

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 22 March 2017

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 30 March 2017**
Time **1.30 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

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

Other Members of the Council for information

PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00am REGARDING THE LOCAL ENFORCEMENT PLAN; UPDATE ON APPEALS OCTOBER TO DECEMBER 2016; UPDATE ON THE EAST COAST MAIN LINE AND THE UPDATED REPORT FORMAT

AGENDA

Page No

1. MINUTES
To confirm the minutes of the meeting held on 2 March 2017 (P.24 - P.25), attached. 1 - 4
2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS 5 - 96
Report of the Executive Director.

Please note that plans are available to view on the Council's website through the Public Access facility.
4. MATTERS OF URGENCY
Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 2nd March, 2017 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	D Hugill	Councillor	Mrs J Watson
	N A Knapton		

P.24 MINUTES

THE DECISION:

That the minutes of the meeting of the Committee held on 2 February 2017 (P.22 - P.23), previously circulated, be signed as a correct record.

P.25 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) 16/02391/FUL - Change of use to self-contained living accommodation at Brafferton Manor Milking Parlour, Boroughbridge Road, Brafferton for Brafferton Manor Farms

PERMISSION GRANTED

- (2) 16/02750/FUL - Construction of a detached dwelling at Rosedene, Carthorpe for Mrs J Lancaster

PERMISSION GRANTED

- (3) 16/02633/FUL - Construction of five dwelling houses and a stable block at Village Farm, Catton Village Street, Catton for Potter's Buildings Limited

PERMISSION GRANTED

- (4) 16/02691/OUT - Outline application with details of access (all other matters reserved) for residential development comprising 7 bungalows at Land Adjacent Fren Dene and Primrose Hill, Dalton for Dh Land Strategy

PERMISSION REFUSED

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

- (5) 16/01785/OUT - Outline application with details of access and layout (all other matters reserved) for construction of 3 dwellinghouses and 2 bungalows at HDC Depot, Stillington Road, Easingwold for NCG Estates

PERMISSION REFUSED

(The applicant, Philip Atkinson, spoke in support of the application.)

- (6) 16/02233/OUT - Outline planning application for the construction of a dwellinghouse with details of access and layout (all other matters reserved) at Land to the north east of East Harlsey Telephone Exchange, East Harlsey for Mr & Mrs David Porter

PERMISSION GRANTED

(The applicant's agent, Andrew Cunningham, spoke in support of the application).

- (7) 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

PERMISSION GRANTED

- (8) 16/02743/FUL - Siting of prefabricated building for use as office accommodation at Beeches Farm, Tollerton Road, Newton-on-Ouse for Mrs J Rooke

PERMISSION GRANTED

Disclosure of Interest

Councillor C Rooke disclosed a pecuniary interest and left the meeting prior to discussion and voting on this item.

- (9) 16/02116/OUT - Outline application with details of access, layout and scale (appearance and landscaping reserved) for the construction of up to 14 dwellings and 1 replacement dwelling at Station Farm, Pickhill for Mr Barningham

PERMISSION GRANTED

(The applicant's agent, Lisa Allinson, spoke in support of the application).

(Richard Manners spoke objecting to the application)

Councillor M A Barningham disclosed a non-pecuniary personal interest and left the meeting prior to discussion and voting on this item.

- (10) 16/02147/FUL - Construction of 3 dwellinghouses, associated parking and access and the formation of 2 additional parking spaces for existing dwellinghouse at Land at the south of St Paulinus Drive and St Cuthbert Drive, Romanby for Mr B Rennison

PERMISSION REFUSED

(Phillipa Whitrick spoke on behalf of the applicant supporting the application.)

