The proposal includes new planting and ecological features as part of the proposed layout.
- 5.22 As recommended by Yorkshire Wildlife Trust the conclusions and recommendations of the submitted Ecological Assessment can be secured by condition.

Drainage

- 5.23 The application proposes a number of detailed elements, including a new pond and detail relating to drainage. The comments of the Local Lead Flood Authority and the Drainage Board have been carefully considered.
- 5.24 A bespoke drainage strategy is prepared for the site which will address the needs of the present accommodation and the proposed units. This would involve an upgrade of the existing package treatment plant system for foul water and also proposals for surface water to limit flow to no more than greenfield run-off rates.
- 5.25 Additional detail has been submitted to address the concerns raised and the information is considered appropriate to allow for the issue to be dealt with by condition.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 160602/2, 160602/3 and caravan detail received by Hambleton District Council on 23 September 2016 as amended by plans and information on 13 December 2016.
 3. The development must comply with the following requirements that: (i) the caravans are occupied for the holiday purposes only; (ii) the caravans shall not be occupied as a person's sole, or main place of residence; (iii) the caravans shall not be occupied by any persons or connected group of persons for a period exceeding 28 days in any one calendar year; and (iv) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual chalets on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.
 4. Prior to the first use of the development the mitigation measures shown on the submitted plans and identified in the submitted Ecological Impact Assessment carried

out by MAB Environment & Ecology Ltd (reference 2016-124) shall be implemented. These specifically include 3m wildlife margins being left along hedgerows. Thereafter the mitigation measures shall be retained in accordance with the approved recommendation.

5. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
6. Prior to the commencement of development details of surface and foul water drainage including full details of the proposed pond, swale and sustainable drainage systems shall be submitted to and agreed in writing by the Local Planning Authority. The appropriate greenfield run-off rate is 1.4 litres per second per hectare. The development shall be carried out in accordance with the agreed details.
7. The development shall be carried out in accordance with the submitted landscaping scheme shown on drawing 160602/3 submitted on 13 December 2016. 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.
8. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until: (i) details of additional passing places on Moor Road have been submitted to and approved in writing by the Local Planning Authority; (ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works; and (iii) A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority. The development shall not be brought into use until highway works have been constructed in accordance with the approved details.
9. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing no. 160602/2 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
10. The number of caravans shall not exceed 49.

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, CP17, DP30 and DP32
3. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Hambleton Local Development Framework Policies CP15 and DP25.

4. 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
5. In order that the development is undertaken in a form that is appropriate to the character and appearance of its rural surroundings, proposes adequate mitigation to prevent light pollution and impact on ecological and wildlife features and would be in accordance with the Development Plan Policies CP16, CP17, DP30, DP31 and DP32.
6. To ensure that the site is adequately drained and does not result in flooding elsewhere.
7. 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, CP17, DP30 and DP32
8. In accordance with policies CP2, DP3 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
9. In accordance with policies CP2, DP3 and DP4 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
10. To control the extent of the approval to that sought in the application and to ensure that the layout of the site can achieve a suitable density to maintain an appropriate design quality and allow for the landscaping of the site to mature.

Informatives

1. There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.

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Parish: Newton-on-Ouse
Ward: Easingwold
4

Committee Date: 5 January 2017
Officer dealing: Mr A Thompson
Target Date: 13 September 2016
Date of extension of time: 10 January 2017

16/02127/FUL

Construction of 3 new dwellings and associated works (revision to planning application 16/01540/FUL) as per amended plans received by Hambleton District Council on 24 November 2016

**At land to the south of Bravener Court, Newton on Ouse
For Mrs Toni Johnston**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is a field to the east of Back Lane, Newton on Ouse to the south of Bravener Court and opposite the junction with Sills Lane. The site is fronted by a highway verge 3m to 8m in width with a hedgerow fronting the site and a number of trees on the verge and within the application site. To the south of the site is a pond which relates to historical pits and filled ground and allotment gardens.
- 1.2 The application proposes three dwellings served by a single access point which currently is a field access. Plot 1 is located to the south of the site with Plot 3 located closest to Bravener Court. Plots 1 and 2 are proposed to be 4 bedroom, two storey houses, although of different designs whereas Plot 3 is proposed as a 3 bedroom, dormer bungalow.
- 1.3 The application proposes to fell two of the wild cherry trees under the existing TPO and enhance the hedgerow to form the access and allow the development to be built.
- 1.4 Amended plans were received on 24 November 2016 making the following amendments:
Plot 1 - The garage portion has now been aligned to the rear gable so reducing the overall depth of the house - allowing roof configurations to be rationalised - affording also a better plot placement in relation to the garden space around the footprint.

Plot 2 - The hall between the house and garage has been removed reducing the width of the house and the overall plot width - this adjustment giving more room for Plot 3.

Plot 3 - The adjustment to the width of Plot 2 has allowed the relocation of the Plot 3 dormer bungalow such that it is now clear of the boundary tree canopy and has more garden space around the footprint

Boundary Treatment - now notes the enhancement of the front boundary hedge also the provision of a new enclosing hedgerow (native species) around the plots
- 1.5 The application is supported by a Design and Access Statement, Planning Statement, Heritage Statement, Flood Risk Assessment, Landscape Statement, Preliminary Assessment of Land Contamination, Sustainability Statement, Tree Survey and Ecological Assessment.
- 1.6 The application site is outside the Conservation Area and the village does not have Development Limits. Newton-on-Ouse is classed as an Other Settlement in the settlement hierarchy. However Linton on Ouse & Newton on Ouse are a quoted example of a cluster villages within the Council's adopted Interim Planning Guidance.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 16/00901/HYB - Hybrid application for: Site A full planning application for the construction of a four bedroom dwellinghouse and Site B outline planning application for the construction of up to 4 additional dwellinghouses (all matters reserved); Withdrawn 26 May 2016.
- 2.2 16/01540/FUL - Construction of four dwellings with associated access, parking and landscaping – Refused 11.10.2016
- 2.3 The application was refused for the following reason:
The proposed development by reason of its impact on trees, punctuation of the grass verge with new accesses, the proximity to the front boundary, in particular Plot 1, and the lack of garden space and the design of the dwellings would be out of keeping with the character of the area.
- 2.4 16/00009/TPO2 – Relating to trees and the hedge on the site frontage was confirmed on 03.10.2016

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
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 DP13 – Achieving and maintaining the right mix
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP36 - Waste
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - does not object in principle to additional houses in the village, although this Planning Application was unanimously objected to the application as it currently stands for the following reasons:

Landscape

- Welcomes changes to the planning application reducing the number of dwellings to three and retaining one access route rather than several.
- Remains concerned that there is no S.106 agreement in place to ensure the retention of the hedge running along Back Lane on the boundary of the planning application.
- This hedge an important wildlife corridor for great crested newts but it also forms part of a continuous hedge screen running from the entrance to Bravener Court to the end of Back Lane.
- Wish to see the management, size and species composition (native species) of the hedge secured into the future by a S.106 Agreement. The Parish Council also wishes to see conditions in any planning permission protecting the verge, trees and hedge from significant damage during the construction phase.

Access and parking

- Concerned that parking provision within the application site is insufficient for the number of vehicles likely to be present.
- Wishes to see sufficient parking space provided on the application site by reducing the number of bedrooms in Plot 3.
- Access to the development site along Back Lane is narrow, the road is untreated when icy and in some sections is of poor quality with pot holes.
- Construction traffic will cause significant damage to the road, pose a risk to walkers and cyclists that regularly use the road and cause noise disturbance in the early morning and evening.
- Wishes to see restrictions placed during the construction phase to mitigate these concerns.
- The Parish Council maintains its concerns that the road has limited capacity to support a significant number of additional cars.
- There remains some uncertainty about the right of access to the proposed site, with the Parish Council maintaining that verge belongs to the Parish Council.

Design of building in planning application A

- The 'look and feel' of the proposed development, despite the helpful reductions already submitted, appears to be out of kilter with the 'street scene' and ambience of the neighbourhood.
- The Parish Council wish to see a reduction in scale of plot 3 in keeping with nearby 2-storey houses and rooflights used where dormer windows impact the character along Back Lane.
- It would have been helpful for the planning application to include an artistic impression of the development with a 'pedestrian view' from Back Lane to aid decision making.

Wildlife and European protected species

- Having reviewed the great crested newt survey we wish to see a method statement providing a thorough survey, impact assessment, construction methodology, compensation and post development commitments.
- The routing of surface water via the soakaways may also affect both the quality and quantity of water reaching the pond and this will need further assessment.
- Would like to see all necessary mitigation secured and underpinned by a S.106 Agreement prior to the application being considered. Several species of bat also make use of the local environment and it is important that this is recognised.

Wider development

- Extremely concerned with the possibility of wider development of the field which has the potential for many more properties and would inevitably affect both the character of the village and impact on the population of great crested newts.
- The Council is also disappointed that there will be no affordable housing in the current plans.

To the amended plans:

Whilst the Parish Council recognises that some significant changes have been made to the application, the overall headings of our previous observations/concerns remain valid (there are still concerns about the potential environmental damage; the houses still look out of keeping with the general ambience of Back Lane; and, more specifically, the vehicular access, turning spaces and parking areas look hopelessly inadequate and inappropriately designed for the number of vehicles likely to use the site). The Parish Council also object due to the lack of a mitigation plan for the great crested newts and lack of Section 106 to commit the applicants to managing the hedge and any important habitat for the newts.

- 4.2 County Highways - For the avoidance of doubt the verge in question is considered to be part of the highway maintained at the public expense but it is not owned by the County Council. No objection to the proposals subject to conditions.
- 4.3 Ministry of Defence - No objection.
- 4.4 Yorkshire Wildlife Trust – No comment received - As part of planning application 16/01540/FUL the Trust raised no objection. The submitted great crested newt (GCN) survey was considered to be acceptable. As long as a licence is obtained from Natural England before the development goes ahead and all the mitigation is put in place there should not be an impact on GCN. The developer should maximise the amount of semi-natural habitat suitable for wildlife and connect up hedgerows and field margins as much as possible.
- 4.5 Contaminated Land – Recommend condition.
- 4.6 Yorkshire Water - No objection - Consideration should firstly be given to discharge to soakaway, infiltration system and watercourse. A water supply can be provided.
- 4.7 Public comment - Letters of objection from 17 local residents have been received (one resident has written more than once). The objections are on the following grounds:
 - The proposal is contrary to the Interim Planning Guidance and policies;
 - Lack of facilities in Newton-on-Ouse;
 - Precedent for other plots purchased for housing from Land and Property Bank;
 - The long term future of the RAF base is uncertain and should it be discontinued there would be a surplus of housing stock should no alternative use be found for the site;
 - No benefit to the local community;
 - The design and size of the proposed development does not conform to the character and appearance of the area;
 - Plot 1 is oversized compared with existing houses along Back Lane;
 - Impact on the existing residents of Back Lane and Bravener Court, including overlooking and loss of privacy;
 - Back Lane is narrow and cannot cope with traffic; it is clearly marked as 'Unsuitable for Motor Vehicles'; the access is unsafe and the proposal would

make it more dangerous for pedestrians and the increasing number of cyclists using Back Lane as part of a dedicated cycle route;

- Impact on trees which are an integral part of the landscape;
- Impact on the War Memorial;
- Impact on the verges and the current use for vehicles parking there; deliveries to the proposed properties would mean more parked vehicles obstructing Back Lane and Sills Lane; and
- Impact on protected species, wildlife and habitats, including hedgehogs, bats and great crested newts.
- A number of trees would be lost to the new proposed development.
- There are question marks over the ownership of the grass verges on Back Lane.
- The access point is for agricultural use only.
- There is no footpath at all, beyond Sills Lane, endangering adults, children and animals, who enjoy the tranquillity and peace that it affords villagers and visitors.
- The additional traffic that the proposed development would bring, to an already busy village

4.8 To the amended plans, there have been four letters of objection received. Three maintaining their objection to the proposed plans for the reasons outlined above. The other letter welcomes changes Plots 1 and 3 however states in overall terms, the revised proposals are still an over-development of the plot area, and are still inappropriate and not in keeping with the character of this part of the village.

5.0 OBSERVATIONS

5.1 The key determining issues for the planning application are (i) the principle of development; (ii) the impact on the character of the area; (iii) the impact on residential amenity; (iv) access arrangements; (v) impact on trees and the Tree Preservation Order; and (vi) ecology.

Principle

5.2 Newton-on-Ouse has no Development Limits and the village is defined within the updated settlement hierarchy as an Other Settlement. It is therefore a location where Development Plan policies, specifically CP4, only allow development in exceptional circumstances. None of the exceptions allowed by Policy CP4 are claimed and so the proposal is contrary to the Development Plan. However, it is necessary to consider the impact 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 relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy and this is considered below.

- 5.4 The IPG states that the Council will support small-scale housing development in villages "where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies."
- 5.5 As Newton-on-Ouse is an 'Other Settlement' in the current settlement hierarchy, to satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The IPG indicates that in order to be sustainable, and therefore appropriate for development, an 'Other Settlement' must be capable of clustering with either a 'Service Village' or a 'Secondary Village' or with one or more 'Other Settlements' that would jointly provide the necessary supporting services and facilities. In all cases, the settlements in question should be no more than approximately 2km apart and without significant barriers such as rivers between them. The IPG identifies Newton-on-Ouse and Linton-on-Ouse as an example of cluster villages. It therefore recognises that the two villages share a sufficient level of services and facilities to be a sustainable community. The supporting Planning Statement concurs, noting that the proposed development would be located where it can support local services in Newton and nearby Linton-on-Ouse.
- 5.6 The IPG advises that small scale development normally constitutes five or fewer dwellings. There have been no other applications within Newton-on-Ouse that have been considered under the remit of the IPG and considering the size and character of the village the proposal could be considered as a small-scale development. Noting the concerns of residents, the application site is not located in the Green Belt and any proposal for further development of the field would need to be considered on its merits, including the cumulative impact of development. It is therefore not considered that the proposal would set a precedent for further development. Overall, whilst the lack of facilities in Newton-on-Ouse is noted, given that the village forms a sustainable cluster the development is supported by the IPG in principle. The proposal is therefore considered to meet criterion 1 of the IPG and that to be small in scale, the first part of the requirements of criterion 2, in the context of the village.

The character of the area

- 5.7 The area is a mix of property styles and character with modern development (e.g. Bravener Court) being a mix of two-storey and single-storey properties. Properties on Sills Lane and further south on Back Lane are close to the back of the highway with small back gardens. Further there are also large outbuildings and garages fronting Back Lane to the south. A different character exists on Cherry Tree Avenue where dwellings are predominantly older and larger.
- 5.8 The application proposes three new dwellings which present three properties of differing scale and proportions. The smallest being Plot 3, closest to Bravener Court

and the largest being Plot 1 on the southern boundary. Whilst being a larger property, Plot 1 is in keeping with larger properties found on Back Lane and elsewhere in

- 5.9 The previous reason for refusal related to the proximity to the front boundary, in particular Plot 1, and the lack of garden space and the design of the dwellings would be out of keeping with the character of the area.
- 5.10 The proposals by reducing the numbers and amending the design have improved the spacing around the proposals and further the amendments to Plot 1 have lessened the physical impact of the proposals to reduce the physical bulk and mass of the proposals. The proposals now have more reasonable space around the proposals and would retain the hedgerow at the front of the site. The proposals would also use the existing tarmac access and therefore there would be no need for a further punctuation of the highway verge.
- 5.11 The war memorial is to the north of the application site and with the alterations to the position of the dwelling within plot 3 it is considered the proposals will not harm the significance of the memorial. Overall, for the reasons expressed above, it is considered that the proposal has addressed the previous reason for refusal and would be in keeping with the character of the area.

Residential amenity

- 5.12 The previous decision (16/01540/FUL) did not raise the issue of residential amenity as a reason for refusal. Nonetheless, the relationship is noted with the properties on Bravener Court. The proposals maintain a separation of at least 21m between Plot 3 and 20 Bravener Court with other properties further away. Further the use of a dormer bungalow for Plot 3 also reduces the bulk and mass and impact of the proposed dwelling. The use of landscaping and hedgerows will, over time, lessen the impact of the proposed dwellings further.
- 5.13 It is considered that the separation distance is therefore sufficient to maintain appropriate privacy to existing and future residential occupiers.

Access

- 5.14 The proposals now utilise one access which already exists and is hard surfaced. It is noted that the previous reason for refusal did not include lack of car parking as a reason for refusal although the cramped form of development referred to in the reason could be a overarching comment on the amount of development. The comments of the Highway Authority are also noted.
- 5.15 The application includes garaging and space in front of the garages. Excluding the garage space there would be at least 2 spaces for plots 2 and 3, and 4 spaces for Plot 1. Additional parking would be available on the site as the access road is wide enough to accommodate informal parking.
- 5.16 It is considered that the proposals now offer a more generous layout and would not harm the character of the area. There would be sufficient space for parking within each plot.
- 5.17 The proposal includes an appropriate level of parking and therefore it is considered that it would be acceptable in this respect.

Impact on trees, hedgerow and the Tree Preservation Order

- 5.18 The proposals would result in the loss of two of the smaller Wild Cherry trees which lie within the site and to the rear of the hedgerow, which is proposed to be enhanced as part of the proposals. The trees were added to the Tree Preservation Order as part of the group value to the character of the area but the two trees proposed to be removed are not in themselves identified as being of significance. With the proposed new planting to the rear boundaries which would lessen the impact of the proposals and an enhanced hedgerow planting to Back Lane, it is considered that the proposed loss of these two small trees would not be significant to the character of the area and the Tree Preservation Order should continue in force to protect the remainder of the trees. The loss of the two small Wild Cherry trees is therefore not considered to be significant and the proposals are considered to be acceptable.

Ecology

- 5.19 The applicant has submitted an ecological report noting that presence of great crested newts (GCN) could have major impacts on the viability of the site for development and subsequently undertaken GCN survey work. GCN are fully protected through The Conservation of Habitats and Species Regulations 2010 as a European Protected Species (EPS). They also receive protection through inclusion in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).
- 5.20 The survey revealed that a small GCN population is present at the pond, therefore any development of the site would need to be undertaken under the terms of a licence from Natural England. The precise terms of granting or not granting the licence are a consideration for Natural England. The submitted GCN survey, which is agreed by the Yorkshire Wildlife Trust, states that the pond is of sufficient distance from the application site for the impact on the species to be considered low. Development could not start unless the licence was granted but there is no evidence that harm to habitats would occur from the development.
- 5.21 As such in accordance with caselaw, the application forms a suitable basis for the decision to be made. Whilst the comments of the parish are noted, a S106 is unnecessary and the requirements can be dealt with through appropriate planning conditions.

Conclusion

- 5.22 It is considered that the scheme has overcome the previous reasons for refusal, with the additional amendments achieved during the course of the application adding additional improvements to the proposals.

6.0 RECOMMENDATIONS

- 6.1 That subject to any outstanding consultations the planning 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 4048-(05)01 Rev D, 4048-(05)11 Rev B, 4053-(05)12 Rev C, and 4053-(05)13 Rev B received by Hambleton District Council on 22 and 28 September 2016 as amended by plans received on 24 November 2016.
 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.
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 until a mitigation strategy and Natural England licence requirements for Great Crested Newts have agreed. The mitigation measures submitted to and approved in writing by the Local Planning Authority and 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, hedges 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 excavation or other groundworks, except for investigative works, or the depositing of material on the site until the accesses to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the existing access shall be improved by reconstructing in accordance with the approved details and Standard Detail number E6Var and the final surfacing of any private access within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
10. The proposed garage and parking areas shall be laid out in a permeable material in accordance with plan reference 4048-(05)01 Rev D. Prior to the first occupation of the dwelling, the 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.
11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

12. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
13. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
 - a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
 - c. 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

The approved details shall be kept available for their intended use at all times that construction works are in operation.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies 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 Development Framework 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.
11. In the interests of highway safety and the general amenity of the area.
12. 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.
13. To provide for appropriate on-site vehicle parking and storage facilities and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Informative

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

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

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

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

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

2. 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 the planning conditions.

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Parish: Shipton
Ward: Easingwold
5

Committee Date: 5 January 2017
Officer dealing: Mrs Helen Conti
Target Date: 4 January 2017
Date of extension of time (if agreed): 6 January 2017

16/02464/FUL

Retention of three existing dwellings located within converted outbuildings to the rear of Framfield House
At Framfield House, Main Street, Shipton by Beningbrough
For Mrs M Johnson

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 The site lies to the rear of Framfield House, a substantial dwelling on the western side of the A19 in the centre of Shipton. Framfield House lies on the corner of the Main Street and Burrells Lane, an unadopted access track serving several residential properties and agricultural land to the west. Burrells Lane is also a public right of way (footpath).
- 1.2 The application site comprises a group of single storey buildings originally used for ancillary domestic purposes in association with Framfield House accessed from Burrells Lane. The outbuildings are arranged along two sides at the rear of the host dwelling, forming a courtyard. A brick boundary wall forms the western boundary with the adjacent dwelling Burrell Cottage. The outbuildings are divided into three units known as Annexe, Cottage 1 and Cottage 2.
- 1.3 The units each provide a single bedroom, bathroom, kitchen and living room. The area between the units is available for parking (three spaces are proposed) and amenity space.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 2/76/131/0024 - Conversion of outbuildings to dwellinghouse; Granted 20 May 1976 subject to the following condition:

The proposed unit shall constitute an annexe only to Framfield House and shall not be sold off or let as a separate dwelling unit

The reason for the condition was "The site is not considered suitable for general residential development".

- 2.2 2/77/131/0024A - Change of use of dwellinghouse to a guest house; Granted 24 November 1977.

- 2.3 2/79/131/0024B - Extensions to guest house to include three garages; Granted 25 April 1979 subject to the following condition:

Once the extension, hereby approved, is occupied, no paying guests shall be accommodated in bedrooms within Framfield House.

The reason for the condition was "The proposed extension, together with guest accommodation in Framfield House would not allow adequate parking and turning space within the site and this could result in parking on the trunk road which could create a hazard on the trunk road".

2.4 2/88/131/0024C - Change of use of guest house to a dwelling; Granted 1 August 1988.

2.5 13/01248/CLE - Application for Certificate of Lawfulness for use of guest accommodation as three separate dwellings; Refused 2 October 2013 for the following reason:

The evidence submitted does not sufficiently identify the units of occupation or the nature and length of occupancy in each case. It is the applicant's responsibility to provide sufficient and precise information to enable the Council to decide the issues on the balance of probabilities. In the event that such information is not provided the Council is justified in refusing to grant a Certificate. It is the Council's conclusion that the information provided in this case is not sufficient or precise to allow it to conclude that the use of three one bedroom cottages as separate residential dwellings has been continuous for a period of four years immediately prior to the Application being made.

2.6 Enforcement notices were served on two units, Annexe and Cottage 2 on 17 December 2013 and became effective on 24 January 2014. They require the use as a separate dwelling house to cease and the property to return to use as ancillary guest accommodation to the main dwelling at Framfield House. The reason for serving each notice was:

To retain control of the use of the land to ensure an acceptable level of residential amenity for existing and future occupiers; to provide appropriate levels of parking; and to ensure provision of infrastructure to meet the public open space, sports and recreational facilities needs of future occupiers.

2.7 14/00681/FUL - Retention of two dwellings located within outbuildings to the rear of Framfield House; Refused 4 August 2014 for the following reasons:

1. In the absence of affordable housing provision the proposed development is contrary to LDF Policy CP9, which requires 50% of developments of 2 or more dwellings to be accessible and affordable to those unable to compete in the general housing market.
2. The proposal is contrary to the Hambleton Local Development Framework Policy DP37 and the Open Space, Sport and Recreation Supplementary Planning (adopted 22 February 2011) as it makes no contribution towards the provision of public open space, sport or recreation facilities to meet the increased demand resulting from the development.
3. In the absence of satisfactory details of vehicle parking and turning facilities within the site it is considered that the proposed development gives rise to a risk of vehicles being parked on the carriageway or footway of Main Street (A19), which would have an adverse impact on the free flow of traffic on the highway, contrary to Hambleton LDF Policies CP2 and DP4.

2.8 14/02574/CLE - Application for Certificate of lawfulness for use as three separate dwelling units for letting purposes; Refused 24.05.2016 for the reason outlined below:

The evidence submitted does not sufficiently identify the units of occupation or the nature and length of occupancy in each case. It is the applicant's responsibility to provide sufficient and precise information to enable the Council to decide the issues on the balance of probabilities. In the event that such information is not provided the Council is justified in refusing to grant a Certificate. It is the Council's conclusion that the information provided in this case is not sufficient or precise to allow it to conclude

that (a) two of the cottages (Units A and C) were in continuous use as separate dwellinghouses for a period of four years immediately prior to the service of the Enforcement Notices on 17 December 2013; or (b) that the third cottage (Unit B) has been in continuous use as a separate dwellinghouse for a period of ten years immediately prior to the application being made.

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 CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP37 - Open space, sport and recreation
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Shipton Parish Council - wishes to see the application refused and has submitted comments which are summarised as follows:

- The Parish Council wish to see that all prior decisions are enforced;
- Four separate applications regarding the units since 17 June 2013, three of the applications have been refused for various reasons. During this time the applicant would appear to have been persistently using (letting) these units without permission and therefore unlawfully for well over three years;
- Two of the reasons for refusal of previous application 14/006818/FUL have now been discounted as a result of policy changes;
- The third reason for refusal of 14/006818/FUL, the absence of parking and turning facilities within the site, is still of significance. The Parish Council is concerned that as Highways have not reported any problems with parking on the A19, that this is not relevant to this application;
- Concerns regarding vehicles parking on the footpath on the A19 near to Burrells Lane on occasion and local residents advise there are often numerous vehicles parked on Burrells Lane. A resident recently counted nine vehicles;
- Concerns that the proposed turning area will not be sufficient to allow visiting vehicles to manoeuvre and may only be able to be used to park in one of the new proposed spaces. Other properties accessed off Burrells Lane have accommodation/turning for visiting vehicles; there is no such provision at Framfield. Therefore vehicles would have to park elsewhere, possibly on Burrells Lane or on the A19 or would have to reverse onto the A19;
- Burrells Lane provides access to residential and commercial properties. British Telecommunications previously raised concerns in response to 14/02574/CLE regarding lack of parking at the units and their staff regularly finding themselves either blocked in or unable to gain access to the Telephone Exchange;
- Additional vehicles parking on Burrells Lane could affect the refuse and recycling collection which currently provides house to house collection. If the lane is regularly blocked with vehicles and the condition deteriorates further the house to house collection may be cancelled and result in collection at the end of the

lane which would have a seriously detrimental impact on residents of Burrells Lane;

- Previous decisions by Hambleton District Council have not been enforced. There has been a lack of action and many months between submission of applications and the consideration of 14/02574/CLE; and
- If the Planning Committee decides to approve this application, the Parish Council requests that a condition is imposed that none of the units can be sold separately to Framfield House; they should remain within the curtilage and ownership of Framfield House.

4.2 Highway Authority – No objection; recommends conditions.

4.3 Environmental Health Officer - No objection.

4.4 Yorkshire Water - no comments received.

4.5 Public comments - 11 comments have been received in support of the application, including two from the applicant and her husband. Of the other nine comments received three are from residents of Shipton. These comments are summarised as follows:

- Affordable housing can only be a good thing;
- Vehicle parking will enhance security at Framfield House as both property and vehicles have been subject to attack;
- It's good to see someone offering affordable housing close to York at a time when rents are rocketing and it's very difficult for anyone especially families to secure long term accommodation;
- National shortages of affordable housing, the three units are assets to the housing crisis;
- Dwellings provide valuable secure accommodation for families. The buildings are very well maintained and the inhabitants have created a friendly community spirit between themselves; and
- The dwellings provide much needed affordable homes for people and do not affect the amenity of the surrounding area.

4.6 One comment in objection has been received from a planning consultant on behalf of an unspecified number of neighbours to Framfield House. The grounds of objection may be summarised as:

- Similarity to previously refused applications – the scheme has not been altered enough to address the previous reasons for refusal;
- Four letters of support say the application should be granted due to a need for 'affordable' housing, but there is no mention of 'affordable' in the application and supporting statement makes a case that affordable housing provision would not be required. The letters of support are therefore contradictory and hold no merit;
- Access and parking - insufficient parking will and does lead to additional prohibited parking along the A19 and Burrells Lane;
- Location of the doorways to dwellings, garage and the current parking space for the camper van are shown on Appendix 2. The position of these are not shown on the applicant's plans. The proposed parking spaces will block the doorways of all three units and the garage.
- A store area marked on plan is used as a joiner's workshop by the applicant's husband. The workshop operates during the week and accesses the store area. Therefore the three parking spaces are unusable and even if provided would be impractical and would increase the risk of parking on Burrells Lane. Therefore

the proposal does not comply with LDF policies and has not addressed the third reason for refusal in the previously refused scheme (14/00681/FUL);

- No account is taken of the need for the owners of Framfield House to park;
- The previous planning application was refused based on only providing two parking spaces. Photographs on site show a camper van which is concern as there is no scope for parking of this vehicle on site;
- The layout of cottages and the main building create enclosed courtyard and all windows and doors of the cottages and the Annexe face onto the courtyard. Parking within this small area would give rise to unacceptable level of fumes and noise for the occupants;
- The proposal to address the previous reason for refusal relating to inadequacy of parking space, by removing the already inadequate area of amenity/open space on site, causes further detrimental impacts and does not address the second reason for refusal in the 14/00681/FUL; and
- The proposal would lead to an unacceptable level of over development on a small site and would also not constitute sustainable development.

5.0 OBSERVATIONS

5.1 The issues to be considered include (i) the principle of additional residential units in this location; (ii) the amenity available to occupiers of properties subject to this application; (iii) the impact on the amenity of local residents; (iv) affordable housing; (v) public open space; and (vi) highway safety.

5.2 Points (iv) – (vi) relate to the three reasons for refusal of planning application 14/00681/FUL, which was for the same development as this application. It will therefore be necessary to consider whether those reasons for refusal still stand. In terms of consistency of decision-making, it is also important to note the position taken in the concluding paragraph of the report on application 14/00681/FUL:

“The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.”

Principle of development

5.3 The site is within the Development Limits of Shipton, which is defined as a Secondary Village in the Settlement Hierarchy in Core Strategy Policy CP4. The site is in the centre of the village and within walking distance of facilities such as the school and the pub and with easy access to public transport; therefore it is considered to be within a sustainable location. The principle of additional dwellings in this location is also acceptable when considered against the National Planning Policy Framework, which aims to create more sustainable patterns of development by focusing new housing development primarily in locations that are accessible by public transport to jobs, education, shopping, leisure and other services and facilities. It is considered that the proposal is therefore acceptable in principle.

Amenity of occupiers of the cottages and annexe

- 5.4 Not all sites in sustainable locations are suitable for residential use and consideration must be given to the siting and layout of the development and the quality of life available to occupiers of the three units.
- 5.5 Concerns have been raised regarding the location of the proposed parking and the close proximity of windows and doors which could give rise to unacceptable levels of fumes and noise for the occupants of the three units. However, it is not unusual to have domestic parking close to dwellings and the Environmental Health Officer has not identified any potential harm to the occupiers' amenity from this. It should be noted that application 14/00681/FUL included car parking in a similar position; the refusal of permission was based on the inadequacy of the proposed vehicle parking and turning facilities and not because of any concern over residential amenity.
- 5.6 Further concerns have been raised regarding the proposed removal of amenity space within the garden to provide parking and turning areas. Neighbours are concerned that the proposal would not provide an adequate level of open and amenity space. This was not raised as a reason for refusal in the previous scheme and no change in policy has occurred to justify this becoming a reason for refusal now. Whilst the proposed parking and turning areas would reduce the available amenity space for the occupiers of the three units there would still be some space between the parking spaces and the main dwelling of Framfield. Again, it should be noted that application 14/00681/FUL included car parking in a similar position and that the refusal of permission was not based on any concern about the amount of amenity space.

Impact on amenity of local residents

- 5.7 The units lie immediately adjacent to, and in close proximity to, neighbouring residents. The buildings are single storey with no windows overlooking adjacent properties. There is no adverse impact on residential amenity as a result of overlooking or loss of privacy. It is not anticipated that noise and disturbance to neighbouring residents would increase to an unacceptable level, particularly bearing in mind the location of the site within the centre of the village and the number of properties in the vicinity.

Affordable Housing

- 5.8 It is noted that while several of the support comments make reference to affordable housing, none of the three units subject of this application meet the Council's definition of affordable housing.
- 5.9 One of the reasons for refusal of the previous application 14//00681/FUL was the absence of affordable housing provision in the proposed development. Since the refusal of the application Government policy has changed through the publication a Ministerial Statement on the 28 November 2014. This makes a policy presumption against the inclusion of affordable housing in any development of fewer than 11 dwellings and against affordable housing contributions from any development of fewer than six units. As such this application cannot be required to include or contribute toward affordable housing and the reason for refusal no longer stands.

Public Open Space

- 5.10 One of the reasons application 14/00681/FUL was refused was the lack of a financial contribution to the provision of public open space and sport and recreation facilities in accordance with Policy DP37 of the Local Development Framework (LDF). Since the

refusal of the application the Community Infrastructure Levy (CIL) has been adopted, this has replaced the requirement for a financial contribution towards public open space and sport and recreational facilities and cannot be considered. The relevant CIL forms have been submitted as part of the application. Therefore the reason for refusal no longer stands.

Highway safety

- 5.11 One of the key issues with this application relates to concerns regarding the parking provision and turning facilities on site. There is significant concern from nearby residents that insufficient parking on site will result in cars parking on the A19 and on Burrells Lane. It is important to note that the reason for refusal of 14/00681/FUL recorded in paragraph 2.7 refers to concerns about parking on the A19 but not on Burrells Lane; therefore while local concerns about parking on Burrells Lane are understood, the Council has not previously considered it to constitute a reason for refusal.
- 5.12 Both the Parish Council and neighbours have raised issues with parking on Burrells Lane. Burrells Lane is an unadopted privately owned highway and as such the Highway Authority has no controls over it. Furthermore the Local Planning Authority has no controls over this land as it does not lie within the application site boundary or within the control of the applicant. The uncontrolled nature of the lane means it is possible for anybody to park there, regardless of their place of residence.
- 5.13 It has been suggested that parking on Burrells Lane adjacent to the site has caused obstruction of a public footpath within the lane. As indicated earlier, the lane does not form part of the application site and is not owned by the applicant. It is noted that cars are frequently parked on the land, although their ownership is unknown, so it would be difficult for the Council to prove a connection between the occupation of the units and parking on the lane. However, any obstruction of the public footpath would be a matter for the Rights of Way Authority, North Yorkshire County Council, and it is not considered appropriate for planning powers to be used in preference to more relevant statutory powers.
- 5.14 Three additional parking spaces are proposed within the site and a plan has been submitted to show the tracking of the vehicles in and out of the site in a forward gear. The Highway Authority has no objections to the proposal and recommends a condition regarding the provision of parking and turning area.
- 5.15 Concerns have been raised that the spaces will be unusable due to the close proximity of the entrance doors into the three units and this will result in cars parking outside the site. The agent's car parking layout and tracking drawing shows there is space to park and turn three cars within the site such that vehicles can enter and leave the site in a forward gear. A condition can be included to ensure the turning area and parking spaces are provided in accordance with North Yorkshire County Council's parking standards.
- 5.16 Further concerns have been highlighted that the parking plan does not make provision for parking for vehicles related to Framfield House. The Highway Authority has no objection to the parking and has made no remark about the provision of parking for Framfield House. However, it must be borne in mind that this application is only concerned with the three units. The main house pre-dates the planning system and no permission is required for its residential occupation.

6.0 RECOMMENDATION

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

1. Within three months of the date of this permission the vehicle access, parking, manoeuvring and turning areas shown on drawing 3734-PD-02 shall be constructed in accordance with the submitted drawing. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
2. Notwithstanding the provisions of classes A, B, C, D E & F of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the land edged red on drawing 3734-PD-00 without the prior written approval of the Local Planning Authority.

The reasons are:

1. In accordance with the policy and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
2. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.

Informative

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.

3. Previous applications have referred to the units under different descriptions to clarify:

Unit A is the Annexe
Unit B is Cottage 1
Unit C is Cottage 2

16/02441/FUL

**Construction of a replacement detached domestic garage.
at Amblers Lodge Amblers Lane Shipton By Beningbrough North Yorkshire
for Mr & Mrs B M Dean.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site level ground in a countryside location occupied by a red brick two storey detached dwelling, access, garden and outbuildings. To the north west of the house lies the a detached red brick domestic garage.
- 1.2 The application proposes the demolition of the existing garage and the construction of a replacement detached domestic garage to the south west of the existing dwelling. The proposed new building measures approximately 10m x 6.4m with an overall height of 4.8m.
- 1.3 The proposed replacement garage would be constructed of red brick (Cheshire Weathered) with clay pantiles (Sandtoft Old English in Flanders Red and timber windows/doors to match the existing dwelling.
- 1.4 The private rear garden is enclosed by a boundary fence/hedge approximately 1.8m high. There are neighbouring residential properties to the north and east with agricultural land to the west and south (in the ownership of the applicant).

2.0 RELEVANT PLANNING HISTORY

- 2.1 07/00626/FUL - Application for extensions to existing dwellinghouse, granted on appeal in 24 July 2008
- 2.2 12/01046/FUL - Construction of a block of dog kennels and run, approved in 2012
- 2.3 13/01285/APN - Construction of steel portal framed general purpose agricultural building, approved in 2013
- 2.4 15/01729/FUL - Construction of a new office building, including retrospective permission for change of use of an agricultural building to workshop and store and associated land to commercial storage and car parking, refused in 2016
- 2.5 16/01688/FUL - Single storey rear extension to existing dwelling and retrospective application for a change of use of agricultural land to domestic, approved in 2016.

3.0 RELEVANT PLANNING POLICIES:

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

Development Policies DP9 - Development outside Development Limits
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council - No responses received, expired 7 December.

- 4.2 Neighbours and Site Notice (put on telegraph pole on main road near access) - No responses received, expired 13 December 2016.

5.0 OBSERVATIONS

- 5.1 The main issues to be considered in this case relate to the impact of the proposal on the character and appearance of the dwellinghouse, any impact on the streetscene and the amenities of the nearby neighbours, and the impact upon the York Green Belt.
- 5.2 The proposed replacement detached garage is subservient to the main dwelling, is of acceptable design and will be constructed of appropriately matching materials. Therefore it is felt that the proposed garage will not have a harmful impact upon the character and appearance of the dwelling or the streetscene.
- 5.3 In relation to the size of the existing property, the proposed garage is considered to be in proportion to the size of the existing property and garden space. The location of the proposed garage is away from any neighbouring dwelling and the development will have no significant impact upon neighbouring properties.
- 5.4 Paragraph 89 of the NPPF states that local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate. Exceptions are allowed and paragraph 89, 4th bullet point, states that an exception would be a "replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces" The existing garage is a single garage and it is proposed to replace it with a triple car port style garage. The proposed building is in the same use but is materially larger than the one it replaces. However the site is not in an isolated location, the site is on the very edge of the greenbelt and the garage is snuggled up to the existing dwelling, which is close to existing domestic neighbouring properties, commercial buildings and agricultural buildings. On this occasion it is considered that the replacement building will not encroach on the countryside and it will not have a harmful impact upon any of the purposes of Green Belt as defined in paragraph 80 of the NPPF.
- 5.5 Taking all of the above into account it is considered that the proposal will not cause significant harm to the amenities of the neighbours, the appearance of the dwelling, Green Belt and surroundings. The application is therefore recommended for approval.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 03A received by Hambleton District Council on 9 November 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, DP9, CP1, CP16, CP17 and National Planning Policy Framework.

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Parish: West Tanfield
Ward: Tanfield
7

Committee Date: 5 January 2016
Officer dealing: Mr Andrew Thompson
Target Date: 10 January 2016

16/00529/FUL

**Demolition of an outbuilding and the construction of 42 residential units
At Station Yard, Mowbray Terrace, West Tanfield
For Berkeley DeVeer**

1.0 APPLICATION SITE AND PROPOSAL

- 1.1 The application site is the former Station Yard, West Tanfield which is located to the north of the main village of West Tanfield off Mowbray Terrace. The proposed site lies within the development limits for West Tanfield, and is allocated for mixed uses including housing (approx. 40 units) in Hambleton Allocations DPD Policy BM3; the majority of this allocation (1.35ha of the total 1.55ha) is for housing.
- 1.2 The application proposes a total of 42 dwellings including 5 two-bedroom houses (11%), 20 three-bedroom dwellings (46%) and 17 four-bedroom dwellings (40%). The proposal includes amendments to the existing entrance to create footpaths and would include and retain access to Station Cottages which front onto the site.
- 1.3 The proposal includes eight affordable dwellings which are made up of all of the two bedroom dwellings and three of the three-bedroom dwellings. This would equate to 19% of the total development.
- 1.4 The proposal has three character areas and phases of development. Phase 1 would be the front portion of the site, including the amended site entrance. Phase 1 would also provide access to the neighbouring Station Cottages and include three affordable housing units. Phase 2 would be the south eastern portion of the proposals including the remainder of the proposed affordable housing units and phase 3 would be the remainder, in the development to the north eastern part of the site.
- 1.5 The site is within Flood Zone 1 and not subject to any known ecological designations.
- 1.6 The Grade II Listed Old Wesleyan Chapel (now Village Hall) is in close proximity to the south of the site, although the site is outside the boundary of the West Tanfield Conservation Area.
- 1.7 The application is supported by a range of documents including a Planning and Marketing Assessment, Design and Access Statement, Bat Survey, Affordable Housing Viability statement, Geo-Environmental Studies, Flood Risk Assessment and Drainage Information, Heritage Statement and Tree Survey.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 The planning history on the site relates to the former use of the site as a Yard. The last planning permission on the site related to the conversion of the offices to a dwelling under planning permission reference 84/0409/FUL (Granted 26 June 1984).