- (11) 16/02470/OUT - Outline application for the construction of 3 bungalows with all matters except access reserved at OS Field 6300, Tame Bridge, Stokesley for Mr & Mrs Roche

PERMISSION GRANTED

- (12) 16/02540/FUL - Revised application for the use of land and siting of caravan as a private gypsy site for one family at Land adjacent to Ranch House, Hutton Rudby Road, Skutterskelfe for Mrs Savannah Foster

PERMISSION REFUSED

- (13) 16/02550/FUL - Temporary siting of a mobile home for 3 years at OS Field 4578, Sykes Lane, Tollerton for Robert Elstone

PERMISSION REFUSED

(The applicant, Robert Elstone, spoke in support of the application.)

The meeting closed at 4.05 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 30 March 2017. The meeting will commence at 1.30pm.

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

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

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

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

Mick Jewitt
Executive Director

SITE VISIT CRITERIA

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

PLANNING COMMITTEE
Thursday 30th March 2017

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	16/02714/FUL Mrs H Laws Aiskew Page no: 9	Construction of five detached dwellinghouses For: Briahaze Village Homes At: Land to the east of Willow Gardens, Leeming Bar RECOMMENDATION: GRANT
2	17/00403/FUL Mrs H Laws Aiskew Page no: 17	Alterations and extensions to existing flats and demolition of pizza shop and construction of a detached building to provide 4 flats For: Mr J Costandi At: 5 Northallerton Road, Leeming Bar RECOMMENDATION: GRANT
3	16/02434/OUT Mrs H Laws Gatenby Page no: 25	Outline application with details of access (all other matters reserved) for the construction of a dwelling and a detached garage For: Mrs Sarah Michael At: The Stables, Gatenby RECOMMENDATION: REFUSE
4	16/02247/FUL Mr T Wood Huby Page no: 31	Development of five dwellings For: Northminster Ltd At: Part OS 8471 and 9170, Gracious Street, Huby RECOMMENDATION: GRANT
5	16/02525/MRC Mr K Ayrton Kirkby Page no: 43	Variation of condition 2 of planning permission 15/02246/FUL (approved plans changes to design) - Demolition of buildings, construction of 5 dwellings with associated access, garaging and parking and private amenity space and change of use of part of the land from agricultural to domestic, change of use of part of the site from agricultural to allotments, change of use of part of the site from agricultural to recreational keeping and grazing of horses and construction of one stable building For: Mr & Mrs Rowland & Jane Holmes-Smith At: Kirkby House Farm, Hill Road, Kirkby in Cleveland RECOMMENDATION: GRANT
6	16/02574/OUT Mr K Ayrton Low Worsall Page no: 51	Outline application with all matters reserved for a single dwelling For: Mr Peter Lancaster At: Churchfields, Piersburgh Lane, Low Worsall RECOMMENDATION: REFUSE

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
7	17/00370/FUL Mr P Jones Northallerton Page no: 57	Single storey extension to provide additional fitness suite & toning studio spaces together with an accessible WC provision and a 24 hour access doorway; internal refurbishment works to revamp the existing changing areas, and provide new dance & group cycle/multi-purpose studios together with a new platform lift provision from the main entrance area For: Hambleton District Council At: Hambleton Leisure Centre, Northallerton Road, Brompton RECOMMENDATION: GRANT
8	17/00234/FUL Mr K Ayrton Northallerton Page no: 63	Cancer centre building and associated works For: South Tees Hospitals NHS Foundation Trust At: Friarage Hospital, Northallerton RECOMMENDATION: GRANT
9	17/00073/MRC Mrs H Conti Shipton Page no: 71	Removal of condition 15 and variation of condition 14 (to read cabins shall only be stacked in the 7 shaded areas "annotated as hatched areas" on submitted drawing PKA/2/030 and no cabins shall be stacked to a height of more than 6m unless otherwise agreed in writing by the Local Planning Authority) to previously approved application 14/02558/MRC - Application to vary conditions 18, 19, 20 and 21 of approved scheme 14/00141/FUL For: S Wernick & Sons (Holdings) Ltd At Station Lane, Shipton by Beningbrough RECOMMENDATION: GRANT
10	17/00005/OUT Miss L Chambers Tholthorpe Page no: 79	Outline application with all matters reserved for a residential development For: Messrs Robinson, Foster & Castlevale Ltd At: Land to the east of Flawith Road, Tholthorpe RECOMMENDATION: GRANT
11	16/02733/FUL Ms L Chambers Tollerton Page no: 87	Conversion of barns to create 4 dwellings For: Mr Jim Robinson At: Holmfield, Newton Road, Tollerton RECOMMENDATION: GRANT
12	17/00153/FUL Ms L Chambers Topcliffe Page no: 93	Four detached houses and ten parking spaces for school staff For: Mr & Mrs N Corps At: Anchor Dykes, Station Road, Topcliffe RECOMMENDATION: REFUSE

Parish: Aiskew
Ward: Bedale
1

Committee date: 30 March 2017
Officer dealing: Mrs H Laws
Target date: 6 April 2017

16/02714/FUL

**Construction of five dwellinghouses
At land east of Willow Gardens, Leeming Bar
For Briahaze Village Homes**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies towards the north eastern corner of Leeming Bar and is currently disused and overgrown. The site lies immediately to the east of the Willow Gardens development of ten dwellings, for which planning permission was granted in 2009, and to the north of the Lowlands Drive residential cul-de-sac.
- 1.2 The dimensions of this mainly rectangular site are approximately 60m x 50m, covering an area of approximately 2,850sqm (0.285ha).
- 1.3 The existing development at Willow Gardens comprises a terrace of three dwellings and a pair of semi-detached dwellings to either side of the access onto Low Street; and three detached dwellings and a pair of semi-detached dwellings within the cul-de-sac.
- 1.4 The proposed scheme is for the construction of three detached dwellings and a pair of semi-detached dwellings. Three of the dwellings would have three bedrooms; two would have a fourth bedroom within the roofspace. All would have garages and would be finished in either brickwork or render with concrete slates or pantiles roofs.
- 1.5 Access to the site would be from Willow Gardens via an existing gap between the dwellings at 2 and 3 Willow Gardens which is currently used for additional parking. The gap between the buildings has a length of 20m and a width of 4.5m.
- 1.6 Improvements have been secured to the scheme as follows:
- Altered house types; and
 - An amended layout to move dwellings further from the boundaries of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 09/01429/FUL (Adjacent site, now known as Willow Gardens) - Demolition of bungalow and construction of ten dwellings; Granted 23 September 2009 and now complete. The application site is accessed through this development.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Development Policies DP44 - Very noisy activities
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 observations.

4.2 Highway Authority – No objection subject to conditions. The surfaced access between the two existing dwellings varies in width between 4.2 and 4.5 metres wide. This is sufficiently wide enough to allow two cars to pass. It is not intended to adopt the access and so it will remain private, however, it is acceptable to have a reduced carriageway width of 2.75 metres in an adoptable road layout.

The existing and proposed dwellings have at least two off-street parking spaces each so meet the requirements of the Local Highway Authority's parking standards.

Whilst there is a low wall on the frontage of the two existing dwellings, there is sufficient visibility available for all users.

4.3 Environmental Health Officer – No objection; there will be no significant impact on the local amenity.

4.4 Public comments – two objections have been received from residents of Willow Gardens and Lowlands Drive, whose concerns are summarised as follows:

- Congestion on Willow Gardens due to an increase in traffic from the development;
- Increased risk of collision with vehicles, due to an existing blind spot, and for gas and electricity services to be struck by traffic;
- Potential noise issue from vehicles passing by a gable wall shared by major living spaces; and
- Recommends use of traffic calming measures, protective shielding around the gas and electric services and/or reflective paint used to increase visual awareness to drivers.
- Land is still the subject of planning permission for twin stable block and stores which planning authority have not enforced.
- Land is still in green belt and no decision has been made to incorporate it into future plan as essential building land.
- The Village Boundary is mapped as the Eastern boundaries of the existing properties in Willow Gardens and no agreement has been reached to incorporate the proposed development into the Local Plan.