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 CP6 - Distribution of housing
 Core Strategy Policy CP7 - Phasing of housing
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP9 - Affordable housing
 Core Strategy Policy CP9A - Affordable housing exceptions
 Core Strategy Policy CP15 - Rural Regeneration
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP2 - Securing developer contributions
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP8 - Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP12 - Delivering housing on "brownfield" land
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP28 - Conservation
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP43 - Flooding and floodplains
 Allocations Document Policy BM3 - Station Yard, West Tanfield - adopted 21 December 2010
 Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
 Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
 Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 West Tanfield Parish Council - No objection.
- 4.2 North Yorkshire County Highways - No objection subject to conditions.
- 4.3 Environmental Health Officer - No objection subject to a condition relating to dealing with potential contamination on the site.
- 4.4 Environment Agency - No objection.
- 4.5 Yorkshire Water - No objection subject to condition.
- 4.6 Police Architectural Liaison Officer - The proposed development will provide residents with a safe, non-threatening environment in which to live. This accords with the core principles and design objectives set out in the National Planning Policy Framework.
- 4.7 Lead Local Flood Authority - No objection subject to drainage conditions. The drainage system must be designed so that, unless an area is designed to hold and/or convey water, flooding does not occur on any part of the site for a 1 in 30 year rainfall

event. Calculations must include an allowance for urban creep where required and climate change. The drainage system must be designed so that, unless an area is designed to hold and/or convey water, flooding does not occur during a 1 in 100 year rainfall event in any part of a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

4.8 Public comment - Three letters of objection have been received from local residents raising the following comments:

- The proposal would be adversely affected by the change in levels of the land and the existence of mature trees and hedges on the boundary;
- Implications of structural stability of the land and plots 30 and 31;
- Noise nuisance during construction;
- Previous uses raised problems of noise after 2001 when they changed from a normal Monday to Friday working week to a 24/7 operation;
- Hours of construction work should be limited;
- Traffic calming is required - traffic regularly exceeds 50mph as it passes the Station Yard entrance; and
- The addition of traffic movements associated with 42 additional properties onto a road that already has serious traffic issues is a major concern in relation to the safety of the road.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to (i) the principle of residential development in light of the mixed use allocation; (ii) the impact on the character and appearance of the Conservation Area; (iii) the impact on neighbour amenity; (iv) the impact on highway safety; (v) drainage and (vi) the liability of the development for the Community Infrastructure Levy and Affordable Housing.

Principle of residential development

5.2 The application site forms allocation BM3 of the Local Development Framework. The principle of redevelopment of the site therefore is established and accepted. The allocation prescribes a mixed use development including housing (approx. 40 units) on 1.35ha of the total 1.55ha with the housing being developed at a density of approximately 30 dwellings per hectare. The remaining 0.2ha is identified for employment development with the potential to include options for live-work units being considered, taking account of an assessment of the market at the time. This would comprise living accommodation linked to appropriate and integral commercial or B1 light industrial uses with sound insulation measures. The allocation policy adds that, should live-work not be viable, this element of the development will incorporate suitable B1 employment uses.

5.3 The applicant has demonstrated that the site has been actively marketed for mixed use development and the supporting information to the application shows that whilst offers were received in relation to the redevelopment of the site, no offers were received in relation to employment or mixed use development. The former buildings on the site were also marketed but were demolished due to the inability to find tenants. There is further known difficulty since the Mortgage Standards Review in securing funding and mortgages for live-work properties which was identified as a potential, not a requirement of the allocation. The employment development was identified as 0.2ha and as such was a minimal part of the allocation. Taking account the small-scale employment and the evidence submitted, it is considered that the

employment element of the allocation is not deliverable in the current economic climate.

- 5.4 As such, whilst the proposal would not deliver employment and mixed use elements the economic impact of this is limited because the employment element of the allocation was secondary to the housing element.
- 5.5 Overall, the applicant has reasonably demonstrated that the employment element of the allocation is not viable and the proposal for housing development in isolation is considered to be acceptable in this instance.

The Character and appearance of the area

- 5.6 The application site is visible on the approaches to West Tanfield from the north and therefore the inclusion of a landscape buffer to the northern boundary would separate the development from the open countryside.
- 5.7 The proposal seeks to add interest and character within the site by delivering development which would appear as three distinct character areas described in 1.4 above. The purpose being that the development would then appear more in keeping with the historic organic growth of the village.
- 5.8 The proposed development would alter the entrance to Station Yard by adding footpaths and the buildings would be all two storey and in keeping with design features of the surrounding area, including bay windows, stone detailing around the windows and individual porch detailing. The proposals accords with National Space Standards.
- 5.9 Plot 30 would be close to the northern boundary of the site and therefore would be prominent in views from neighbouring properties and the approaches to the north but it is noteworthy that this is the location of the former industrial buildings that were present to the rear of Station House. The proximity of this building is therefore not considered unacceptable or harmful to the character and setting of Heron Hill to the north.
- 5.10 The amended proposal shows a development that would be in keeping with the character of the area and bring forward the allocated housing in an appropriate manner.

Neighbour amenity

- 5.11 Amended details have introduced enhanced landscaping to the northern boundary to improve the relationship with Heron Hill. The proximity of Plots 30 and 31 to the northern boundary are noted but there would be adequate separation to allow for maintenance of hedgerows and planting and there would be sufficient separation from Heron Hill to avoid significant detrimental impact on amenity in terms of privacy and overlooking.
- 5.12 The proposed development has also been amended to create a satisfactory relationship with Station Cottages and Station View, which would become viewed as part of the development. The proposal would therefore form a satisfactory relationship with neighbours and would not compromise amenity in terms of privacy and overlooking.
- 5.13 The comments with regard to noise and dust during construction can be managed through an appropriate construction management plan.

- 5.14 Taking these factors into account, the proposed redevelopment of the site would be acceptable in terms of neighbour amenity.

Highway safety

- 5.15 The comments of residents are noted; however the Highway Authority is satisfied that safe access can be achieved and that there would be no detrimental impact on highway safety.
- 5.16 The proposal shows parking and garage provision and adequate space for turning and manoeuvring within the site with the development designed to reduce speeds within the site and promote active use of the streets as places. The proposal also includes informal parking provision and hard surfacing.
- 5.17 The concerns about the speed of traffic and safety of vehicles approaching West Tanfield are noted. However, the proposal is designed with adequate visibility at the junction with Mowbray Place and residents would be able to access other parts of the village by alternative means of transport (e.g. walking and cycling).
- 5.18 As such, there are no sustainable highway safety issues to count against the proposal.

Drainage and Flooding

- 5.19 The County Council (Lead Local Flood Authority) and Yorkshire Water's comments are noted and adequate drainage details can be secured by condition. The general flooding situation in the area is noted, insofar as the site is in an area at the lowest risk of flooding.
- 5.20 The remediation of the site and the redevelopment of the site would allow for a feasible drainage strategy to be implemented.

Affordable Housing

- 5.21 The applicant proposes 19% affordable housing and has submitted detailed information with regard to the viability of the site in support. The evidence has been assessed by the Council's Viability Advisor. After extensive discussions, it is agreed that 40% affordable housing, the aspiration of Development Plan policies CP9 and BM3, cannot be achieved on this site.
- 5.22 It is agreed that the need to remove contamination associated with the previous use introduces a significant level of abnormal costs which need to be factored into the development and the cost of such work is agreed. The expected revenue and land value are also agreed.
- 5.23 There remain areas of disagreement between the applicant and the Council's Viability Advisor relating to professional fees and normal construction costs. The largest area of disagreement being the construction cost which would have a relatively significant impact on viability. However, the applicant has submitted evidence accepted by the District Valuers Service which suggests these levels of costs are appropriate and akin to industry standards and the lowering of the costs would not be appropriate.
- 5.24 As such, taking on board all the evidence submitted and the issues raised, it is considered that the proposed level of affordable housing could not be successfully challenged in this instance.

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 shall be carried out in accordance with the submitted plans reference 1541.01 REV E, 1541.05, TN1.01, T06.01 REV B, T06.02, T07.D.01 REV B, T07.T.02, T09.01 REV A, T10.01 REV B, T11.01 REV B, T03.01 REV A, T06.01 REV B, T07.T.01 REV B, T10.01 REV B, T11.01 REV B, T12.01 REV A, T03.01, T07.D.01 REV A, T07.T.01 REV A, T08.01.V2, T10.01 REV A, T10.R.01 REV A submitted to the Local Planning Authority on 4 and 7 March 2016 as amended by details on 22 July 2016 and 22 September 2016.
3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority: (a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing the proposed highway layout including the highway boundary; dimensions of any carriageway, cycleway, footway, and verges; visibility splays; the proposed buildings and site layout, including levels; accesses and driveways; drainage and sewerage system; lining and signing; traffic calming measures; and all types of surfacing (including tactiles), kerbing and edging; (b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing the existing ground level; the proposed road channel and centre line levels; and full details of surface water drainage proposals; (c) Full highway construction details including typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths; when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels; kerb and edging construction details; and typical drainage construction details; (d) Details of the method and means of surface water disposal; (e) Details of all proposed street lighting; (f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features; (g) Full working drawings for any structures which affect or form part of the highway network; and (h) A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details.
4. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.
5. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works and highway drainage, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

6. 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.
7. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) The details of the access shall have been approved in writing by the Local Planning Authority; (b) The crossing of the highway verge shall be constructed in accordance with the Standard Detail number A1; (c) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing / proposed highway and shall not be able to swing over the existing or proposed highway; (d) The final surfacing of any private access within 6 metres of the existing / proposed public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway; and (e) Provision of tactile paving in accordance with the current Government guidance. All works shall accord with the approved details
8. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road Mowbray Terrace from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 1541.01 Rev E - Planning Layout. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
11. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
12. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the

site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

13. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 13.00 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.
14. Affordable housing shall be delivered in accordance with the size, location and tenure as set out on approved drawing 1541.01 Rev E - Planning Layout. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. Furthermore, (a) For the avoidance of doubt the plots for affordable housing are plots 8, 9, 10, 11, 12, 30, 31 and 32; and (b) Prior to the commencement of development the following details shall be submitted to and approved in writing by the local planning authority: (i) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing; (ii) the arrangements for the transfer of the affordable housing to an affordable housing provider; (iii) the tenure mix; (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced. The development shall be carried out in accordance with the approved details.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure satisfactory development of the site in accordance with the details submitted.
3. In accordance with the policy and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
4. In accordance with the policy and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
5. In accordance with the policy and in the interests of highway safety and to ensure that no surface water discharges take place until proper provision has been made for its disposal
6. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
7. In accordance with the policy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
8. In accordance with the policy and in the interests of road safety.

9. In accordance with the policy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
10. In accordance with the policy and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
11. In accordance with the policy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. In accordance with the policy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
13. In the interests of the amenity of adjacent and nearby occupiers.
14. To secure delivery of Affordable Housing in compliance with the Development Plan policies, and the adopted Supplementary Planning Document and Housing Needs Study.

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. 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.

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Parish: Alne
Ward: Easingwold
8

Committee Date: 5 January 2017
Officer dealing: Caroline Strudwick
Target Date: 21 September 2016
Date of extension of time (if agreed): 10th February 2017

16/01614/OUT

**Outline planning application with details of access and layout (all other matters reserved)
for residential development
At land adjacent Church House, Church Wind, Alne
For Mr R G Hirst and Mrs C M Clift**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This 2,710 sq m piece of land lies on the west side of Church Wind. To the north of the site is Holly Tree Cottage, west is Alne pre-school play group and south the Grade I listed Church of St Mary the Virgin. The site lies within the Alne Village Conservation Area and outside Development Limits.
- 1.2 The site was last used for agriculture, for the grazing of animals. It is well screened by mature trees and hedges on the south and east boundary, with limited screening on the western boundary.
- 1.3 This is an outline application for the layout and access for the development of two houses, shown as 3 to 4 bedroom double storey detached properties, with detached garages. One dwelling would front Church Wind and the other would lie behind it, with its principal elevation facing south, towards the Church. The dwellings are pushed towards the northern boundary, to maintain a buffer between the church and development. The total footprint of each dwelling is proposed to be approximately 200 sqm. There is an access to Church Wind in the approximate centre of the road frontage; the proposal would close this and create a new one further south, which would lead to a turning and parking area serving both dwellings in the centre of the site. Details of scale, appearance and landscaping are reserved for later approval.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 79/01408/OUT - Outline application for residential development at part of former OS 328, Church Wind, Alne; Granted 27 September 1979.
- 2.2 95/50042/P - Construction of 2 detached dwellinghouses and domestic garages; Refused 12 March 1996.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP1 - Sustainable development
Development Policies DP28 - Conservation
Core Strategy Policy CP4 - Settlement hierarchy
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 DP29 - Archaeology
Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP9 - Development outside Development Limits
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Alne Parish Council - No objection to the proposal but would want substantial input if the scheme were to change in any significant way.
- 4.2 North Yorkshire County Council Heritage Officer - The proposed development site lies in an area of archaeological interest and potential, within the historic core of the former medieval village of Alne. Therefore, I would advise that a scheme of archaeological mitigation recording is undertaken in response to the ground-disturbing works associated with this development proposal. In order to secure the implementation of such a scheme of archaeological mitigation recording conditions on any permission recommended.
- 4.3 Conservation Officer - This site lies within the Conservation Area and adjacent to the Grade I listed church. Church Wind is characterised by the significant tree cover forming the approach to Main Street. It will be important to maintain this tree cover to the front of any development, therefore clarification as to which trees are to be removed and details of the landscaping to the front will be important.

The Church of Saint Mary the Virgin is not particularly prominent within the street scene, there are glimpses through the trees and through the existing gateway of the proposed site. Trees and fencing line the site boundaries and there are views towards the graveyard from the site and over the site from the graveyard. An existing property at Holly Tree Cottage is visible from the graveyard.

The site is at a similar level to the graveyard and does not in my opinion form a significant part of the setting of the church. Whilst there is an obvious correlation between the peaceful setting of the graveyard and the open site to the north, this could to some degree be maintained by setting the properties to the far side and incorporating a high quality landscape scheme.

The siting of a single dwelling within the site would allow for a larger, more spacious plot, however as stated above, by siting them to the far side they would be no more visible than existing development at Holly Tree Cottage.

- 4.4 Council for British Archaeology - It is acknowledged that the application if for outline permission and that specific details other than access and layout are to be determined at the full application stage. However, the CBA has concerns regarding the proposal submitted as part of the outline permission, which should be addressed prior to submitting a full application:
- The significance of the application site has not been addressed in accordance with the National Planning Policy Framework (NPPF 2012) paragraph 128;
 - The CBA strongly recommends a programme of archaeological investigation to inform any decision at the outline permission stage; and
 - Development of the application site has the potential to impact on the setting of a Grade I Listed Building and a Conservation Area and could cause harm to the significance of these designated heritage assets.
- 4.4 Highway Authority - Conditions recommended.

4.5 Yorkshire Water - No objection.

4.6 Public comment - Four objections have been received, on the basis that:

- The proposal is against BD5 land, relabelled as part of the LDF as lying within the Conservation Area.

[Officer note: Policy BD5 Spaces of 'townscape' Importance was a policy in the Hambleton District Wide Local Plan, which was replaced with policy DP28 Conservation, in the Hambleton Local Development Framework in 2008.]

- Contrary to CP6, point 3 that no affordable housing is proposed;
- The proposal will have a detrimental effect on the natural, built and historic environment and so not compliant with the IPG;
- Contrary to policy DP28 Conservation;
- The proposal will reduce highway and pedestrian safety on Church Wind;
- There will be a loss of privacy through overlooking of Church House, Church House Annex and Holly Tree Cottage; and
- The proposal will impact unacceptably on the biodiversity of the site.

Two submissions of support have been received, on the basis that:

- The site has the potential to be an eyesore if it is not developed; and
- Support, so long as safeguarded measures are put in place to ensure that children at the playgroup are not overlooked.

5.0 OBSERVATIONS

5.1 The issues to consider in this application are (i) the principle of development in this location outside Development Limits; (ii) the impact on local character and heritage assets, specifically the Conservation Area and nearby listed buildings; (iii) the impact on residential amenity; and (iv) the impact on highway safety.

Principle

5.2 The site lies outside the Development Limits of the village, where development is strictly controlled. The applicant does not claim any of the exceptional circumstances identified in Policy CP4. However, the Council has adopted Interim Policy Guidance (IPG) Note which allows the Planning Authority to be more flexible in determining applications for small scale, incremental residential development, well related to villages. This proposal is located adjacent to Development Limits and would relate well to the existing pattern of development in the village, however there are other elements of the IPG to consider.

5.3 Alne is designated as a Secondary Village in the IPG settlement hierarchy. The proposed development is therefore located on a site where it will support local services. At two dwellings the development is small in scale. The built form of the dwellings is not for consideration as part of this outline application, and this would need to be given careful consideration at the reserved matters stage.

Character and heritage assets

5.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 133 and 134

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

- 5.5 There has been considerable concern regarding the potential for detrimental impact on the natural, built and historic environment. This particularly centres on the potential for harm to be caused to the Grade I Listed Church of St Mary the Virgin and any buried archaeology on site. An archaeological investigation involving digging three investigation trenches was undertaken on site. This did not provide any evidence of any significant or valuable archaeology and so the likelihood of significant archaeology at a depth which could be disturbed by development has been reduced. It is recommended that a condition is attached to any permission which requires a written scheme of investigate to ensure any archaeology on site is recorded. In terms of the above ground history, it is considered that the limited views of the Church of Saint Mary the Virgin can be protected through a high quality landscaping scheme and carefully designed dwellings, which respect the setting of the Church.
- 5.5 Three trees would be removed to create the access onto the site. Subject to a condition to replace those trees in the gap left by the former access, the overall effect would not be harmful to the character or appearance of the Conservation Area.
- 5.6 The development of two dwellings on this site would not have a detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements. The dwellings would be sited to the north of the site, close to existing development and the line of the Alne Development Limits.
- 5.7 Given Alne's status as a Secondary Village it is considered that the development is capable of being accommodated within the capacity of existing or planned infrastructure.
- 5.8 The boundary of the site is 10 metres from the northern elevation of the grade I listed Church of St Mary the Virgin, and approx. 175m from the Grade II listed Alne Hall. The application seeks permission for the layout of the site but not for the scale or design of the dwellings. The proposed layout shows that the nearest dwelling would be 37 metres north of the Church. The mature trees and hedges on the south boundary between the site and the Church can be retained to preserve the setting of the Church and the character and appearance of the Conservation Area. Additional planting can also be secured, including additional landscaping to the west and north, and at the current access point off Church Wind.
- 5.9 When submitting a reserved matters application it is advised that the proposed design of the dwellings should ensure that they are in keeping with the eaves and ridge heights of the existing development in the immediate area. The Alne Conservation Area is a good example of linear development along a main street, with agricultural development to the north and south, some of which has been converted into dwellings, with infill modern housing. The site layout shows that development would keep the line of existing development, despite being outside of Development Limits. The linear siting of the two dwellings infill the gap between the Primary School and Still House, on the opposite side of Church Wind. The dwellings have purposely been kept to the north of the site to bring them close to the development limits and to allow a buffer between development and the Church. Whilst it would bring development closer to the Grade I listed Church, reducing that separation between the Church and village development, two dwellings here would not impact unacceptably on the views in and out of the village and of the church, or cause unacceptable harm to the character and setting of the heritage asset.

Residential amenity

- 5.10 Dwelling one is to face east, onto Church Wind and dwelling two to face south, towards to the church, with the garages between the two dwellings. The layout of the site allows for an 11 metre separation between dwelling one and Holly Tree Cottage. Without any detailed plans showing window opening the potential for overlooking cannot be assessed, this will be addressed as part of the reserved matters application. This is equally the situation with the relationship between the proposed dwellings.
- 5.11 Alne playgroup is 7 metres to the west from dwelling two; it recommended that any windows that face this way are restricted to obscured glazing by condition as part of any reserved matters approval to avoid overlooking of the playground.

Highway safety

- 5.12 The Highway Authority has not objected to the application to create an alternative access further south on Church Wind, subject to conditions.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: (i) Three years from the date of this permission; (ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 456/03/01/A received by Hambleton District Council on 15th July 2016 unless otherwise approved in writing by the Local Planning Authority. The number of dwellings built shall not exceed two.
 3. 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 dwellings and garages, (b) design and external appearance of each building, including a schedule of external materials to be used; and (c) the landscaping of the site.
 4. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. 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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; (b) Any gates or barriers shall be erected a minimum distance of 4.5 metres

back from the carriageway of the existing highway and shall not be able to swing over the existing highway; (c) That part of the access(es) extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15; and (d) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing highway. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority.

6. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
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 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: (a) vehicular and pedestrian accesses; (b) vehicular parking; (c) vehicular turning arrangements; and (d) manoeuvring arrangements. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
9. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage

area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

12. (A) No demolition/development shall take place/commence until a Written Scheme of 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: (a) Community involvement and/or outreach proposals; (b) The programme for post investigation assessment; (c) Provision to be made for analysis of the site investigation and recording; (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation; (e) Provision to be made for archive deposition of the analysis and records of the site investigation; and (f) 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 (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 (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

The reasons are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP17, DP28, DP30 and DP32.
3. 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.
4. In the interests of highway safety.
5. In the interests of highway safety.
6. In the interests of road safety.
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 the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
9. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
10. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

11. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
12. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

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 note.
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.

16/02163/FUL

**Revised retrospective application for change of use from agriculture to temporary mixed use, adding external temporary storage of log cabins and static holiday homes
At Sunley Woods Farm, Husthwaite
For Mr Ben Duffield.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is part of Sunley Woods Farm, Husthwaite. The farm is located to the north east of Husthwaite village within the Howardian Hills Area of Outstanding Natural Beauty (AONB). Holiday homes and log cabins are currently stored on the western side of the farm alongside the road from Husthwaite to Coxwold.
- 1.2 This is a second application submitted by the applicant. Planning application 16/00639/FUL with the same description as this application was refused in July 2016.
- 1.3 The current application has been submitted with revisions to try and address the points raised in the previous application. In this application the size of the red line boundary has been reduced further, the applicant has proposed a restriction on the number of units on the site at one time and suggested additional species to add to the proposed hedge mix to be faster growing.
- 1.4 The holiday home business is run by the Mr Ben Duffield, the son of the tenant farmer. Mr Duffield works on the farm as well as the holiday home business. The storage of units has occurred at the site for several years. The business is a start-up business to help supplement the income from the farm. The units are bought from sites when contracts come to an end. Units need to be removed immediately from sites at the end of the contract. They are taken to Sunley Woods Farm to be stored temporarily before they are moved onto a selling agent or repair company. Caravans (small units measuring approximately 9.1-10.7m x 3 -3.6m) and static lodges (19.8m x 6.7m) are stored temporarily on the farm. Caravans are on the site on an average from one week to four weeks, the larger units are on site a little longer and can be there up to three months.
- 1.5 The units were previously on site for repairs or renovation. During the consideration of this application the applicant's agent has confirmed that repairs are no longer undertaken on the site. The site is now used solely for storage. The units are not broken up on site nor do sales take place. There are no visiting members of the public.
- 1.6 Work regarding the caravans takes place in conjunction with farming work and this application proposes the mixed use of the land of both agriculture and holiday unit storage. The red line boundary of the application site has reduced in size from application 16/00639/FUL, by excluding all of the farm buildings previously included, however the extent of the open area to the south-west is unchanged. The information first submitted with this current application stated the site boundary would accommodate 8 units, however the applicants agent has submitted further information on 15th November 2016 to ask for an amendment to the number of units on site due to the different sizes of units involved. The applicant proposes a restriction of up to 8 large units (static lodges) or 25 smaller units (caravans).

- 1.7 The applicant proposes the planting of a hedge around the west and south western boundary of the site to screen the site from the eastern edge of Husthwaite village and properties of Lists House and Beacon Banks located to the south west of the farm. In addition there is a public bridleway running from Kays Bank in a generally east-west direction along the hillside 400m south of the application site. The hedge is proposed to be of mixed species including blackthorn, hawthorn, willow and poplar to a height of 2.8m.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 16/00639/FUL - Change of use from agriculture to temporary mixed use, adding external temporary storage of log cabins and static holiday homes - refused 4 July 2016. The reasons for refusal were:
1. The proposed development is contrary to Local Development Framework Policy CP4, CP16, DP30 and DP32 due to the harm to the visual amenity, character of the rural landscape of the Howardian Hills Area of Outstanding Natural Beauty.
 2. In the absence of evidence to show to the contrary it is considered that the size of the application site, and unrestricted nature of the development which does not require the provision or use of additional buildings, has the potential to allow a large expansion of the business that would in turn cause an industrialization of the landscape to the detriment of the amenity of neighbours, highway safety and the character of the Howardian Hills Area of Outstanding Natural Beauty and the setting of the North York Moors National Park. Such unrestricted development would be contrary to the NPPF and the Local Development Framework Policies particularly, CP1, CP2, CP4, CP15, CP16, CP17, DP1, DP3, DP9, DP25, DP26, DP30, DP32, and DP33.
- 2.2 15/00113/CAT3 - Enforcement case relating to the use of the land in relation to holiday home business resulting in the submission of the previous and current planning applications.

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
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP9 - Development outside Development Limits
Development Policies DP25 - Rural employment
Development Policies DP26 - Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Coxwold Parish Council - No objection.

- 4.2 Husthwaite Parish Council - Wishes to see the application refused in its current form in accordance with Development Policy DP30 - Protecting the character and appearance of the Countryside. The following points are made:
- Although the Parish Council is pleased to note that the applicant is willing to include faster growing species into the proposed screen hedge it should be noted that, as the units are sited on land higher than the surrounding hedges, any screening would need to be in excess of 3m high (and even this would not hide the units from the Beacon Banks public footpath within the AONB);
 - It is considered that the proposed maximum number of 8 log cabins / static homes on the area at any one time is still too many for the location within the Howardian Hills AONB and the Parish Council would request that this number is reduced further; and
 - We realise that a time limit on repair would be difficult to control, but as some of the light coloured static caravans seem to have been in situ for numerous months now, some restriction should be included in any planning approval to clarify the term 'temporary storage'.
- 4.3 Highway Authority - Concern must be expressed at the visibility available from the existing access in a north easterly direction which is restricted by the existing boundary hedge and bend. However there is an existing agricultural use associated with the site and it is not considered that the proposal will result in an intensification of use of the access. Therefore there are no local highway authority objections to the proposed development.
- 4.4 AONB Manager - raises a number of comments in relation to the revised proposals' which are summarised as follows:
- The proposed limit on the number of caravans is welcomed, although one consultee has pointed out that chalets may consist of a number of separate units so some clarification/amendment may be needed on the defined number. As some of the repair work takes place under cover in the agricultural building, this should also mean that fewer than (8) units will be stored on the outdoor area at times;
 - Can appreciate the Parish Council wish to see faster growing species in screening hedge however do not consider the proposed hedge will meet the Parish Councils wishes, provide a suitably dense screen or be easy for the applicant to manage. Poplar and willow are quicker growing than more commonly used hedgerow species but would make the hedge grow at an uneven rate, with the risk that species such as hawthorn may be suppressed. Poplar and willow within a hedge will not be as dense as hawthorn or blackthorn, creating an open 'gappy' appearance. A dense long lasting hedge would have been sacrificed for short-term gain in terms of speed of growth. A screen of willow and poplar trees would be contrary to landscape character in this situation within the AONB, making the landscaping scheme potentially stand out as much as the development it was attempting to screen; and
 - No objections to the scheme overall in principle, it would be dependent upon a more appropriate and effective screening hedge and trees proposal being developed. Having considered the scheme, its location and the comments of other consultees, I feel that the most appropriate scheme would comprise a 2.8m tall hedge of species including hawthorn, blackthorn, field maple and dogwood. In addition smaller tree species such as rowan, bird cherry and crab apple should be planted at irregular intervals within the hedge, as 3m standard trees. This scheme would provide an immediate taller element to the planting, of appropriate but smaller tree species, with a dense and locally appropriate hedge developing in parallel.

4.5 Public comments - one objection has been received and is summarised below:

- Neighbour over looks Sunley Woods Farm and has submitted a photograph from their sitting room window. The number of units on the site has increased since the first planning application in Spring 2016;
- Static caravans awaiting refurbishment have been stored on this site for some time and had assumed that as this was a 'start-up' enterprise, a more permanent and suitable location would be found as the business flourished (as it clearly is doing);
- Welcome proposal to screen development, there has already been ample opportunity to do this over recent years when the business started but nothing has happened. It will take several years for the planting proposed to become an effective screen, even with the revised planting proposed; and
- Questions if there is an alternative and less conspicuous area on the Coxwold side of the farm Although revised application limits the number of units, eight units is too high, there should be a limit on the number of units stored at any one time to 4 or 6. A number of the chalets are made up of two units.

4.6 North York Moors National Park Authority - no objection providing the proposed hedgerow planting is required by condition.

5.0 OSBERVATIONS

5.1 The issues to be considered include (i) the principle of the change of use in this location; (ii) the impact of the proposal on the character and appearance of the surrounding rural landscape; (iii) the impact on the amenity of neighbouring properties; and (iv) highway safety.

Principle of change of use

5.2 The proposal seeks retrospective consent to use an area of hardstanding to store holiday homes/caravans. The site is located in a rural location outside of the limits to development. The applicant seeks a temporary mixed use to allow the area to be used for farm equipment and storage of holiday homes. The applicant considers the proposal allows for diversification which helps sustain the existing agricultural enterprise in accordance with DP25 - Rural Employment. The policy of the Council in the LDF and the NPPF is that diversification, in this case of an area of farm yard to a mixed use, would support a prosperous rural economy.

5.3 The current set up of the business involves only the applicant working between farm jobs and dealing with the holiday homes. Supporting information has been submitted regarding the change of use and its accordance with Policy DP25 and DP26. The applicant's agent considers the proposal is small in scale, it reuses existing rural buildings and because the applicant works on the farm the proposal is not capable of being located within the settlement limits. The business would be inefficient and not viable if the applicant had to travel from one site to another.

5.4 As noted above it is considered that in principle the change of use to a mixed use to support the rural economy is acceptable. The previous application lacked details of how the business operates. This revised application has provided the number of units that could be on site at one time and an approximate time each type of unit will stay at the site. The nature of the business has changed during the consultation period of this application in that no repair/renovation work now takes place and the site is to be used only for the storage of units.

- 5.5 The applicant has confirmed their understanding if the business was to grow in the future it would need to be located on a different larger site and be financially independent from the farm income. Such an increase in trade is not the future plan of the applicant as he is needed on the farm and the applicant has no intention of expanding the business from its current scale on this site. It operates well alongside the work on the farm and gives the flexibility of being able to cater for the demands of both businesses.
- 5.6 The units are moved to and from the site in compliance with the codes of conduct for large vehicles; this is a practice familiar to the applicant as they are used for the large agricultural vehicles. The applicant proposes that any movement of units is carried out avoiding school entry and exit times to prevent unnecessary congestion in Husthwaite village. This was a concern raised in the previous application and no details have been supplied to show how the time of movements would be controlled.
- 5.7 This current and previous application lack details in respect of the financial or other social benefits of the business, other than the financial support the business provides for the existing farm business and as such is not supported by Development Policy DP25 Rural employment, criterion iv. DP25 requires employment development in locations outside development limits to be supported by an appropriate business case which demonstrates that support will be provided to the local economy, which in turn would help sustain rural communities.

Impact of the proposal on the character and appearance of the surrounding rural landscape and the impact on the amenity of neighbouring properties

- 5.8 The holiday homes are highly visible from the properties in Husthwaite located on the north-eastern edge of the village and from the properties and public bridleway located to the south-west of the farm and from the roadside. The applicant proposes the planting of a mixed species hedge to the south-west boundary of the site. The existing hedge to the south of the farm buildings is approximately 2.8m high and the applicant proposes the new hedge will match the existing. A neighbour and the Parish Council have raised concerns regarding the appearance of the holiday homes in the landscape and the need for the proposal to be screened including concerns the proposed hedge would not sufficiently shield the holiday units. It is considered a new hedge along the south-eastern boundary of the site would shield some views of the holiday homes; nevertheless it would not block or sufficiently reduce views due to the elevated position of the farm.
- 5.9 It is considered the storage of holiday homes on the south-eastern side of the farm site has a detrimental impact on the appearance of the AONB and rural landscape which cannot be rectified by the planting of a hedge. Such an impact is contrary to Local Polices, CP4, CP16, DP30 and DP32 and the NPPF.
- 5.10 The size of the site included within the red line boundary has been reduced following the refusal of 16/00639/FUL and the applicant has confirmed they are willing to restrict the number of units on the site at one time and as such preventing the potential to expand to a much larger business which was a concern in 16/00639/FUL. Nevertheless concerns have been raised as part of this application to the number of proposed units on the site at one time. The applicant originally stated the maximum number of units on the site at one time would be 8. However the applicant's agent has since confirmed that due to the difference in size of a caravan to a static lodge they site could hold 8 large units or up to 20 small units. It is considered up to 8 large units or 20 small units on the site has a detrimental visual impact on the character and appearance of the countryside and the ANOB.

Highway safety

- 5.11 The Local Highway Authority have no objections to the development but have expressed concern regarding the visibility available from the existing access in a north easterly direction which is restricted by the existing boundary hedge and bend. They conclude that due to the existing agricultural use associated with the site it is not considered that the proposal will result in an intensification of use of the access. Removal of the hedge to improve visibility to the north east may have additional severe harmful visual impacts when viewed from the roadside. Alterations to the access and hedgerow would have a harmful impact contrary to the LDF and NPPF policies CP4, CP16 and DP30 and DP32.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposed development is contrary to Local Development Framework Policy CP1, CP2, CP4, CP15, CP16, CP17, DP1, DP3, DP9, DP30, DP32, and DP33 due to the harm caused by the storage of static lodges and caravans and associated developments, to the visual amenity and character of the rural landscape of the Howardian Hills Area of Outstanding Natural Beauty.

Parish: Exelby, Leeming And Newton
Ward: Bedale
10

Committee Date : 5 January 2017
Officer dealing : Mrs H Laws
Date of extension of time: 6 January 2017

16/02307/FUL

**Change of use of annexe to a dwellinghouse and formation of access.
at Tatton Lodge Londonderry North Yorkshire DL7 9NF
for Mr & Mrs J Bleasdale.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies at the southern end of Londonderry and forms part of the group of buildings associated with Tatton Lodge. The main dwelling is a two storey detached building with rear single storey extensions and a garden on the south side of the dwelling.
- 1.2 The application site relates to a single storey building that lies on the roadside immediately to the north of the dwelling. It is detached from the dwelling except for a covered walkway; there is no direct access internally between the two buildings.
- 1.3 It is proposed to change the use of the building from a holiday / letting unit, to an independent dwelling unit. The existing accommodation includes a living room, kitchen, two bedrooms and a bathroom. Parking is currently available on a hard surface at the front of the building. No internal or external alterations are proposed to the building.
- 1.4 The application includes the creation of a new vehicular access to serve the proposed dwelling, to be positioned approximately 7m to the north of the dwelling. It is also proposed to change the use of the existing paddock to the rear and side of the dwelling to create a garden for the property. The land covers an area of approximately 0.08ha.
- 1.5 The covered walkway would remain with the main dwelling and a new fence and hedgerow would be formed to create a new boundary between the two properties.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 09/03539/FUL - Revised application for alterations and extension to existing domestic garage to form 1 letting room. Permission granted 25 November 2009 subject to the following condition:
The development must comply with the following requirements:-
(i) The accommodation shall only be occupied for holiday or business travel letting purposes;
(ii) The accommodation shall not be occupied as a person's sole or main place of residence;
(iii) The owners/operators shall maintain an up-to-date register of the names of all owners/occupiers and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 **CONSULTATIONS**

- 4.1 Parish Council - no comments received (expiry date for representations 29/11/2016).
- 4.2 Highway Authority - conditions recommended.
- 4.3 Site notice/local residents - no comments received (expiry date for representations 7/12/2016).

5.0 **OBSERVATIONS**

- 5.1 The main issues to consider are whether the proposed formation of a separate dwelling is sustainable in this location; whether the development would have any detrimental impact on the character of the settlement or adjacent rural landscape; whether it would impact on neighbouring amenity and whether it would affect highway safety.

Principle

- 5.2 The site falls outside of Development Limits, as Londonderry does not feature within the settlement hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the development plan. It is also necessary however to consider more recent national policy in the form of the NPPF. Paragraph 55 of the NPPF states:
"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".
- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council has adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 In the 2014 Settlement Hierarchy contained within the IPG, Londonderry is defined as an "other settlement"; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must

provide support to local services including services in a village nearby. The site lies at the southern end of Londonderry, the edge of which lies within 2km of both Leeming and Leeming Bar, which are identified in the revised settlement hierarchy as Secondary Villages.

- 5.5 These villages are accessible from Londonderry by a road, with footway for the entire distance and some of which is lit by streetlighting. Both of the Secondary Villages have schools and pubs and Leeming Bar has a significant area of employment with the Industrial Estate and Business Park. The distance between the villages by road is either less than, or approximately, 2km, which is considered to be an acceptable separation allowed for in the IPG. Criterion 1 would be satisfied.

Character of settlement and landscape

- 5.6 The proposed dwelling would lie at the end of the village adjacent to the existing dwelling at Tatton Lodge. Other development lies beyond the site to the south and the development would not therefore be isolated. Taking account of the existing physical form, the site appears as part of the main village.
- 5.7 The use of the existing area of paddock would be changed to domestic garden. As the site has more in-keeping with the built form of the village rather than the adjacent countryside it is not considered this would detract from the appearance of either the village or the countryside.
- 5.8 The occupation of the building as a separate dwelling would not affect the capacity of the existing infrastructure any more than the existing occupation of the building as an annexe.
- 5.9 It is considered that there would be no harmful impact to the natural, built and historic environment.

Residential amenity

- 5.10 The only neighbouring residents close enough to be affected would be those in the main dwelling at Tatton Lodge. Although the two properties are in close proximity there would be adequate separation distances in respect of overlooking and overshadowing. Separate amenity and parking areas will minimise disturbance.
- 5.11 The site is in close proximity to the A1 but as the building is already in domestic use the noise resulting from the road would not have any greater effect on residential amenity. The proposed development would not be contrary to LDF Policy DP1.

Highway safety

- 5.12 The Highway Authority does not object to the proposal subject to conditions regarding the proposed access and parking areas.

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 part of the existing boundary hedge along the eastern and north western boundaries of the site shall be uprooted or removed and the hedge

shall not be reduced below a height of 1.5 metres other than in accordance with the creation of a new access and details that have been submitted to, and approved by, the Local Planning Authority.

3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

d. The crossing of the highway verge shall be constructed in accordance with Standard Detail number E6.

e. Any gates or barriers shall not be able to swing over the existing highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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 other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: a. vehicular parking b. vehicular turning arrangements c. manoeuvring arrangements 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 details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

The reasons for the above conditions are:-

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

2. The existing hedge is considered to make a worthwhile contribution to the character of the area and is worthy of retention in accordance with LDF Policies CP16 and DP30.

3. 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.

4. 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.

Parish: Husthwaite
Ward: Raskelf & White Horse
11

Committee Date: 5 January 2017
Officer dealing: Mr Peter Jones
Target Date: 13 January 2017

16/02401/FUL

Retrospective application for change of use of agricultural building to general machine/contractor repair
At Bye Green Holdings, Low Street, Husthwaite
For Mr Thomas Carter

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is located on the northern edge of Husthwaite and lies to the rear of the dwellings on the northern side of Low Street, opposite the village school. An access and driveway lie at the eastern end of West Terrace and extends for a distance of approximately 60m sloping downwards to the site. The site is bounded by metal security fencing to the south and east with an established landscape belt to the west and a block-work wall to the north. Approximately 0.4 acres of the northern area and 0.4 acres of the southern area of the site is paddocks/grassland used for grazing purposes.
- 1.2 The site includes a stable for three horses and two agricultural buildings. The agricultural building subject to this retrospective change of use application measures 18.5m x 12.5m (231.25 sqm) and is currently used as a workshop for general machine/contractor repairs. The site is occupied by an agricultural building built under 04/00441/FUL, which was subsequently extended without the benefit of planning permission. The extension to the building remains unauthorised and is not included within the current application. During an enforcement enquiry regarding this unauthorised extension it was established that the use of the original building was being carried out in breach of planning conditions which sought to control the use of the building allowing it to be used for agricultural purposes only. At the time of the inspection the extension appeared to be in use for agricultural storage associated with the small-holding.
- 1.3 The site is within the Husthwaite Conservation Area but outside the development limits for the village.
- 1.4 This proposal seeks permission for the use of the authorised agricultural building on site as a workshop for general machine/contractor repairs Use Class B2 - General Industry. This retrospective change of use application has been submitted in an attempt to regularise the use of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 04/00441/FUL - agricultural building to accommodate livestock; Granted 9 June 2004.
- 2.2 05/00262/COU – Enforcement investigation into a caravan on site. Enforcement Notice served and complied with.
- 2.3 07/01791/CLE - Application for Certificate of Lawfulness in respect of siting of residential caravan; Refused 23 October 2007.
- 2.4 08/04720/FUL - Private gypsy site for one household; Refused 6 May 2009.

- 2.5 12/02594/MRC - Application to remove condition 6 of planning approval 04/00441/FUL in order to use the building for agricultural storage and livestock; Granted 11 February 2013.
- 2.6 13/02645/FUL - Alterations and extension to agricultural livestock and storage building; Refused 14 February 2014.
- 2.7 16/00139/FUL - Retrospective application for an extension to an existing agricultural building; Withdrawn 10 October 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP10 - The scale and distribution of new employment development
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
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP9 - Development outside Development Limits
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP17 - Retention of employment sites
Development Policies DP18 - Support for small businesses/working from home
Development Policies DP25 - Rural employment
Development Policies DP26 - Agricultural issues
National Planning Policy Framework

4.0 CONSULTATIONS AND REPRESENTATIONS

- 4.1 Public comment -
- 4.2 Parish Council - Wishes to see the application refused in its current form on the basis that the applicant has not taken into consideration the recommendations contained in Hambleton District Council Policies DP1, DP8, DP9, DP30, DP33 and DP44. The reasons given for this are:
- Although the Parish Council has no major objections to a change of use for this site, it should be noted that due to its close proximity to residential dwellings we would expect the application to ensure that the development will not threaten elements of public amenity concerning matters such as privacy, noise and light pollution. The hours of opening (0900 – 1830) quoted in the application do not limit the operating hours of the site and, for the consideration of local residents, some restriction is necessary. In addition the excessive security lighting on the site during the hours of darkness would almost certainly be classed as a form of light pollution (especially for neighbouring properties);
 - As the site is adjacent to the Husthwaite Conservation Area but outside of Husthwaite's Development limits, consideration should also be given to the effective screening/landscaping of the site to protect the character of the village and prevent detrimental impact to the countryside; and
 - There are no details in the application of how the engineering waste from the site will be disposed of.

- 4.3 Highway Authority - No objection.
- 4.4 Environmental Health Officer - This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. No objection.
- 4.5 Yorkshire Water -

5.0 OBSERVATIONS

- 5.1 The main issues are: (i) whether the proposed general industrial use is acceptable in policy terms in this location; (ii) whether the proposed development has had or could have any detrimental impact on the amenity of the occupiers of any nearby property ; (iii) whether the proposed development has had or could have any detrimental impact on highway safety; and (iv) whether the B2 use would have a detrimental impact on the character or wider amenity of the area.

Principle of general industrial use

- 5.2 The application is for the use of the previously authorised building and curtilage as a general industrial (Class B2) use. This type of use is not normally acceptable in a residential setting, unless it can be established that the use will not be harmful to residential amenity, through the proper control of noise, dust, fumes etc. The nature of the use proposed involves delivery vehicles travelling to and from the site, with materials and completed projects along with the cutting, grinding and fabricating of steel elements and the maintenance of vehicles.
- 5.3 Development Policy DP 9 is supportive of development outside development limits where it can be justified as an exception as set out in policy CP4. Criterion 1 offers support for development necessary to meet the needs of an enterprise with an essential requirement to locate in the countryside. Whilst this business has been operating from this location, it could not reasonably be argued that the business could not operate from an industrial estate within Development Limits and as such no support can be drawn from criterion 1.
- 5.4 Criterion iv can support development which makes use of an existing building without substantial alteration or reconstruction and would help support a sustainable rural economy. The proposal is compliant with this element of the policy as it is a small scale business which makes use of an existing building and contributes to the local economy providing two jobs in the locality. The proposed change of use is supported by policy DP9 in principle, subject to other policies contained within the Local Development Framework, in particular DP1, which is concerned with amenity (discussed later in the report) and DP30 which seeks to protect the character and appearance of the countryside.

Character of the Countryside

- 5.5 Development Policy DP30 seeks to protect the character and appearance of the countryside. Plainly the building itself has previously been agreed (save for the unauthorised extension) and as such its physical impact is considered acceptable. The site is outside Development Limits, in open countryside albeit close to the edge of the built up area of the village. There are no other industrial uses nearby and the development form in the vicinity is very linear, along the road frontage. The proposal involves relatively noisy activity in an otherwise tranquil location in the countryside. However, given the scale of the use proposed, which is limited by the building, it is considered that the proposed use would not be harmful to the character of the countryside in this area.

Residential Amenity

- 5.6 The proposed change of use of the site would allow the formation of a B2 general industrial use. The closest dwelling is approximately 25m from the boundary of the site and approximately 60m from the building which is the subject of this application. It is also noted that the access to the site runs immediately adjacent to a dwelling and its associated garden ground and in close proximity to a second dwelling.
- 5.7 The site is located in a rural location on the edge of the village. By its nature the area is relatively tranquil and the background noise levels are low. This effectively increases the potential for impact from noise as a result of the proposed use, in particular on the amenity of the domestic gardens to the north of Low Street.
- 5.8 Vehicle movements into and out of the site would make use of the existing access track into the site. This is an unmade, private access which runs between two domestic properties. The access is effectively split into two with the eastern element providing access to the fields behind.
- 5.9 The use of the access by commercial vehicles, due to the close proximity of the track, particularly to the house to the west of the access, could lead to some loss of amenity through noise, vibration and disturbance although at present this is limited to two HGVs per week and up to seven light vehicles per day.
- 5.10 Taking into account the scale and form of the proposed use, the number of vehicles likely to use the site and the proximity to residential properties in the vicinity of the application site along with the consultation response from the Environmental Health Officer, it is concluded that the proposed use would not cause sufficient noise and disturbance such as to warrant a recommendation for refusal.

Highways

- 5.11 As stated by the applicant the proposed use involves commercial and light vehicle movements on the private access road and utilising the existing junction with the public highway. Due to the width of the access point at its junction with the road the visibility at the junction is relatively good and the Highway Authority has no objection to the proposed development.

Conclusion

- 5.12 B2 industrial use of the site has the potential to cause some level of disturbance through the generation of noise. However, given the scale of the current operations, the size and location of the building and the distance to nearby houses, the proposed use is not considered to be sufficiently harmful to warrant a recommendation for refusal.

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 drawing(s) received by Hambleton District Council on 15 December 2016 unless otherwise approved in writing by the Local Planning Authority.

2. Within 3 months of the date of this permission a lighting scheme shall be submitted for the Local Planning Authority's written approval. Once approved, the lighting scheme shall be implemented within 3 months of the date of that approval.
3. There shall be no outside storage of materials or works associated with the B2 business operation of the site at any time. All works and storage shall be within the building, subject of this application only.
4. The use hereby approved shall only be operated between 08:00 and 18:00 Monday to Friday with no operation at weekends or public holidays.

The reasons for the above conditions 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 Policy DP1 and DP32.
2. In the interest of the amenity of local residential occupiers and to accord with the requirements of Policy DP1 of the adopted Local Development Framework.
3. In the interest of the amenity of local residential occupiers and to accord with the requirements of Policy DP1 of the adopted Local Development Framework.
4. In the interest of the amenity of local residential occupiers and to accord with the requirements of Policy DP1 of the adopted Local Development Framework.

Informative

1. This permission does not apply to the unauthorised extension to the building and you are reminded that planning permission is required for the retention of the extension.

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Parish: Hutton Rudby
Ward: Hutton Rudby
12

Committee Date : 5 January 2016
Officer dealing : Mrs A Sunley
Target Date: 9 January 2017

16/02182/FUL

**Two storey and single storey extensions to the rear of the dwellinghouse.
At 22 North End, Hutton Rudby
For Mr Kevin Smith**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a two storey terraced dwelling, which lies to the west side of North End, within the Hutton Rudby Conservation Area.
- 1.2 The dwelling has no front garden but looks onto the Green and the highway, the rear of the property has a long narrow garden which is at an elevated position to the dwelling and is accessed by steps from a small patio area at the rear of the property.
- 1.3 The rear garden of this dwelling and the neighbouring gardens are all at an elevated position, so the boundary screening to these properties and their garden areas are all at a higher level than the ground levels immediately behind the dwelling.
- 1.4 The application is for a two storey and single storey extension to the rear of the dwellinghouse.
- 1.5 Revised drawings were received on 23 November 2016, which replaced a flat roofed element of the two storey extension with a pitched roof. Additional information was also provided illustrating application of the 45 degree rule in relationship to the neighbouring property.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 16/02329/CAT - Works to Ash Tree; Permitted 30 November 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Development Policies DP1 - Protecting amenity
Development Policies DP32 - General design
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP28 - Conservation
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Public comment – Two objections have been received on the following grounds:
 - The flat roof design is inappropriate;

- The extension is too high compared with other dwellings;
- The extension is too close to the boundary; and
- Loss of light entering the windows to the south at number 24, which include the main windows for the kitchen/diner, and the only window for one of the bedrooms and the bathroom.

4.2 Parish Council – The Parish Council feel the proposal is over-development and requests a site visit before the Planning Committee determine the application.

5.0 OBSERVATIONS

5.1 The main planning issues raised by this application are: (i) whether the proposed development would have any adverse impact on the appearance of the host building and visual amenities of the surrounding area; (ii) whether the development will preserve and enhance the character and appearance of the Conservation Area; and (iii) whether the proposed development would have a detrimental impact on the residential amenities of nearby properties.

Appearance of the building

5.2 The proposed development would remove the rear dormer windows from the two storey elevation of the dwelling and extend this two storey element by approximately 1300mm into the rear garden and replace the roof with a pitched design. This new addition would encompass existing living areas to create larger bedroom facilities for the dwelling, at present these amenities are relatively small.

5.3 A single storey extension would be sited to the rear of the new two storey extension; the structure would be approximately 1500mm with a pitched roof design and would accommodate a kitchen-dining room. Due to the boundary screening the single storey extension would have no significant impact upon neighbouring properties.

5.4 The Parish Council observations have been noted in regards to over-development of the site. The dwelling is a small, terraced property and the extensions are relatively large. However, taking into consideration the size of the rear garden, the design of the proposal and the site context, along with the precedent set by the existing rear extensions within this terrace of properties, the proposed development is considered reasonable and in-keeping in terms of design and form.

Character of the Conservation Area

5.5 The proposed development would not be directly visible from any public space within the Conservation Area. However, the originally submitted flat roofed design was considered to fail to preserve and enhance the character and appearance of the Conservation Area. The design has since been amended to a more traditional pitched roofed form. The overall changes to the building are considered to be an improvement and are considered to preserve and enhance the character and appearance of the Conservation Area.

Residential amenity

5.6 A neighbouring property at number 24 has raised concerns regarding the proposed new extension and the detrimental affect it could have on their property. It is noted that the extension is in close proximity to the neighbouring property and it would create a loss of light to two obscured windows to a kitchen and bathroom area. However, the proposed development is not considered to impact on the amenity of the occupier of number 24 such as to warrant a recommendation for refusal in this case.

- 5.7 The occupier of the neighbouring property at number 18-20 states that the proposal would dominate their dwelling, due to the flat roof design, the size of the footprint and height of the extension. It should be noted that the other neighbouring property at number 16 also has a rear projecting extension, with this existing extension and the proposed additional two storey extension at number 22 it is suggested that these extensions might result in over-shadowing and create an unacceptable sense of enclosure within the curtilage of number 18-20.
- 5.8 The applicant has submitted a drawing illustrating the 45 degree code from the Council's Supplementary Planning Document on Domestic Extensions, which shows that only one window of the two windows within the kitchen area of dwelling of 18-20 would be infringed under the code. In this case it is considered that the adjacent remaining window would be able to provide enough daylight into the kitchen area to protect the amenity of this space.
- 5.9 Numbers 18-20 have also previously been extended to the rear to incorporate a two storey, a single storey and a conservatory extension. The garden area to the rear of this dwelling is also at an elevated position but is much wider compared to the applicant's site. There is an existing sense of enclosure within this area of terraced properties due to the existing built form, trees, flora and the existing elevated boundary screening. There would be an additional projection of approximately 1300mm from the proposed two storey extension and it is considered that this added depth would create only a minor impact on the amenity of the occupiers of number 18-20, and not sufficient to warrant a recommendation for refusal 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 development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered: W/572/01 Rev A and W/572/SP Rev C; received by Hambleton District Council on 23 November 2016; unless otherwise approved in writing by the Local Planning Authority.
 3. The development hereby approved shall not be formed of materials other than those detailed within the application form received by Hambleton District Council on 29 September 2016; unless otherwise agreed 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, CP17, DP32, CP16, NPPF - National Planning Policy Framework and DOMEX - Domestic Extensions SPD Dec 2009
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.

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Parish: Kirklington-cum-Upsland
Ward: Tanfield
13

Committee Date: 5 January 2017
Officer dealing: Mrs H M Laws
Target date: 13 January 2017

16/02242/FUL and 16/02243/LBC

Demolition of buildings, conversion of agricultural building to dwellinghouse, construction of two dwellinghouses and replacement building for parking/storage, construction of replacement garage and alterations to the access drive

And:

Listed Building Consent for demolition of buildings, construction of replacement garage and alterations to the access drive as amended by email received by Hambleton District Council on 14 December 2016

**At Goldswang Farm, The Green, Kirklington
For Kirklington (Yorks) Estates**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies centrally within the village of Kirklington, on the eastern side of the village green. Goldswang Farm buildings lie to the rear of Goldswang Farmhouse, which is a detached grade II listed building that fronts onto the village street. To the south of the dwelling is the access to the farmyard and on the other side of the access lies the dwelling known as The Old Academy, a semi-detached dwelling with an attached lean-to garage abutting the access, which is also a grade II listed building.
- 1.2 The majority of the application site lies within the Kirklington Conservation Area; the boundary excludes the rear part of the site on which lies brick and pantile outbuildings, a dutch barn and a cattle shed.
- 1.3 The farmyard towards the front of the site is occupied by a large traditional L-shaped brick and slate agricultural building; smaller brick and pantile outbuildings lie along the northern boundary; modern cattle sheds along the southern boundary; a dutch barn, and blockwork outbuildings close to the entrance into the site. Most of the buildings are in agricultural use by a tenant whose main farmstead is elsewhere.
- 1.4 The northern boundary of the site is a 2m high wall which forms the boundary of a large garden to the adjacent property; the eastern boundary abuts agricultural land whilst the southern boundary is contiguous with curtilages of other dwellings fronting the village green.
- 1.5 It is proposed to retain and convert the large brick and slate building to provide a four bedroom L-shaped dwelling. An extension to the building is proposed to replace an existing single storey section of the building to provide a ground floor bedroom and a first floor ensuite (within the eaves) at first floor.
- 1.6 It is proposed to construct two dwellings, detached but with a connecting archway at single storey height to provide pedestrian access to the side and rear of each of the dwellings. The dwellings are almost identical in form and design but are set at 90° to each other. Each dwelling has four bedrooms. The existing brick and pantile outbuildings along the northern boundary would be demolished. A new building would be constructed in a similar position on a larger footprint for use as car ports for all three dwellings.

- 1.7 A larger rear garden and a rear parking area are proposed to be used in association with Goldswang Farmhouse.
- 1.8 It is also proposed to remove the existing lean-to garage, which is attached to The Old Academy, and construct a replacement garage on a smaller footprint with a new 1m high wall along the new boundary. This would increase the width of the area within the site and provide additional manoeuvring space within the site. Listed Building Consent is required for this element of the scheme.
- 1.9 The application includes a planning statement, a Design, Access and Heritage Statement, a Bat, Breeding Bird Survey and Method Statement and a Preliminary Assessment of Land Contamination.
- 1.10 Goldswang Farm buildings lie to the rear of Goldswang Farmhouse, which is a detached grade II listed building that fronts onto the village street. To the south of the dwelling and on the other side of the access lies the dwelling known as The Old Academy, a semi-detached dwelling with an attached lean-to garage abutting the access, which is also a grade II listed building.
- 1.11 The alterations to the listed buildings include the removal of the existing stone, blockwork and fibre cement sheet roof lean-to garage, which is attached to The Old Academy, and construct a replacement garage on a smaller footprint with a new 1m high wall along the new boundary. This would increase the width of the area within the site and provide additional manoeuvring space within the site.
- 1.12 The replacement garage would be finished in brickwork and pantiles.
- 1.13 The agricultural buildings to the rear do not form part of the listed buildings' curtilages and therefore the proposed works within the farmyard do not require listed building consent.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 06/00170/FUL - Alterations and extensions to agricultural buildings to form three dwellings, two flats and one shop; Refused 24 May 2006 for the following reasons:
 1. The proposal is contrary to policies L1 and H23 of the Hambleton District-Wide Local Plan which states that new development, particularly new residential development should be provided within the defined development limits, as identified in the inset maps within the Hambleton District-Wide Local Plan, other than that which is required for the social or economic needs of rural communities. No evidence has been put forward in the application to prove that the development proposed needs to take place on this site outside such development limits.
 2. In the opinion of the Local Planning Authority the proposal is contrary to the Council's Interim Policy on the release of Housing Land. It is considered that sufficient sites have been granted planning permission for residential development to meet the housing requirement set out in Policy H1 of the Hambleton District Wide Local Plan and in the North Yorkshire Structure Plan for the period to 2006 and that the grant of planning permission would prejudice the aims of the Development Plan's housing policies by adding to the over-provision of housing in the District.

Appeal dismissed 29 January 2007.

- 2.2 07/03174/FUL - Alterations and extensions to agricultural buildings to form four houses, two ancillary office/workshop units and a shop; improvement works to vehicular access; Withdrawn 13 November 2007.
- 2.3 11/02336/FUL - Alterations to form ancillary garage; Granted 19 December 2011.
- 2.4 16/02243/LBC - Listed Building Consent for demolition of buildings, construction of replacement garage and alterations to the access drive; Pending consideration.

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 DP9 - Development outside Development Limits
 Development Policies DP28 - Conservation
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP43 - Flooding and floodplains
 Interim Guidance Note - adopted by Council on 7th April 2015
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - Parish Council - unanimously agreed to support the application and expressed the following comments:
 The proposed development would be an environmental benefit to Kirklington village. The current farm buildings are in a dilapidated condition and, without development, would continue to deteriorate.
 Kirklington village is in need of extra housing to help sustain current facilities - the local Church, public house, Village Hall and to ensure that the village continues to be a viable and thriving community.
- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Natural England - No comment; the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 4.4 Yorkshire Water - No comment.
- 4.5 Yorkshire Wildlife Trust - The very thorough Bat, Breeding Bird Survey and Method Statement shows considerable use of the buildings by a number of species of bats and birds. However the consultant is confident that a European Protected Species Licence (EPSL) can be applied for and mitigation provided for the loss of bat roosts. Further surveys will be required before the EPSL can be applied for, and no building work can start until a licence is obtained. The method statement to prevent impacts on birds using the barns should be conditioned.

- 4.6 Historic England - this application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice.
- 4.7 HDC Conservation Officer - no objections.
- 4.8 Public comments - Comments in support have been submitted from a local resident, subject to at least a 1m access being allowed for maintenance purposes and an appropriate wall being constructed for privacy purposes.

5.0 OBSERVATIONS

- 5.1 The issues to be considered include (i) the principle of residential development in this location; (ii) the design, form and layout of the scheme and its impact on the character and appearance of the Kirklington Conservation Area; (iii) the effect on the amenity of local residents; (iv) highway safety; (v) protected species and impact on the character, appearance and setting of the listed buildings.

Principle

- 5.2 The site falls outside of Development Limits, as Kirklington does not feature within the Settlement Hierarchy defined within Policy CP4 of the Core Strategy. Policy DP9 states that permission will only be granted for development in such locations in exceptional circumstances. One of the criteria of Policy CP4 requires development to be "(ii) necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance". The applicant in submitting the application states that the application is submitted on this basis and sets out to show that the removal of the use as a farm, the conversion of the brick building and the removal of the modern agricultural buildings would result in a significant environmental improvement.
- 5.3 The site still forms part of a working farmyard with agricultural vehicles using the access and livestock resident on the site. The supporting evidence submitted with the application suggests that a significant improvement to the environment would arise if the agricultural use was replaced with a residential use, which could reduce noise and odour and other disturbances at unsocial hours.
- 5.4 The exceptions allowed by Policy CP4 can only, by definition, arise in exceptional cases. Whilst it is acknowledged that an active farm can have a greater impact on neighbour amenity than a residential use, it is not unusual to find farms within or close to villages and therefore, if this aspect of the applicant's case were accepted, redevelopment such as this would not be an exceptional case but would be a common form of development. It is therefore not accepted that the amenity gain suggested by the applicant forms an exceptional case as intended by Policy CP4. Furthermore, considering the importance of local character in the quality of the environment, a policy approach that allowed all farms to be removed from villages could lead to a significant and potentially harmful change in the character of many rural settlements.
- 5.5 The applicant also suggests that the development would result in an improvement in the appearance of the site, which is within the boundary of the Kirklington Conservation Area. In this case the environmental improvements would be relatively minor in that the buildings are not of a scale or form such as to have a detrimental impact on the amenity of the area. The operation of a farm of this form within a village environment is not unusual and again is not considered to be significantly harmful. As such the proposed development is not considered to result in a significant improvement to the environment in this case.