A comment in support of the proposal has been received from a resident of an adjacent dwelling in Willow Gardens, summarised as follows:

- The development would complete what the builder previously said he intended to do with the land. Speed reduction measures are requested on the access between 2 and 3 Willow Drive.

5.0 OBSERVATIONS

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

Principle

- 5.2 The site lies outside but immediately adjacent to the defined Development Limits of Leeming Bar. The adjacent developments of Willow Gardens and Lowlands Drive both lie within the Development Limits of the village. LDF Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:

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

- 5.5 In the IPG Leeming Bar is identified as a Secondary Village (previously a Service Village in the Core Strategy). It is considered that a Secondary Village has sufficient services and facilities to form a sustainable community and therefore criterion 1 of the IPG would be satisfied and the principle of development is acceptable.

The character of the village and the countryside

- 5.6 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings; however this does not

automatically mean that five dwellings would be appropriate in every settlement. However, given its size, Leeming Bar is considered capable of accommodating a development of five dwellings without harm to the built form and character of the village.

- 5.7 Considering the relationship with the surrounding landscape, the proposal would round off development by infilling between Willow Gardens and Lowlands Drive and would not have a material impact on the character or openness of the countryside. The existing trees help to reduce the opportunity for long range views of the site. It is considered that the development would comply with relevant criteria of the IPG and would not harm the built form of the village or the rural character of the countryside.

Amenity of neighbouring occupiers

- 5.8 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The orientation of the units, the proposed planting and distances from existing neighbours to the west and south would ensure that there would be no adverse impact on neighbouring amenity as a result of loss of privacy or daylight. There would be adequate separation distances between the dwellings proposed within the application site to satisfy the requirements of LDF Policy DP1 in those respects.
- 5.9 The use of the existing gap between 2 and 3 Willow Gardens as an access for five dwellings would increase the number of vehicle movements and potentially increase noise and disturbance, particularly to the residents of numbers 2 and 3. The gap is 4.5m wide abuts the garage wall and the boundary fence of the rear garden of number 2 and the side gable wall and the fence of the rear garden of number 3. Whilst the gap between the buildings is relatively narrow and closer to the existing buildings than one might expect for an access in a layout of this form, it is considered unlikely that the noise of vehicles would be heard from within the houses when windows and doors are closed, nor that the frequency of movements would be so great as to have an adverse impact on the residents should they be in their gardens.
- 5.10 The gap is currently an agricultural access and must therefore be used on occasions by agricultural machinery. This and the fact that the access is generally level, such that vehicle engines would not need to work at high speed, should be taken into account. Therefore, while the access is less than ideal, it is not considered that its use by the traffic associated with five dwellings would give rise to sufficient harm to justify refusing permission. The Council's Environmental Health Officer recommends the imposition of a condition to control the hours of construction works to ensure there is limited opportunity for disturbance at unsocial hours.

Highway safety

- 5.11 There is some concern from local residents that the increase in traffic would result in congestion in Willow Gardens. The Highway Authority has no objection and does not consider that the proposed development would adversely affect highway safety. It advises that the width of the access, at approximately 4.5m, would be adequate for two vehicles to pass and would be in accordance with highway standards.

6.0 RECOMMENDATION

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

2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method
3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
4. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. The development shall not be commenced until details relating to the boundary treatment of the development have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the boundary treatment relating to that property has been implemented in accordance with the approved details and thereafter retained.
6. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 8.00am to 6.00pm Monday to Fridays and 8.00am to 1.00pm on Saturdays (these times also apply to vehicles at the site); there should be no working on Sunday or Bank Holidays.
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 "Site Plan as Proposed" drawing PO10A). 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 P010A; P011A; P015A; P101A; P102A; 103A; 105A received by Hambleton District Council on 13 January and 9 and 15 March 2017 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. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
5. To ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies CP16 and DP30.
6. To protect the amenity of local residents in accordance with LDF Policies CP1 and DP1.
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 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 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 Hambleton District Council - Waste and Streetscene.