- 5.6 The proposed extension to the brick built building is minor and respects the scale and character of the building. The barn has been assessed against the Council's published criteria for assessing Non Designated Heritage Assets. The building is considered to meet the following criteria: (1) age (usually more than 30 years old); (2) rarity (not many examples locally); (4) aesthetic value/appeal (distinctive local characteristics); and (6) townscape or landscape value (key landmark buildings).
- 5.7 The building is of historic and architectural merit; is considered to be a non-designated heritage asset and is therefore a feature of acknowledged importance. The NPPF in paragraph 126 requires Local Planning Authorities to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. Paragraph 135 states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.8 The proposed alterations would re-use existing openings and retain traditional features. It is considered that the proposed works would retain and respect the agricultural characteristics of the building and would improve its appearance allowing an acceptable alternative use in a location, which is adjacent to other residential properties. The proposed conversion of this building is considered to meet the requirements of criterion ii of Policy CP4 by conserving a feature of acknowledged importance within the village.
- 5.9 The two additional dwellings would replace agricultural buildings but again, for the reasons set out above, are not considered to result in a significant improvement to the environment as intended by Policy CP4.
- 5.10 Notwithstanding the absence of policy support for the new build element of the scheme under Policy CP4, the scheme can also be considered in the light of the Interim Policy Guidance Note.
- 5.11 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.12 In the settlement hierarchy contained within the IPG, Kirklington is defined as an Other Settlement. Within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies within the village of Kirklington and lies 2.5km along the B6285 from the edge of Carthorpe, which has a pub. This route is via a country road which is unlit and without footpaths. Facilities in the village itself include a pub, a village hall and a church.
- 5.13 In order for development to be sustainable in smaller settlements, the IPG introduces the concept of cluster villages, which can provide a collective level of services and facilities sufficient to achieve sustainable communities. To be sustainable, a cluster must either include a Service Village or Secondary Village, or comprise smaller settlements that "have a good collective level of shared service provision" and are sufficiently close to function together. The IPG indicates that villages should be approximately 2km apart to allow this and the 2.5 km distance to Carthorpe is close to that, although the route adjoining the two villages is relatively poor as the road is

unlit and has no footways. The closest Secondary Village is Burneston, which is more than 3.5km away, too far from Kirklington to form a sustainable cluster.

- 5.14 However, it is important to note that in a recent appeal against refusal of planning permission for a new dwelling in Kirklington, the Planning Inspector stated:

"Whilst the village itself lacks the capacity to form a sustainable community, the distances to nearby villages are not significantly outside the general guidelines. In rural locations with limited public transport, there will inevitably be more reliance placed on private cars. The distances involved should in my view be balanced by the evidence as to their connectivity through mutual use of services and facilities. I consider that IPG criterion 1 would be met as the proposal would be located where it will support local services including services in a village nearby".

- 5.15 In summary, and taking into account all available evidence and the precedent of the appeal decision, development of housing in Kirklington is considered to meet the requirements of criteria 1 of the IPG in principle.

Character and appearance of the village and the rural landscape.

- 5.16 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies.

- 5.17 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". It is important to consider the likely impact of the proposed development with particular regard to criteria 3 and 4 of the IPG.

- 5.18 The design of the new-build dwellings reflects 'barn conversions' with steeply pitched roof, large window openings and slit windows, which reflect features of the main building. There is adequate space for gardens and parking for each of the dwellings and amenity between the three properties and existing dwellings would not be compromised. A hedgerow boundary is proposed to form the rear boundary of the dwellings with the existing neighbouring property at Woodpecker. The latter dwelling is set back from the village street frontage and privacy is currently provided by the livestock buildings that abut the boundary. Adequate separation distances would be provided to ensure that the proposed dwellings would not adversely affect amenity as a result of overshadowing or overlooking.

- 5.19 The application site is currently an operational farm within the village and the site is contained within the operational area and as such is considered to contribute to the character of the settlement form as opposed to the rural character of the countryside beyond the site.

Amenity

- 5.20 There would be adequate space for gardens and parking for each of the dwellings and amenity between the three properties and existing dwellings would not be compromised. A hedgerow boundary is proposed to form the rear boundary of the dwellings with the existing neighbouring property at Woodpecker. The latter dwelling is set back from the village street frontage and privacy is currently provided by the livestock buildings that abut the boundary. Adequate separation distances would be provided to ensure that the proposed dwellings would not adversely affect amenity as a result of overshadowing or overlooking.

Highway safety

- 5.21 The Highway Authority has no objections to the existing access (as altered) being used to serve three dwellings in addition to the existing dwelling, as it would replace a busy farmyard use, subject to appropriate conditions.

Protected species

- 5.22 The bat and bird survey has identified bat roosts and the potential for roosts in some of the buildings and confirms that breeding birds are using the buildings. Additional surveys are recommended prior to work commencing and the report details appropriate mitigation and compensation measures.

Listed Buildings

- 5.23 S66 of the 1990 Planning Act requires us to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses. Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.24 The existing garage is an extension added to the dwelling following the grant of permission in 2011. The garage is relatively small in scale but the width appears out of proportion with the frontage width of the dwelling. The garage is of little merit and there are no objections to its removal.
- 5.25 The scale of the proposed replacement garage relates better to the proportions of the existing dwelling and the steeper roof pitch repeats the steep pitch of the main house.
- 5.26 The proposed materials of brick and pantile are in-keeping with the existing dwelling and other buildings in the vicinity.
- 5.27 The proposed works would not result in harm to the significance of the listed building and is not in conflict with the advice within the NPPF and is in accordance with the LDF policies.
- 5.28 The proposed works are in keeping with the original character and appearance of the listed building and approval of the application is recommended.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the Planning application is **GRANTED** subject to the conditions set out below:
- 6.2 That subject to any outstanding consultations the Listed Building Consent application is **GRANTED** subject to the conditions set out below:

16/02242/FUL

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. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the new dwellings. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
5. Prior to the commencement of the development hereby approved a written statement of works and annotated plan shall be submitted to and approved in writing by the Local Planning Authority. The written statement shall identify the extent and sequence of works of conversion and the annotated plan shall show all areas of underpinning, demolition, refacing, replacement and reconstruction of foundations, walls and roofs that are necessary to implement the details of drawing no 15-1389-20A received by Hambleton District Council on 7 October 2016. Thereafter the scheme shall be implemented in complete accordance with the approved statement and plan.
6. The package of mitigation measures as detailed within the Bat, Breeding Bird Survey and Method Statement produced by Lobo Ecology, received by Hambleton District Council on 7 October 2012, shall be carried out in full.
7. 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 15-1389-22 Rev. A). 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. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
9. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

10. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 15-1389 20 Rev A; 21; 22 Rev.00; 22 Rev. A received by Hambleton District Council on 7 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. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with LDF Policies.
5. To ensure that the works are undertaken as a conversion in accordance with LDF Policies.
6. To minimise risk or disturbance to bats and breeding birds and their future use of the site in accordance with LDF Policies CP16 and DP31.
7. 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.
8. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety and in accordance with LDF Policies CP2 and DP4.
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 in accordance with LDF Policies CP2 and DP4.
10. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

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.

Conditions proposed for Listed Building Consent Application 16/02243/LBC

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 15-1389 22 Rev. 00; 23 Rev. 00 received by Hambleton District Council on 7 October 2016 and email received on 14 December 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. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Parish: Northallerton
Ward: Northallerton & Brompton
14

Committee Date: 5 January 2016
Officer dealing: Mr Kevin Ayrton
Target Date: 16 December 2016
Date of extension of time: 6 January 2017

16/02343/FUL

**Formation of new car parking including alterations and improvement to car parking layout with associated landscaping following the removal of existing buildings to the rear of 8-18 Priory Close, Northallerton
At Friarage Hospital, Northallerton
For South Tees NHS Foundation Trust**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is a section of land located on the western edge of the Friarage Hospital site located in the centre of Northallerton. It currently accommodates several old hospital support buildings, some in portable buildings, including the porter's lodge, a security hut and a medical records store.
- 1.2 The site also includes part of the Hospital's current car park and access road.
- 1.3 The western boundary of the site adjoins the rear of bungalows sited on Priory Close. These properties enjoy a shared rear garden area, approximately 4-5 metres in depth. There is also a residential property at the southern end of the site, which has its gable end located approximately one metre from the shared boundary.
- 1.4 The shared boundary accommodates a mix of boundary treatments, including close boarded fencing, a brick wall and hedgerow. These treatments are approximately 1.5 metres in height and would be retained.
- 1.5 The Hospital's Accident & Emergency Department operates 24 hours a day. General visiting times are 3pm to 8pm but there is flexibility with this in some specialist areas.
- 1.6 It is proposed to remove all the buildings within the application site, with the exception of the security hut at the southern end of the site. The services provided in these buildings would be relocated within other buildings on the Hospital site.
- 1.7 The land would then be converted to use as car parking, providing 72 car parking spaces and 3 motor cycle spaces for visitors. This would replace an area of visitor car parking (totalling 50 spaces) adjacent to the entrance to the main Hospital building. The car park would run the length of the site, with a footpath along the eastern side adjacent to the main access road; and additional landscaping along the western boundary, which would supplement the existing boundary treatments. The net increase in car parking spaces as a result of this development is 22 spaces
- 1.8 The submitted plans identify the area of visitor car parking to be replaced as a "site for expansion of clinical services". The agent for the application has confirmed that this would be a new cancer care centre, which has been approved by the Foundation Trust's Board and also by Macmillan Cancer Support's Board. This is expected to be the subject of public consultation and a subsequent planning application in later this month.
- 1.9 The application is supported by detailed plans showing landscaping, lighting, drainage and surfacing materials.
- 1.10 The southern tip of the application site falls within Flood Zone 3. However, it is noted that the majority of the works relate to the area beyond this.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 The planning history for the Friarage Hospital is extensive. However, there are no planning applications of particular relevance to this proposal.

3.0 RELEVANT PLANNING POLICIES

The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 - Access
Core Policy CP4 - Settlement hierarchy
Core Policy CP13 – Market Towns Regeneration
Core Policy CP17 – Promote high quality design
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP8 – Development Limits
Development Policy DP19 – Specific measures to assist market town regeneration
Development Policy DP32 – General Design
Development Policy DP33 – Landscaping
Development Policy DP43 – Flooding and floodplains
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Sustainable Drainage Officer – No comments.
- 4.2 Rishi Sunak MP – requests that the comments from neighbours are given due consideration when deciding this application.
- 4.3 NYCC Heritage Officer - The proposed development lies within an area of archaeological interest and potential for the survival of remains of the Carmelite Friary. An archaeological excavation approximately 40 metres to the west of the site, prior to the development of 1-6 Friarage Mount in 2006, discovered well preserved remains of three buildings from the Carmelite Priory including part of the cloister and some of the domestic elements. Eight well-preserved burials were excavated in the cloister, and two more graves were identified. These remains were encountered immediately below the previous buildings that had occupied the site at a fairly shallow depth, and although the previous use of the site had caused some damage to the archaeological deposits, the investigation demonstrated that there was a high potential for good preservation of other elements of the priory in the surrounding area, despite modern activity. The church was not positively identified during the 2006 excavation, however unconfirmed reports of several burials being encountered during construction of the bungalows along Priory Close in the 1950's and 1960's, indicate that further remains of either the church or cemetery may be close by. The 2006 excavation was the first detailed study of the Priory and represents the only physical information regarding the House. Certain parts of the Priory layout recorded at the time were believed to be unparalleled in European Carmelite houses.

Therefore there is the potential for further remains including human remains associated with the Carmelite Priory to be encountered during groundworks for the proposed development, especially during construction of the underground attenuation tank.

I would advise that a scheme of archaeological mitigation recording is undertaken in response to the ground-disturbing works associated with this development proposal. This should comprise an archaeological strip, map and record to be undertaken in

advance of development, including site preparation works, top soil stripping, excavations for the attenuation tank and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed. This advice is in accordance with the historic environment policies within Section 12 of the National Planning Policy Framework, CLG, 2012 (paragraph 141).

In order to secure the implementation of such a scheme of archaeological mitigation recording, I would advise that a condition be appended to any planning permission granted.

- 4.4 Town Council - Considers there should be a condition to protect the residents' environment and ensure the design around the periphery does not impinge on the residents (i.e. fence).
- 4.5 Environmental Health Officer: Concerns about the impact of vehicles parking from engine noise, exhaust emissions and vehicle headlights and car park security lighting. The existing boundary treatment may not be adequate to screen residents from adverse effects.

The developer does not state whether the lighting will be left on all night or whether they will have a dimming facility. The service recommends the developer submits further information on how the lighting from vehicle headlights will be managed, to include details of operational hours of the lighting, whether the proposed units can be dimmed, or whether the lighting columns can be positioned further away from the residential properties.

The service recommends that the developer submits further details on the likely impacts of noise on residents and how the noise can be effectively controlled or managed.

The developer also need to submit details on the likely impact of exhaust emissions on residential dwellings and how these emissions be effectively controlled or managed.

No objection in respect of land contamination.

- 4.6 Highway Authority - No objection subject to conditions in relation to the car parking and turning areas being retained and the submission of a demolition and construction management plan.
- 4.7 Public comment – One neighbour has written direct to object, making the following comments:
- Whilst living in my bungalow I have felt safe knowing there is someone around in the hospital security services;
 - Our bungalow is only 2.5 metres from the boundary fence in close proximity to the proposed new car park. On looking at the plans, I note that there are 3 motor cycle spaces very close to this point. I am very concerned with the closeness;
 - Demolition work required close to my home will be intrusive and noisy; and
 - I am concerned that the car park will be a magnet to young people and possibly increase anti-social behaviour.

A letter has been received from a resident, acting as a co-ordinator for other residents along Prior Close. This makes the following comments:

- Residents do not consider that the proposed boundary treatments are sufficient for their security or privacy, nor to reduce noise and fumes pollution from vehicles, slamming of car doors, tooting of horns and shouting to attract visitors leaving the hospital;
- We wish for a six foot brick wall to be erected along the length of the car park with hedging on the resident's side. This would hopefully deflect noise and pollution;
- The plans state CCTV is to be installed and we ask that these cameras also cover Priory Close to deter vandalism, etc. behind the houses;
- We would request that the 3 motor cycle spaces are removed from the plans;
- We already put up with the noise of service vehicles, delivery vehicles and emergency vehicles. Coming and going at all times of day and night. We have also been subjected to increased noise because of the volume of heavy vehicles being diverted through Northallerton during the past two and a half years whilst the A1 road improvements works have been carried out;
- For information, the bedrooms of the house face the proposed car park (not sitting rooms). We already have the hospital completely lit up during darkness. Assurances (are required) that all lighting will be positioned so as not to shine towards the houses;
- There is currently a 10mph speed limit at the entrance road to Friarage Hospital. This is ignored regularly by drivers. A 5 mph Limit should be considered and enforced; and
- The positioning of the entrance to the proposed car park will create a bottleneck for hospital vehicles approaching the main entrance and creating further engine noise of traffic being held up.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of the development; (ii) the impact on the amenity of neighbouring occupiers; (iii) the impact on the character and appearance of the surrounding area; (iv) highway safety; (v) flood risk; and (vi) archaeology.

Principle

- 5.1 The site is located well within the limits of Northallerton and forms part of the existing Hospital site. It is previously developed and accessible by a range of transport modes, being located on the edge of Northallerton town centre.
- 5.2 The proposed development would serve the current Hospital use and would help facilitate wider plans to develop clinical provision. Therefore the principle of development is considered to fully accord with the aims and objectives of planning policy, which encourages sustainable forms of development; and the retention and enhancement of existing services.

Residential amenity

- 5.3 Whilst the principle of development is supported, a key consideration is the impact of the development on the residential amenity of the occupiers of the bungalows along Priory Close.
- 5.4 The application is supported by detailed information in relation to lighting and landscaping, therefore officers have been able to undertake a careful assessment of the potential impact. In making this assessment, consideration has been given to the site's context, including the wider Hospital use.

- 5.5 The application would effectively extend visitor car parking up to the western boundary of the hospital site, closer to the bungalows on Priory Close. In doing so it would introduce additional lighting.
- 5.6 Whilst it is accepted that this would bring manoeuvring vehicles closer to the bungalows, the existing boundary treatments would be retained and supplemented by a new hedgerow along the full extent of the western boundary. However, it is also acknowledged that proposal would remove buildings that create a sense of separation between the Hospital site and the bungalows.
- 5.7 During the consideration of the application, amended plans were received, which re-sited the three motor cycle spaces further away from the boundary with the properties along Priory Close.
- 5.8 The agent has confirmed that the car park would operate in line with the existing visitor car park, which is always available to serve the Hospital, with the general visiting times being 3pm to 8pm. It is recognised that this leaves the potential for the car park to be in use for a short period beyond 8pm as visitors leave the site.
- 5.9 To assist with managing the usage of the car park, the Trust has confirmed that it would be happy for the lighting to be dimmed by 50% from 9:30pm to 08:00am.
- 5.10 The lighting would be mounted on 5 metre high columns. The application is supported by a light spillage plan that confirms that the lanterns along the site boundary would be turned and tilted away from the bungalows to reduce the viewing angle by people in them.
- 5.11 The light spillage plan shows that the maximum lux (i.e. unit of luminance) would be the equivalent of strong moonlight when measured from the lower façade of the adjoining bungalows.
- 5.12 The submitted landscaping plan highlights the landscaping that would be implemented along the western boundary and around the parking area generally. This would help to delineate the parking from the access road and provide an additional buffer along the western boundary. It is accepted that this would not mitigate against all the impact of the development on the occupiers of the adjoining bungalows. However, when combined with the wider package of mitigation measures and taking account of the site context, it is considered that the development should not result in a detrimental impact on residential amenity, particularly with regard to noise disturbance and light pollution, therefore complying with the requirements of policy DP1.

Character and appearance

- 5.13 The buildings to be demolished are of low architectural merit and do not make a positive contribution to the character and appearance of the area and there is no objection to their removal from the site.
- 5.14 The layout of the proposed car park would integrate with the existing car park and access road. Its impact would also be softened through the introduction of landscaping and surfacing treatment.
- 5.15 Its overall design and appearance are considered to be suitable for the Hospital use of the wider site.

Highway safety

- 5.16 The proposed development would not in itself increase the amount of traffic visiting the site. The proposed car park includes a double width access point and sufficient manoeuvring space to the rear of all the spaces, thereby allowing it to operate effectively.
- 5.17 Ten disabled parking spaces are included, located at a point closest to the main entrance to the Hospital. A defined pedestrian route would be provided, leading to the main entrance, using dropped kerbs and tactile paving.

Flooding

- 5.18 A small part of the site is included in Flood Zone 3. However, the proposed development does not impact on this area of the site. The scheme has been designed to retain surface water on site through the use of an underground attenuation tank, which will be discharged into the existing surface water drains. It can therefore be concluded that the scheme would comply with policy DP43 in that it would not increase the risk of flooding elsewhere.

Archaeology

- 5.19 North Yorkshire County Council heritage officer has commented on the application and requested a Written Scheme of Investigation to be submitted to require archaeological mitigation recording during groundworks for the proposed development, especially during construction of the underground attenuation tank. This can be adequately controlled through condition.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 2616-D-00-106-P6 (proposed site layout) received by Hambleton District Council on 08/12/2016 unless otherwise approved in writing by the Local Planning Authority.
 3. The external lighting shall be provided in accordance with the proposed external lighting plan (drawing number L1660/001 prepared by JCP Consulting Engineers) received by Hambleton District Council on 21/10/2016 unless otherwise approved in writing by the Local Planning Authority.
 4. The external lighting shall be controlled (e.g. dimmed) in accordance with a scheme to be submitted to and approved by the Local Planning Authority.
 5. The car park shall not be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved landscaping drawing LP2058-FIRA-10-WS-5001 have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 6. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing no. LP2058-FIRA-10-W-100 RevC for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

7. No development for any phase of the development shall take place until a Demolition and Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the demolition and construction period for the phase.

The statement shall provide for the following in respect of the phase: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in the demolition/ constructing the development; (iv) erection and maintenance of security hoarding where appropriate; (v) wheel washing facilities; and (vi) measures to control the emission of dust and dirt during demolition/ construction.

8. The use of the development hereby approved shall not be commenced until the surface water disposal facilities have been constructed and brought into use in accordance with those approved on the proposed drainage layout plan – 15T737-101RevP1, received by Hambleton District Council on 21/10/2016, unless otherwise agreed in writing by the local planning authority.

9. (A) No demolition/development shall take place/commence until a Written Scheme of 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 part (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 part (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

10. No above ground construction work shall be undertaken until details relating to the fences and other means of enclosure along the western boundary have been submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be erected prior to the first use of the car parking area hereby permitted.

The reasons for the above conditions are:

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

3. In the interests of the amenities of the surroundings and neighbouring occupiers in accordance with Local Development Framework Policy CP1 and DP1.
4. In the interests of the amenities of the surroundings and neighbouring occupiers in accordance with Local Development Framework Policy CP1 and DP1.
5. In order to soften the visual appearance of the development in accordance with LDF Policies DP32 and DP33.
6. In accordance with policy DP3 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
7. 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.
8. In order that the development does not increase the risk of flooding elsewhere in accordance with Local Development Framework CP21 and DP43.
9. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.
10. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.

Parish: Seamer
Ward: Hutton Rudby
15

Committee Date: 5 January 2017
Officer dealing: Mrs A Sunley
Target Date: 9 January 2017

16/02339/FUL

Alteration to existing roof height of single storey dwelling to create first floor accommodation and a single storey extension to front of the bungalow and the creation of a new access

**At Debeviane, Hilton Road, Seamer
For Mr & Mrs Simon Evershed**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is a detached bungalow with an attached carport and large detached garden sunroom /shed. The dwelling has a conservatory on the façade of the property, which is located centrally on the dwelling.
- 1.2 The bungalow sits within a large plot at an angle to the road frontage. The angled siting of the dwelling has created a very large front garden looking onto the highway and open fields and a relatively small rear garden that is adjacent to neighbouring properties.
- 1.3 This application seeks planning consent for alterations to the existing roof height to create first floor accommodation along with a single storey extension to the front of the bungalow and the creation of a new access.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 80/0818/FUL - Extensions to bungalow to include a car port; Granted 24 April 1980.
- 2.2 83/0565/FUL - Replacement vehicular access; Granted 26 January 1984.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

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

4.0 CONSULTATIONS

- 4.1 Public comment - Four representations have been received; one in support and three objecting. The representation in support states that the proposal will enhance the village.

The grounds of objection are:

- The proposal would not be in keeping;

- It would be dominant within the road scene;
- It would block the sunlight to neighbouring properties;
- It would create privacy issues;
- The new access would create visibility issues; and
- The extension to the façade of the dwelling will be in front of the building line.

4.2 Parish Council – Seamer Parish Council have fully considered this development, received and noted the concerns from residents living in three properties adjacent to Debeviane and made a site visit and spoken to the applicants. We were pleased to note that Mr Evershed had shared his plans with his neighbours.

The Parish Council have outlined its views and concerns below.

1. Because of the prominence of Debeviane as a one story building we feel it might have a detrimental visual impact on the open character and appearance of the surrounding countryside.
2. At present the access to Hilton Road from Debeviane we feel is satisfactory and visibility acceptable from the Hilton direction but slightly less so from the Seamer direction. By moving access to the proposed location both access and visibility will become more hazardous. From the Hilton direction the road at this point is descending and there is a bend with limited visibility. Of concern to the parish council is, although the speed limit being 30mph, it is well documented that a lot of traffic travels well in excess of this speed along this section of road.

As the development proposal stands at present, Seamer Parish Council would request a site visit by the Planning Committee to determine the outcome of this Planning Application 16/02339/FUL

4.3 Highway Authority –The visibility splays available to the west (towards Hilton) at the existing access and the proposed access have been assessed as approximately 2.4 metres by 45 metres and 2.4 metres by 47 metres respectively. The visibility splays available at the existing access and the proposed access to the east (towards the centre of Seamer) have been assessed as 2.4 metres by 61 metres and 2.4 metres by 75 metres respectively. Therefore there would be a slight increase in the visibility that is available to the west and more so to the east from the proposed access. Consequently the Local Highway Authority recommends conditions.

5.0 OBSERVATIONS

5.1 The main planning issues raised by this application are (i) the scale and form of the proposal and its likely impact on the character of the area; (ii) highway safety; and (iii) whether the proposed development would have a detrimental impact on the residential amenities of nearby properties.

Scale, form and character

5.2 The application proposes a remodelling of the dwelling including changes to door and window apertures and raising the roof of the existing bungalow to create a two storey dwelling. The existing conservatory to the façade of the dwelling would be demolished and replaced with a single storey extension.

5.3 The proposed single storey extension to the façade would be approximately 7875mm x 6300mm and would be constructed to form a large lounge. The roof of the main part of the house would be raised to create additional bedrooms, en-suites, a bathroom and a laundry room. The existing access would be blocked up at the south-west side of the property and a new drive would be positioned at the south-

east side. All the proposed materials for the construction would match or complement the existing dwelling.

- 5.4 The plot is almost square in form and lies on a slight bend off Hilton Road. The dwelling sits at an angle within this plot, thus creating triangle shaped garden areas to the sides of the property. The distance from the dwelling to the nearest neighbouring property is between 6 and 12 metres owing to the angled development form. These measurements are approximate and are taken from the rear (north) elevation of Debeviane to the side (corner) of Greenacres, the near neighbouring property.
- 5.5 The site is generally considered to be of sufficient size to accommodate the enlargement of the dwelling as proposed.
- 5.6 The objections have raised issues with regard to the dwelling not being in-keeping, being a dominant structure within the area and the proposed new extension being outside the forward building line.
- 5.7 The majority of the dwellings in this area are single storey or one and a half storeys high. However, there is one property off Hilton Road, which is two storeys high, approximately 50 metres away from the proposed development.
- 5.8 The proposed dwelling lies at an angle to the nearest neighbouring property and as such there is no coherent building line as it does not align with any other properties in the vicinity.
- 5.9 Hilton Road and Seamer exhibit a large diversity of properties, the proposed development is considered to be in-keeping and would not out of character in this location. The altered and extended dwelling would be a prominent feature adjacent to the highway, but the development proposal would be set well back from the road and would be positioned within a large plot which overlooks green fields on two sides and would be adjacent to other substantial dwellings within this area.

Highway Safety

- 5.10 The Highway Authority has assessed the scheme and consider the access to be acceptable, subject to conditions. Objections have raised questions about the visibility splays. However, the Highway Authority has measured the splay and is satisfied that the requisite visibility requirements are met. The proposed development is not considered to be harmful to highway safety.

Residential amenity

- 5.11 Due to the location and orientation of the property any limited overshadowing impact from the development is to the side elevation of the neighbouring property where there are understood to be no principle habitable rooms.
- 5.12 The windows to the upper, rear of the property would look mainly onto the side elevation of the neighbouring property. However, the agent has advised that these windows could be conditioned to contain obscure glass, if they were to cause detriment to privacy. A condition is recommended on this basis.
- 5.13 Due to the angled position within the plot, it is considered that the alterations and extension to the dwelling would not be of a scale or size to impact on the amenities of neighbouring residents in terms of overlooking, loss of privacy and impact on light.
- 5.14 Taking all of the above into account it is considered that the proposal would not

cause significant harm to the amenities of the neighbours or the appearance of the dwelling and the surroundings. The application is therefore 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 drawings numbered: 16025 - 003, 004, 005, 006 and 101; received by Hambleton District Council on 21 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 Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
 5. No part of the development shall be brought into use until the existing access on to Hilton Road has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.
 6. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
 7. 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.

8. The windows to the first floor, rear of the property shall be finished in opaque glazing and shall be maintained in this condition in perpetuity.

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, CP17, DP32, CP16, NPPF - National Planning Policy Framework and DOMEX - Domestic Extensions SPD Dec 2009
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 accordance with policy and in the interests of highway safety
5. In accordance with policy and in the interests of highway safety.
6. In accordance with policy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
7. In accordance with 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.
8. In order to protect the amenity of the occupiers of neighbouring property and to accord with the requirements of Development Policy DP1 of the Hambleton Local Development Framework.

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Parish: Thirsk
Ward: Thirsk
16

Committee Date: 5 January 2017
Officer dealing: Mr T J Wood
Target Date: 12 January 2017

16/01575/FUL

Demolition of substation, office building and garage and construction of a terrace of a single storey dwelling and 4 two storey dwellings with vehicle parking together with modified verge crossing and associated works
At The Bungalow, Masonic Lane, Thirsk
For Mr I Stevenson

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is within the Thirsk and Sowerby Conservation Area, adjacent to the Scheduled Monument of Thirsk Castle. The property is bounded by Masonic Lane to the north, the access to The Bungalow, beyond which is a commercial building. To the south on the higher land is The Bungalow and the open ground of the Castle garth, the Scheduled Monument. To the west is the yard to the telephone exchange and telecommunications mast.
- 1.2 At the eastern end of the site a pedestrian access and staircase to The Bungalow is to be rebuilt in the position of the existing staircase.
- 1.3 The proposal seeks full planning permission for the demolition of the existing office building, disused electricity substation building and domestic garage and the replacement of these structures with five new dwellings. Each of the five dwellings is proposed to be a two-bedroom open market unit. Plot 1 would be single storey and plots 2 – 5 would be two storey. Block paved parking spaces would be provided for each dwelling together with stone flag paths on land behind a low brick wall that is to be built behind a widened footway.
- 1.4 The existing two-storey office building and the modern domestic single garage building and a redundant electricity substation are all proposed to be demolished.

2.0 RELEVANT PLANING AND ENFORCEMENT HISTORY

- 2.1 15/02259/FUL - Residential development of six semi-detached and one detached dwelling; Refused 3 March 2016. The reasons for refusal related to the harm to the Conservation Area, Scheduled Monument and the loss of an Ash tree.
- 2.2 An application for refurbishment of The Bungalow was granted on 19 July 2016.
- 2.3 At the time of submission this application was for "*Demolition of substation, office building and garage and construction of 2 detached single storey dwellings with vehicle parking together with modified verge crossing and associated works.*" Following discussion with the applicant and Historic England the revised details have been prepared showing the new arrangement of a terrace of five dwellings.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies DP32 - General design
National Planning Practice Guidance
Conservation Area Appraisal Thirsk and Sowerby Supplementary Planning Document - adopted 21 December 2010

4.0 CONSULTATION

- 4.1 Thirsk Town Council – Wish to see the application approved. There is some concern that if the buildings are allowed on the top of the motte, which is described as the most important part of the site, this could lead to a presumption on the part of developers that the whole of Castlegarth could be built on.
- 4.2 Highway Authority – raised concerns regarding the width of parking spaces. Final recommendation awaited following the receipt of amended plans.
- 4.3 Historic England - The site lies partly within Scheduled Monument of Thirsk Castle. The impact of the proposed development on the archaeology of the castle is outweighed by the enhancement of the Conservation Area and streetscape of Thirsk, and the positive contribution that the development could make to local character and distinctiveness. The impact on archaeological deposits can be mitigated through archaeological condition to ensure an appropriate level of archaeological recording.
- 4.4 Ancient Monument Society – No response.
- 4.5 Environmental Health Scientific Officer – The phase 1 ground investigation work is acceptable and recommends a condition until further assessment work and report has been undertaken and approved by the Council.
- 4.6 Public comment – no comments received.

5.0 OBSERVATIONS

- 5.1 There are eight important issues to be considered in this application and the details of these are itemised and addressed in the remainder of this report. They are: (i) the principle of development; (ii) the impact on heritage assets and archaeology; (iii) dwelling size, type and tenure; (iv) pedestrian access; (v) infrastructure, including drainage; (vi) parking provision; (vii) design; and (viii) impact on amenity.

Principle

- 5.2 The site lies in a central location in the market town of Thirsk close to a wide range of services and facilities. The site is within the Development Limits of the town and is considered within the settlement hierarchy of CP4 as a sustainable location for additional residential development.

Heritage assets

- 5.3 The site is entirely within the Thirsk and Sowerby Conservation Area. The Thirsk and Sowerby Conservation Appraisal sets out that many of the buildings surrounding Castle Garth could present good opportunities for redevelopment that would enhance

the setting of this historic space and proposals must be carefully handled to enhance the surroundings to the Castle Garth. This site is not an identified in this way however, the adjoining telephone exchange is so identified.

- 5.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 133 and 134 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.5 In assessing the proposal considerable importance and weight has been given to the desirability of preserving and enhance the character and appearance of the heritage asset in assessing the proposal.
- 5.6 It is considered that the design approach that has been taken is respectful of the character and appearance of the Conservation Area. The removal of the modern domestic garage, office building and reduction in the height of the wall to the BT compound that is considered to harm the appearance of the Conservation Area are factors that weigh in favour of the application. Added to this benefit the development proposal is appropriate to the scale and local vernacular and would contribute to the quality of Conservation Area.
- 5.7 As noted above part of the site is within the Scheduled Monument. The single storey dwelling, unit 1, would be within the Scheduled Monument, as would part of unit 2. Units 3 to 5 would be outside the scheduled area. The gardens would all be within the Scheduled Monument. Any work that is required to be undertaken within the Scheduled Monument either as a consequence of this application or subsequent garden works will require Scheduled Monument Consent.

Size type and tenure

- 5.8 The proposed dwellings are two-bedroom units all of a size that exceed the minimum sizes set in the Nationally Described Space Standards. The provision of a single storey dwelling provides a range of property types, and also provides for residential amenity of The Bungalow by avoiding creating an overbearing impact upon the existing dwelling and respects the scale of other dwellings on the opposite side of Masonic Lane. The dwellings are all proposed to be made available as market housing.

Pedestrian access

- 5.9 The site currently has a footway of restricted width due to the position of the existing redundant electrical sub-station building. The removal of the electricity substation at the western end of the site frontage allows for a widening of the footway to 1.8m across the whole site frontage. The frontage path links on to the network of paths that cross the scheduled monument, to the town centre and recreation facilities.

Infrastructure

- 5.10 Masonic Lane is a one-way road across the site frontage (flow east to west). The site access points achieve visibility to the footway and road to the standard required by the Manual for Streets. The site is adjacent to a telecommunication hub and an electricity substation, drainage is available and previously mentioned facilities are in walking distance accordingly the site is well served by the necessary infrastructure for residential development.

Parking

- 5.11 Parking provision is made within the site to meet the basic needs for convenient access and residents use commensurate with a town centre location. The parking space also achieves turning space that allows access to and from the highway in a forward gear. Following amendment the parking layout achieves space to overcome the concerns raised by the Highway Authority reported at paragraph 4.2 above.

Design

- 5.12 The design of the dwellings is heavily influenced by the scale and detailing of the dwellings that were formed by conversion of buildings on the north side of Masonic Lane. This design approach has ensured that the building design follows local traditions and is of a scale that respects the setting. The proposed use of brick, tile and timber window and door frames is appropriate to the Conservation Area setting. The boundary treatments of brick with rounded coping similarly follows the example of other boundaries on Masonic Lane and is an appropriate detailing for the new dwellings to define the boundary to the private defensible space to the north of the dwellings.
- 5.13 To the south of the proposed dwellings is the open grassy space of that has laid undisturbed (seemingly for centuries) since the demolition of Thirsk Castle in 1176. The use of the space for gardens makes appropriate use of the open land and allows for the protection of the protected tree without threat of disturbance.

Amenity

- 5.14 The amenity space proposed to be formed to the south of the buildings is of sufficient size to meet the reasonable needs of residents. Bin storage is proposed to be within spaces on the north side in spaces concealed from public view by structures and in the case of plot 3 by building a storage space in the frontage of the building.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development including ground coverings 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. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development including alteration to and provision of boundary walls. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
 4. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings 1457/10F (Proposed site layout and location plan)

received by Hambleton District Council on 16 December 20016 and drawings 1457/25 (floor plan), 26 (rear elevation), 27 (front elevation) received 14 November 2016 unless otherwise approved in writing by the Local Planning Authority.

5. Before the occupation of any dwelling the boundary wall shown on drawing 1457/10F shall be completed and shall thereafter be retained in accordance with the approved details.
6. The site shall be laid out to achieve footway widening across the site frontage as shown on drawings 1457/10F.
7. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing Reference 1457/10F and made available for use. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details that have previously been submitted to and approved in writing by the Local Planning Authority. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority and no additional wall, fences or other means of enclosure shall be constructed or installed without the written approval of the Local Planning Authority.
10. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
11. Bin storage spaces shall be provided in accordance with the details shown on drawing 1457/10F
12. (A) No demolition/development shall take place/commence until a Written Scheme of 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 part (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 part (A) and the provision

made for analysis, publication and dissemination of results and archive deposition has been secured.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP28 and DP32.
5. To ensure that an appropriate means of enclosure is provided to the site to separate the land from the footway and to provide an appropriate definition to the site in keeping with the character and appearance of the Conservation Area in accordance with Local Development Framework Policies CP1, CP16, CP17, DP28 and DP32
6. To provide a suitable footway access to the property in the interests of pedestrian and highway safety in accordance with Local Development Framework Policies CP1.
7. In accordance with Policy CP1 and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.
8. In accordance with Policy CP1 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in the Conservation Area
10. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
11. To ensure adequate bin storage areas are provided to meet the needs of residents without harm to the appearance of the Conservation Area and streetscene in accordance with the LDF Policy CP16 and CP17.
12. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

Informatives

1. No work within the Scheduled Monument shall be undertaken in pursuit of this decision or subsequently unless the appropriate consent has been obtained for the works.

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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Parish: Thirsk
Ward: Thirsk
17

Committee Date: 5 January 2017
Officer dealing: Mr Andrew Thompson
Target Date: 12 December 2016
Date of extension of time: 12 January 2017

16/02304/FUL

Proposed alterations and change of use of ground floor to a retail unit, change of use of second floor from dance studio/gym to three apartments and the construction of a detached dwelling to the rear
At 2 Castlegate, Thirsk
For Mr W Calvert

1.0 APPLICATION SITE AND PROPOSAL

- 1.1 2 Castlegate is a large and distinctive building of pale brick construction occupying a commanding position facing down Westgate. Dominant features of the building are its tall arched top timber windows at second floor level. This application seeks permission to carry out alterations to the building to facilitate the change of use of the ground floor to a retail unit (Class A1) and the change of use of second floor from dance studio/gym to three apartments and the construction of a detached dwelling to the rear.
- 1.2 The application seeks approval for a revision to planning permission reference 16/00133/FUL. The revision would create an additional third floor within the building, allowing the creation of a total of three two-bedroom apartments. The application is identical to planning application 16/01206/FUL, which was refused in August 2016.
- 1.3 The proposal involves the refurbishment of the whole property. Works are currently being undertaken under planning permission 16/00133/FUL, which includes two apartments.
- 1.4 Internal alterations are proposed to form a retail unit on the ground floor to the front with a two-storey three-bedroom apartment on the ground and first floor at the rear of the building. These details are as previously approved. On the second floor an apartment at the rear of the building would also be as previously approved. At the front of the building the gym area at second floor level would be converted into two apartments that would both extend into a new third floor, each with two bedrooms.
- 1.5 The works in the approved scheme involved repositioning of windows at first and second floor level on the rear elevation, the re-opening of two windows on the side elevation at ground floor level and the installation of a new entrance door on the front elevation. However, the large windows to the front elevation, which faces down Westgate, were unaltered.
- 1.6 This revised application proposes replacement windows in the front (west) and side (south) elevations. These windows would be of a different design to make provision for the proposed third floor, which would be positioned where the existing windows have a glazed section.
- 1.7 As existing these large arched top timber windows have a fixed transom, which is in line with a stone band, which defines the bottom of the arch, and together the transom and stone band form a strong architectural feature. The remainder of the window is 6 over 6 panes of equally proportioned sections. The proposed windows would have a dropped transom which would be below the bottom of the arch and no longer aligned with the stone band, with 6 paned fixed glazing to the arch above the transom and 6 over 3 panes below.

- 1.8 Within the corner of the rear yard a small two-bedroom detached two-storey dwelling is proposed. This would be of red brick and slate construction with timber windows and a small amenity area to the front. This aspect is as previously approved. The remainder of the rear yard area would be block paved and formed into four car parking spaces.
- 1.9 The application is supported by a Design and Access Statement that concludes: “The proposal seeks to help the building evolve and make best use of the available space. The existing structure in the proposed scheme remains largely unaltered. This should be viewed as a positive approach to the conservation of the existing building and the final decision. The Heritage Asset, character and distinctiveness of the building will not be significantly altered by this proposal and the advantages far outweigh any negatives.”
- 1.10 The application is presented for a Committee decision at the request of Councillor Robson.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 16/00133/FUL - Alterations to building to include change of use of ground floor to a retail unit, change of use of second floor from gym to two apartments and the construction of detached dwelling to the rear; Granted 15 April 2016.
- 2.2 16/01206/FUL - Alterations and change of use of ground floor to a retail unit (Class A1), change of use of second floor from dance studio/gym to three apartments and the construction of a detached dwelling to the rear (amended application to 16/00133/FUL); Refused 26 August 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP14 – Retail and town centre 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 DP8 - Development Limits
 Development Policies DP10 - Form and character of settlements
 Development Policies DP20 – Approach to town centre development
 Development Policies DP22 – Other town centre uses
 Development Policies DP28 – Conservation
 Development Policies DP29 - Archaeology
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 National Planning Policy Framework - published 27 March 2012
 Thirsk and Sowerby Conservation Area Appraisal Supplementary Planning Document

4.0 CONSULTATIONS

- 4.1 Thirsk Town Council - We remain very concerned that the plan still shows proposed alterations to the windows which we feel will spoil the façade of this very fine and important building in the Conservation Area.
- 4.2 Conservation Officer – Objects: The significance of this building lies in its architectural detail and its position at the head of Westgate within the Conservation Area. The Conservation Area Appraisal (2010) identifies this building as a Building of Local Interest (Non Designated Heritage Asset (NDHA)) and identifies the key view east along Westgate. The proposed works result in “less than substantial harm” to the significance of the designated Conservation Area. There are no public benefits arising from this scheme. The creation of small-scale housing is not a recognised public benefit which would outweigh harm to a heritage asset. This scheme is viable without the insertion of a third floor and work has already begun on its conversion. A third floor could be accommodated through the use of mechanical ventilation, which would negate the need to alter the window detail.
- 4.3 Highway Authority - conditions recommended.
- 4.4 Historic England - The decision should be made in accordance with national and local planning policy and on the basis of the Local Planning Authority's own specialist conservation advice.
- 4.5 Public comment - none received.