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: Aiskew
Ward: Bedale
2

Committee date: 30 March 2017
Officer dealing: Mrs H Laws
Target date: 14 April 2017

17/00403/FUL

Alterations and extensions to existing flats and demolition of pizza shop and construction of a detached building to provide 4 flats

At: 5 Northallerton Road, Leeming Bar

For: Mr J Costandi

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site lies in a central position within Leeming Bar close to the roundabout junction of the A684 with Leases Road. The site fronts onto the northern side of the A684 and is currently occupied by a building with land including some car parking to the rear. The site bounds the Wensleydale Railway line to the north; the rear of the terrace of dwellings on Leases Road to the west and the side of the neighbouring semi-detached dwelling at 5 Mattison Close to the east.
- 1.2 The existing building is currently occupied by a pizza takeaway and two, two-bedroom flats. The single storey section to the side of the building would be removed to allow an alteration to the existing access at the side of the building. It is proposed to retain the flats and change the use of the remaining pizza shop space to incorporate it into the existing ground floor flat. It is also proposed to alter and extend the building by adding pitched roofs to the existing flat roofed sections at the rear.
- 1.3 The land to the rear of the building is currently used for parking in association with the pizza shop and the flats. It is proposed to construct a building towards the rear of the land as an apartment block.
- 1.4 The proposed building would accommodate a total of four, two-bedroom flats; two on the ground floor and two on the first floor. The scheme has been amended from that which was refused planning permission in October 2016, which was for the construction of five flats (the fifth in the roof space served by dormer windows and rooflights).
- 1.5 The proposed ridge height of the building would be 8.65m; the proposed footprint would be 15.6m x 9.5m. The floor area of the flats would be 62.5sqm. (The scheme refused permission last year had an almost identical ridge height and footprint; the floor area of the proposed flats was 61.51sqm).
- 1.6 A shared area of amenity space of almost 180sqm is proposed to the rear of the apartment block to include the storage of bins.
- 1.7 It is proposed to widen the existing access and construct a new road with a turning head. A total of 12 parking spaces are proposed to serve the four new flats and the two existing flats.
- 1.8 The proposed building would be finished in brickwork and concrete interlocking double pantiles

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/89/004/238 - Outline application for a detached bungalow; Refused 4 July 1989.

- 2.2 2/90/004/0238A - Outline application for a detached bungalow; Refused 21 January 1991.
- 2.3 04/02306/FUL - Two semi-detached houses and alteration to shop front; Granted 15 February 2005.
- 2.4 05/02512/FUL - Alterations and extensions to part of the existing shop and store to form a flat; Granted 11 January 2006.
- 2.5 06/01726/FUL - Change of use of shop to hot food takeaway; Granted 9 October 2006.
- 2.6 06/01811/FUL - Construction of three dwellings; Granted 6 November 2006.
- 2.7 07/01389/FUL - Single storey extension to hot food takeaway; Granted 17 July 2007.
- 2.8 16/01531/FUL - Alterations and extensions to existing flats and demolition of pizza shop and construction of a detached building to provide five flats; Refused 11 November 2016 for the following reasons:
1. The proposed development due to its massing, height and form is considered to have a detrimental impact on the character and appearance of the area and the amenity of local residential occupiers. The proposed development is contrary to Core Policy 1 and 17 and Development Policy 1 and 32 of the adopted Hambleton Local Development Framework.
 2. The proposed development will result in the loss of a local service and local employer (hot food takeaway), contrary to Local Development Framework Policy DP17 which seeks to protect sites and premises used for employment purposes unless an exceptional case for the loss of the use can be made. In this case no exceptional case has been put forward.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP12 - Priorities for employment development
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP4 - Access for all
 Development Policies DP8 - Development Limits
 Development Policies DP16 - Specific measures to assist the economy and employment
 Development Policies DP17 - Retention of employment sites
 Development Policies DP32 - General design
 Development Policies DP43 - Flooding and floodplains
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – Comments awaited.
- 4.2 Highway Authority – No objection; conditions recommended.

- 4.3 Yorkshire Water - comments awaited.
- 4.4 Ministry of Defence - no safeguarding objections.
- 4.5 Network Rail - Comments awaited.
- 4.6 Wensleydale Railway – Comments awaited.
- 4.7 Swale & Ure Internal Drainage Board - Comments awaited.
- 4.8 Environmental Health Officer – No objection; considers there would be no negative impact on amenity and no likelihood of nuisance.
- 4.9 Environmental Health Officer (contaminated land) – No objection subject to a condition.
- 4.10 Public comments – None received to date.

5.0 OBSERVATIONS

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

Principle of development

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

Loss of existing business

- 5.3 The proposed development would result in the loss of the pizza shop business. Policy DP17 aims to retain premises that are used for employment purposes and one of the core planning principles of the NPPF is economic development. However, neither the LDF nor the NPPF define employment use, although historically it has comprised Class B Uses, i.e. offices, research and development, light and general industry and storage and distribution. Nevertheless, information provided in the application confirms that the pizza shop generally provides employment for two full time staff and four part time staff.
- 5.4 One of the criteria of Policy DP17 would allow an alternative to an employment use if it would result in a substantial benefit, for example, removing a use which creates residential amenity problems such as noise or odours. In this case the only complaint received by the Council's Environmental Health Service related to the bins and this was not upheld. Therefore, while hot food takeaways can be harmful to residential amenity, there is no evidence to suggest that has been the case with this business.
- 5.5 The loss of the business was a reason for the refusal of the previous application so this issue must be considered carefully. The supporting statement says the premises forms part of a chain with other shops located in Northallerton and Thirsk. Apart from the shop managers, most staff move between the three shops depending upon holiday and sickness cover, vacant posts and general pressures on the business.

The statement indicates that there is also a staffing shortage within the business, which at times makes it difficult to run all three shops. In the short term it is planned to redeploy all six members of staff associated with this shop within two other shops, with no redundancies. The statement adds that it is hoped to re-open a takeaway in the village in the longer term but on a site with a safer access. There is no evidence to contradict this and therefore it is considered, in light of the additional information submitted with this application, that a refusal of permission on the basis of a loss of employment could not be sustained. Additionally, weight should be given to the benefit of the proposals in terms of the provision of small scale housing in this locality.

Form, design and impact on character

- 5.6 The proposed building would be set behind the frontage of Northallerton Road and would therefore be a form of backland development. The building would be in line with the existing dwelling at Mattison Close, which forms part of a separate cul de sac development, and would lie at right angles to the dwellings on Leases Road. It is considered that the relationship to either side would not be incongruous or out of keeping with the general pattern of development in the village.
- 5.7 The building would be similar in height to its neighbour at Mattison Close although it would be a bulkier structure with a greater depth. The proposed building would have a hipped roof, which is a feature common in this locality, and a brickwork finish is proposed, which is a traditional material and appropriate for Leeming Bar. It is considered that the proposed development is therefore in accordance with LDF Policies CP17 and DP32.
- 5.8 The removal of part of the pizza building would increase the openness of the site in views from Northallerton Road but would not detract from the surroundings. It is suggested that the alterations would lead to an improvement in the site's appearance with the opportunity to provide an element of landscaping adjacent to the access to soften the currently harsh impact of the hard surfaces in the immediate vicinity.
- 5.9 The proposed alterations to the building include the construction of pitched roofs in place of flat roofs at the rear of the building. The proposed roofs would have a low pitch, set below the ridge of the existing building. The additional height of the roofs would be minimal in order to protect the appearance of the building and amenity but would provide a subtle improvement to its design.
- 5.10 The proposed removal of part of the existing building at the frontage of the site would open up the street scene in this part of the village, which would reduce the existing sense of enclosure along this part of Northallerton Road experienced as a result of the tall brick buildings on the southern side of the road.