5.0 OBSERVATIONS

- 5.1 The principle of residential conversion of the building and the detached dwelling together with the retail use has been established through the previous granting of consent. The building stands within a town centre location with a wide range of facilities and services nearby and therefore there can be no objection to the principle of another apartment. The main issues for consideration in this case are the proposed revisions to the approved scheme, specifically the works necessary to allow a third floor to be created in order to introduce a fourth apartment in the building.
- 5.2 The issues requiring detailed consideration are therefore the visual impact of the proposed external alterations on two heritage assets: the appearance of the building itself, designated a Building of Local Interest, and on the character and appearance of the Thirsk and Sowerby Conservation Area. The parking requirement of the proposed fifth dwelling on the site also requires consideration.

Heritage assets

- 5.3 The building is sited in a very prominent location within the town, on the corner of Castlegate and Chapel Street and forming a visual termination to Westgate. Its size and its location result in it being clearly visible from a wide area from roads, pavements and footpaths particularly in views down Westgate. Within the Thirsk and Sowerby Conservation Appraisal it is described (as the former Savings Bank building) as “a striking example” that “dominates views into the Conservation Area from Westgate”.
- 5.4 The building is identified as a Building of Local Interest in the Council's Thirsk and Sowerby Conservation Area Appraisal of 2010, equivalent to a Non-Designated Heritage Asset (NDHA). The building meets the Council's criteria for NDHA status and in terms of its age, its distinctive local character and positive impact on the street scene as well as it being a key landmark building. It is located within a Designated Heritage Asset (the Thirsk and Sowerby Conservation Area) and is therefore

considered important in heritage terms. The National Planning Policy Framework (NPPF) requires a balanced judgement having regard to the scale of any harm or loss to A heritage asset and the significance of the asset concerned.

- 5.5 The addition of a third floor as proposed would involve significant changes to the style and design of eight second-floor windows on the Castlegate and Chapel Street elevations. The affected windows are large and form a dominant feature within the building with strong vertical and horizontal banding to the building, which forms an important part of its historic design and its contribution to the Conservation Area. Their present design, with the fixed transom in line with the stone band around the building and the bottom of the arch with 6 x 6 glazing below with equally proportioned sections is very typical of classical architecture.
- 5.6 The proposed replacement windows, with a dropped transom, would alter significantly the classical proportions of the window detailing. The sections and glazing would no longer be equally proportioned and there would be a much deeper transom to allow for the installation of the floor itself. The new transom would be out of alignment with the stone band and the strong cohesion of those elements, which gives the building much of its special character, would be lost.
- 5.7 This change in window style is considered harmful to both the building and the Conservation Area. In terms of the NPPF (paragraphs 132 to 135 and 139) this would constitute "less than substantial harm" to the Conservation Area. The NPPF states that where a development will result in "less than substantial harm" this should be weighed against the public benefit of the proposal. The applicant has demonstrated through the approved application that an alternative scheme is viable here and work on it is currently being undertaken. The addition of a further dwelling would provide some public benefit but not of sufficient significance to balance or outweigh the harm to heritage assets. In accordance with the NPPF the Council has a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. This proposal fails to preserve or enhance the Conservation Area and would result in detrimental visual impact due to the design of the windows and the prominence of the building in which they would be placed.
- 5.8 Over the course of this and the previous refused application discussions with North Yorkshire Building Control Partnership have highlighted structural and ventilation questions over the proposed third floor. The third floor accommodation would require mechanical ventilation because the size of the subdivided windows would not achieve appropriate natural ventilation; however that is not necessarily a reason to reject the proposal.
- 5.9 As indicated, the harmful impact of creating a third floor as proposed is the effect it has on the form of the dominant windows, caused by the need to disguise the new floor by repositioning and enlarging the transoms. Two alternative approaches that would avoid this harm whilst allowing a third floor to be created have been suggested to the agent but have both been rejected.
- 5.10 The first of these would set the third floor at the level of the existing transom but with a thinner section of floor immediately behind the transom, so that the floor is not visible when viewed from the street. It is acknowledged that a thin section of timber floor might not perform well in load bearing terms but the inclusion of steel in this thinner area could provide the required strength.
- 5.11 The second suggested alternative would maintain the third floor at the level proposed by the applicant but stop it short of the windows, creating raised areas that need not

serve as a floor but which would not need relocated and thickened transoms to hide the floor.

- 5.12 Preservation and enhancement of the building has already been achieved through the scheme that has planning permission and is part implemented. Due to the detrimental impact that the proposed alterations would have upon the historic character and appearance of the building itself as well as upon the Conservation Area, contrary to the requirements of Policies CP16 and DP28, this application is recommended for refusal on the basis of this harm, consistent with the decision on application 16/01206/FUL, refused in August 2016 and not appealed.

Parking

- 5.9 The addition of a further apartment has been considered by the Highway Authority and it is noted that a total of five parking spaces are now proposed. Subject to a condition to ensure the provision and use of these spaces, this aspect is considered acceptable. However, it cannot override the heritage harm to the building.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reason:
1. The proposed development is contrary to Local Development Framework Policies CP16, CP17, DP28 and DP32 due to the significant harmful visual impact the detailing and design of the replacement windows, in particular the lowered transoms to windows, which would have upon the historic character and appearance of the building, identified as a Building of Local Interest in the Thirsk and Sowerby Conservation Area Appraisal (2010) and considered to be a Non-Designated Heritage Asset, and its failure to preserve or enhance the appearance of the Thirsk and Sowerby Conservation Area. The proposed development is also contrary to the requirements of the NPPF as it would result in less than substantial harm to the Designated Asset (Thirsk and Sowerby Conservation Area) and unacceptable visual harm to a prominent Non-Designated Heritage Asset.

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Parish: Thormanby
Ward: Raskelf & White Horse
18

Committee Date : 5 January 2017
Officer dealing : Mrs J Forrest
Target Date: 26 December 2016
Date of extension of time: 6 January 2017

16/02380/FUL

**First floor extension to dwelling.
at The Old Black Bull Thormanby North Yorkshire YO61 4NN
for Mr Peter Gibson.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application was deferred from the Planning Committee meeting on 8 December 2016 to enable a site visit to be made to consider the proposal in the context of the site and the in relation to the extensions and alterations at the property previously undertaken.
- 1.2 The proposal seeks to form a first floor extension (5.7m x 5.2m plan area) above the existing single storey protrusion on the north east elevation of the existing semi-detached dwelling. The eaves height of the extension is proposed to be 2.35m above the floor level of the balcony and the ridge height is proposed to be 4.8m above the balcony.
- 1.3 The extension would be of oak frame construction, with glazing to rear and one side and finished in oak on the side facing the immediate neighbouring property, The Old Rectory. The extension is proposed to have a slate roof, in contrast to concrete tiles on the main building. The applicant has explained the wish to use slate as it is superior to the concrete product and used in conjunction with the green oak frame will create visual interest and break-up the domination of red concrete tiles on the building.
- 1.4 The substantial private rear garden is enclosed with a mixture of fencing and a boundary hedge and is not overlooked at the rear.
- 1.5 The application is referred to the Planning Committee for decision because the applicant is a civil partner of a Member of the Council.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/00083/FUL - Conversion of detached garage to form an annexe and single storey extension to side of dwelling; Granted 6 March 2014.

3.0 RELEVANT PLANNING POLICIES:

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

Development Policies DP32 - General design
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design

4.0 CONSULTATIONS

- 4.1 Parish Council - No responses received, expired 30 November.

- 4.2 Site notice (put on telegraph pole outside dwelling) and neighbour notifications - No responses received, expired 7 December.

5.0 OBSERVATIONS

- 5.1 The main issues to be considered in this case relate to the impact of the proposal on the character and appearance of the dwelling, any impact on the character of the area and the amenities of the nearby neighbours.
- 5.2 The proposed extension is minor in scale compared to the existing dwelling, the size of the existing plot and garden space, therefore it is considered to be in proportion. It would be generally constructed of appropriate complimentary materials, the use of an oak frame follows the use of an oak frame for a single storey extension on the rear of the dwelling. Although the use of slates would contrast with the concrete tile roof of the dwelling slate is not, however, an alien material in the village; it is used on the adjacent property, The Old Rectory. The proposed extension would be set well back from the village street and would only be seen fleetingly by passers-by. It is considered that it would not have a harmful impact upon the character and appearance of the dwelling or the village.
- 5.3 It is considered that the size and siting of the proposed extension would not have an overbearing effect in neighbours. Further, as it would build over an open balcony area, there would be no significant increase in potential overlooking and no windows are proposed to face towards the neighbouring dwelling, The Old Rectory and there are no openings on the facing elevation of the Old Rectory.
- 5.4 The proposal is considered to comply with the requirements of the Policy of the Local Development Framework.
- 5.5 It is considered that the proposed development will not have a harmful impact upon the character and appearance of the dwelling or the streetscene. The amenities of the neighbours will not be significantly affected. The proposal therefore complies with the Hambleton Local Development Framework.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered Plan 01 received by Hambleton District Council on 9 November 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:-

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

16/01951/FUL

Construction of a warehouse in association with the existing business use and two-storey ancillary mess facility with associated external access, parking and drainage attenuation pond
At Land adjacent Eldmire Lane, Dalton
For NTS Dalton

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is adjacent to the recently constructed Wagg Food storage facility on the former Dalton Airfield. The site is flat and open grassland.
- 1.2 The proposal is a large warehouse for steel storage. The applicant, NTS, has a number of other buildings on the former airfield. The proposed warehouse and mess total 22,582sqm footprint, with a further ancillary building of 540sqm. The site layout includes circulation roads, car parking, landscaping, external storage for steel stock and a surface water storage lagoon with swales and ditches. The building would be used for warehousing tubes and a staff mess to serve the company's existing and new operations.
- 1.3 The warehouse would be 256m long x 89m wide with a eaves height of 12m and a ridge height of 14m. External gantries with overhead cranes approx. 10m high with a width of 15m would be installed to the full length of the southern and northern elevations of the building. The warehouse's internal areas would accommodate steel stock in a formal position and benefit from overhead cranes to manoeuvre stock. The mess building is shown as generally two storeys on a footprint of 30m x 9m deep with eaves approximately 7.5m high and a ridge at 9.5m; the office within it would accommodate office and warehouse staff including meeting rooms and messing facilities for the wider site.
- 1.4 The building is proposed to be colour-coated cladding to complement the adjacent industrial buildings. The external areas would comprise concrete access and service yards with external areas surfaced in granular material.
- 1.5 The supporting Transport Statement anticipates 3-4 HGV movements from the site per day. This is contrasted with the peak hour traffic generation of 79 two-way movements in the morning and 54 movements in the evening for a generic B8 warehouse of this size.
- 1.6 The proposal includes 20 car parking spaces, parking space for 12 HGVs and space for turning and manoeuvring within the site, including a 24m turning circle. There is also the provision of a cycle/motorcycle shelter.
- 1.7 The application is supported by a Planning Statement, Transport Statement and Travel Plan, Flood Risk Assessment, Landscape Appraisal and Ecological Statement. Following on from initial comments of Highways England a further technical statement has been received.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is no history for the applications site. The following applications relate to the neighbouring Wagg Foods Development:
- 2.2 13/02595/FUL - Revised application for the construction of a warehouse and office/mess building with associated access, parking and drainage attenuation pond; Granted 19 March 2014.
- 2.3 13/02595/DCN - Discharge of condition(s) attached to Planning Consent- 13/02595/FUL- Revised Application for the construction of a Warehouse and office / mess building with associated access, parking and drainage attenuation pond; Granted 27 January 2016
- 2.4 15/01374/MRC - Variation of condition 2 of planning approval 13/02595/FUL (amended drawings showing increased office accommodation and building footprint, amended elevations and new fenestration details); Granted 28 January 2016.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP11 - Distribution of new employment development
 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 CP18 - Prudent use of natural resources
 Development Policy DP1 - Protecting amenity
 Development Policy DP3 - Site accessibility
 Development Policy DP4 - Access for all
 Development Policy DP6 - Utilities and infrastructure
 Development Policy DP9 - Development outside Development Limits
 Development Policy DP16 - Specific measures to assist the economy and employment
 Development Policy DP25 - Rural employment
 Development Policy DP30 - Protecting the character and appearance of the countryside
 Development Policy DP32 - General design
 Development Policy DP33 - Landscaping
 Development Policy DP34 - Sustainable energy
 Development Policy DP42 - Hazardous and environmentally sensitive operations
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - No comment received.
- 4.2 Highways England – No objection.
- 4.3 Highway Authority (NYCC) - No objection subject to conditions.
- 4.4 Ministry of Defence - No objection.
- 4.5 Harrogate Borough Council - No comments.

- 4.6 Environmental Health Service - no objection or recommendations subject to conditions.
- 4.7 Yorkshire Water - No objection subject to conditions
- 4.8 Lead Local Flood Authority – Drainage detail is required.

4.190 Public comment – Three comments have been received, two general and one in support:

- Increased tree planting along the Eldmire Lane frontage would screen the warehouse, decreasing the visual and noise impact of the development;
- Exterior lighting should be the same/similar to the neighbouring building owned by IPN (Wagg), which is not as invasive as floodlighting; and
- The proposal allows an existing business to expand which will ultimately lead to employment growth in the District. The resolution of the Dalton Bridge has been an important factor in this application coming forward.

5.0 OBSERVATIONS

5.1 The key determining issues are (i) the principle of employment development in this location; (ii) the design and impact of the proposed building; (iii) the impact on nearby residents; (iv) highway issues, including the impact on the strategic road network; and (v) drainage.

Principle

5.2 LDF Policy CP11 identifies that most employment development will be encouraged to locate within the development limits of the Service Centres of the District. In the Thirsk area, most development will be encouraged to locate in the Thirsk Service Centre, but if land cannot be identified in Thirsk, some development will also be supported at Dalton Airfield as will development to meet the needs of existing businesses. The case for this development invokes the final clause, as the proposal is an expansion of the NTS business at Dalton Airfield. The proposal would create approximately 20 new jobs.

5.3 The expansion of warehousing would meet the needs of the applicant's business. It is undoubtedly very large building but that is shaped by the nature of the goods to be stored within it and it would allow a significant employer in Hambleton to grow, with an additional 20 jobs being created. On the basis that the proposal satisfies the clause in CP11 that commits the Council to supporting development that will meet the needs of existing businesses, the scheme is considered acceptable in principle.

5.4 The proposal is therefore in accordance with the aims and objectives of local and national planning policies, which seek to support economic development in a recognised location for employment development.

Design and landscape impact

5.5 The proposed building would be akin to existing buildings on the former Airfield, particularly the neighbouring newly completed Wagg Food building. The building would occupy a significant proportion of the application site but would retain capability for servicing and manoeuvring with landscaping to the Eldmire Lane frontage.

5.6 The proposed site layout allows an opportunity for landscaping planting to the Eldmire Lane frontage and would be in keeping with the general scale and mass of

other large buildings on the Airfield. Subject to a planning condition to require additional tree planting, the design and landscape are considered acceptable.

Impact on nearby residents

- 5.7 In addition to the benefits that would arise from the landscaping described above, it is noted that the lighting on to the neighbouring Wagg site has been successful and could be replicated in this proposal. As such, the impact of lighting detail can be mitigated by means of an appropriate planning condition.

Highways and the strategic road network

- 5.8 Access to Dalton Old Airfield by means other than the private car is limited. Unlike comparable large-scale distribution warehouses the level of parking would be relatively low (20 car parking spaces, parking for 12 HGVs). However, this is because the building is designed for the needs of NTS and the steel storage operations that would take place on the site. In order to accommodate a higher level of employees and car movements associated with a different user, additional space would need to be found for significant levels of car parking and manoeuvring space. This would require a planning application, which would be subject to appropriate consideration and a further Transport Assessment.
- 5.9 The applicant has submitted additional transport information to address concerns that were raised by Highways England about the likely traffic generation if a different user occupied the site. In response Highways England confirms that it has no objection, and the Local Highway Authority raises no objection either. Overall, subject to appropriate conditions the proposal is considered to be acceptable in terms of its highway impact.

Drainage

- 5.10 The application is supported by detailed Flood Risk Assessment, which details that the site is within Flood Zone 1 and therefore is not subject to flooding. Floor levels are therefore proposed at the same level as the neighbouring Wagg building. Due to the likely restrictions in access to the site during major flood situations, an evacuation plan will need to be prepared in order to determine adequate safe measures for staff and visitors to vacate the development site in such events.
- 5.11 The Flood Risk Assessment recommends that the building should be registered with the Environment Agency's Flood Direct Warning Service to ensure adequate notice is received of any severe flood situation, thus enabling the premises to be safely vacated. The surface water run-off from the development can be attenuated in accordance with the details included in the Flood Risk Assessment to ensure the development does not increase the risk of flooding to other parties.
- 5.12 Overall the Flood Risk Assessment provides a suitable basis for the determination of the planning application subject to appropriate 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. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered NTS-PP01, NTS-PP02, NTS-PP03, NTS-PP04, NTS-PP05, and NTS-PP06 received by Hambleton District Council on 30 August 2016.
3. The development hereby approved shall not be occupied other than by NTS for the purposes of the storage and distribution of steel products in conjunction with the company's continued use of its existing premises at Dalton Airfield.
4. Prior to the first occupation of the development a Travel Plan shall be submitted to and agreed in writing to the Local Planning Authority. The Travel Plan submission will identify a package of measures consistent with the aim of reducing reliance on the car, and should include (but not be limited to) providing information on / promoting the use of alternative modes of transport, by (i) The appointment of a travel plan co-ordinator; (ii) The details of measures to be employed to promote sustainable travel (including alternative modes of transport and car sharing); (iii) Mechanisms for ongoing monitoring; (iv) Public transport information and ticket details; (v) Cycle provision, showers and lockers and associated infrastructure; (vi) Walking initiatives; and (vii) A car parking management strategy.

The approved Travel Plan shall be implemented during the six months following the first occupation of the premises. Following the expiry of this period of time or such other period of time as may be agreed under part iii of this condition, a review of the Plan shall be carried out, and submitted to the Local Planning Authority for approval. The review will identify any refinements and clarifications deemed necessary to the Plan. The occupation and use of the development shall comply with the requirements of the revised plan, at all times, unless otherwise agreed in writing by the Local Planning Authority.

5. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
6. Prior to the commencement of development details of surface and foul water drainage including full details of the proposed pond, swale and sustainable drainage systems shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
7. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees, hedges 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.
8. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing number NTS-PP03 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
9. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (ii) on-site materials storage

area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

10. No development shall be commenced until an assessment of risks posed by unexploded ordnance has been carried out by an unexploded ordnance (UXO) risk assessment specialist and has been submitted to and approved in writing by the Local Planning Authority. Where risk mitigation is necessary a scheme for the mitigation of the UXO shall be submitted and approved by the Local Planning Authority before any further development occurs. The development shall not be occupied until the approved risk mitigation scheme has been implemented and a verification report and clearance certificate has been submitted to and approved in writing by the Local Planning Authority.
11. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

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 to ensure that the proposals meet the terms of Policy CP11 of the Local Development Framework and to ensure that the level of vehicle movements are managed in relation to the Strategic and Local Highway Network.
4. To ensure the satisfactory functioning of the development, to promote the use of a range of modes of transport, and minimise the use of the car and to ensure that the level of staff and car movements are managed in relation to the Strategic and Local Highway Network.
5. To prevent unnecessary light pollution and to ensure that the development does not impact on the amenities of neighbouring and nearby residents.
6. To ensure that the site is adequately drained and does not result in flooding elsewhere.
7. 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 and mitigates the impact of the building on nearby residential properties.
8. To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development. Additional car parking

will need to be assessed in terms of their impact on the Strategic and Local Highway Network.

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 protect the site workers during the development phase and site occupants post development as the proposed development is on the site of a former World War Two airfield and therefore there is the potential for unexploded ordnance to exist on site.
11. In the interests of human health and to ensure that any contamination is managed.

Informative

1. A CIRIA publication entitled "Unexploded ordnance (UXO) A guide for the construction industry, report C681" was published in 2009 and provides good practice guidance for the management of risks presented by UXO to the construction industry. The applicant is advised to refer to this guide if UXO is suspected or encountered.
2. Condition 3 above is required to safeguard the performance of the strategic road network. Any proposal for change to the requirements of the condition should be the subject of consultation with the strategic highway authority.

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