Impact on residential amenity

- 5.11 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The rear gardens of the dwellings on Leases Road are relatively long; the distance from the rear wall of the main part of those houses to the boundary of the application site being approximately 15m. The proposed building would lie approximately 1 metre beyond the boundary. This therefore would result in a distance of 16m from the rear wall of the houses to the side wall of the proposed building. In this case the distance between the principal elevation of the neighbouring houses and the side elevation of the proposed development is considered to be sufficient to ensure no significant impact on daylight within the neighbouring property (an analysis based on the Building Research

Establishment's guidance "Site Layout Planning for Daylight & Sunlight" has been submitted by the agent).

- 5.12 The proposed building would lie only 1m from the boundary with the adjacent dwellings at numbers 14 and 16 Leases Road, thereby increasing the sense of enclosure currently experienced by the existing occupants. The side wall would lie at a distance of 16m from the rear wall of the existing dwellings, which is considered to be an adequate distance to prevent harm to amenity contrary to LDF Policy DP1. Submitted information demonstrates that the building would not adversely affect sunlight and daylight and would not therefore have an unacceptably impact on residential amenity in that regard.
- 5.13 The removal of the dormer windows from the proposed scheme, an amendment made following the refusal of the previous application, would reduce the perception of bulk experienced by the neighbouring residents.
- 5.14 Following the changes made since the previous scheme was refused, it is considered that there would be no unacceptably dominant and overbearing impact on local residents as a result of the proposed development. Further, it is not considered that the effect on daylight and sense of enclosure resulting from the proposed development would cause significant harm to residential amenity. On balance the revised proposal is considered to comply with LDF Policy DP1.

Highway safety

- 5.15 The access is currently of a poor standard and the redevelopment at the site frontage allows it to be widened and thereby made safer. The Highway Authority has no objection subject to recommended conditions.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 3. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
 4. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become

- seriously damaged or diseased, shall be replaced with others of similar size and species.
5. No development shall take place until details of the feasibility of the surface water drainage strategy have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained.
 6. 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.
 7. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
 8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (b) The existing access shall be improved with 6 metre radius kerbs, to give a minimum carriageway width of 4.5 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E7; and (e) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway.
 9. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 106:15/02 Rev. H). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
 11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until a detailed highway management method statement relating to the programme of demolition and

construction works shall be submitted to and approved by the Local Planning Authority. The statement shall include arrangements for the following: Protection of carriageway and footway users at all times during demolition; erection of hoardings, security fencing and scaffolding on/over the footway and carriageway; removal of materials from the site; delivery of materials and plant to the site; loading / unloading of materials and plant; storage of materials and plant; parking of contractors vehicles; likely timescales. The approved details shall be adhered to for the full duration of the site clearance and construction works. No materials associated with on-site construction works shall be stored on the public highway.

12. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 106:15/01B; 02G and 03E received by Hambleton District Council on 1 July and 13 October 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies.
5. To prevent pollution to the water environment in accordance with LDF Policies CP21 and DP43.
6. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.
7. In accordance with LDF Policies CP2 and DP4 and the interests of highway safety.
8. 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.
9. 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.
10. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
11. To prevent building operations from obstructing the public highway to the detriment of the free flow of vehicular traffic in accordance with LDF Policies CP2 and DP4.
12. 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 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 Waste and Street Scene 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.

Parish: Gatenby

Ward: Bedale

3

Committee Date: 30 March 2017

Officer dealing: Mrs H Laws

Target Date: 7 April 2017

16/02434/OUT

Outline application with details of access (all other matters reserved) for the construction of a dwelling and a detached garage at The Stables, Gatenby for Mrs Sarah Michael

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site lies centrally within the village of Gatenby, on the western side of the village street. The land is currently used for grazing and covers an area of approximately 0.1ha with access from a shared driveway serving The Granary and The Stables.
- 1.2 The site is bounded by a timber post and rail fence and, additionally by hedgerows to the front and side (east and south).
- 1.3 The application is in outline with all matters reserved except for access. It is proposed to construct a detached dwelling with a detached double garage on the site, with access from the existing shared driveway.
- 1.4 The Ward Member has requested that this application be determined by Planning Committee.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 None.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

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

4.0 CONSULTATIONS

- 4.1 Parish Meeting – No comment. (There is no Parish Council in Gatenby; the Parish Meeting is currently inactive.)

- 4.2 Highway Authority - No objection subject to conditions.
- 4.3 Swale & Ure Internal Drainage Board - The application states both foul effluent and SW drainage to soakaway but has provided no evidence that these systems will be effective. Please condition submission to and approval by the LPA of drainage details demonstrating feasibility and that the 2 systems will act independently.
- 4.4 Environmental Health Officer - The application site is sited less than 10 metres away from a barn which is not in the ownership or control of the applicant. A more intensive agricultural use of the barn could be undertaken which could cause an adverse effect on the residential amenity of the occupants. I would, therefore, recommend refusal of the application. No objection on contaminated land grounds.
- 4.5 Public comment - One objection as follows:
- The land is not designated as residential; it is currently used as a paddock/play area but is arable/farmland by definition;
 - The property would restrict the open view of The Granary in the southerly direction - this is a major element of the design of the property, with unrestricted views being the intention of the barn window. Any restriction would devalue the property;
 - Gatenby is a hamlet, not a village, with limited amenities. The opening of previous restrictions on the number of dwellings would change the character and nature of the village and would potentially lead to other planning applications;
 - The Stables/The Granary currently mark the start of the village, beyond the farms. The proposed property would extend the village outside its current residential boundaries, again, changing the character and nature of the village; and
 - Skilbeck House and The Granary currently have right of way over the proposed entry to the new property. A further right of way would change the basis on which these properties were purchased and is not acceptable.

5.0 OBSERVATIONS

- 5.1 The issues to be considered include (i) the principle of development; (ii) the impact on the character of the area; (iii) the relationship to neighbouring properties; and (iv) highway matters.

Principle of Development

- 5.2 In policy principle terms, Gatenby has no Development Limits but the village is defined within the updated settlement hierarchy as an Other Settlement. Policy CP4 sets out the exceptions whereby development outside settlement boundaries will be supported. In this case none of those exceptions has been put forward by the applicant to justify the proposed development and the proposal represents a departure from the Development Plan.
- 5.3 The National Planning Policy Framework (NPPF) published in March 2012, post-dates the Development Plan. Paragraph 55 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".
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Guidance Note (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.

5.5 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."

5.6 Gatenby is defined as an Other Settlement in the revised 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 guidance introduces the concept of clustering whereby settlements within approximately 2km of one another can form a sustainable cluster, offering support to services within that wider community. Gatenby has no facilities and it is located 4km and 5km respectively from facilities in Burneston and Leeming. Burneston has a primary school, a pub, and a post office; Leeming has a primary school, a pub and a village hall. The IPG advises that development in villages with no or few services or without convenient access to services in a nearby settlement within approximately 2km will not be considered sustainable.

5.7 The village is some distance from amenities and facilities in other villages that would enable the proposal to be sustainable and as such cannot benefit from support under the guidance.

5.8 It has been suggested that development in Gatenby may benefit from access to services and facilities at RAF Leeming, although the base does not meet the Development Plan or IPG definition of a settlement. Information has been sought on the nature of services and facilities at RAF Leeming and the base's policy on general public access to them and any information received will be reported to the meeting.

Impact on the character of the area

5.9 Development should also be considered in relation to the second criteria (i.e. development being small scale). Gatenby is a small settlement of only seven dwellings; therefore one additional dwelling represents a significant increase.

5.10 The IPG states that small scale development adjacent to the main built form of such settlements "will be supported where it results in incremental and organic growth". Gatenby is characterised by a variety of styles and types of mostly detached dwelling - some traditional, some modern new-build, some conversions. The construction of a

dwelling on the frontage of the village street would relate well to the generally linear form of the village.

- 5.11 Although not previously developed, the site is part of the village rather than the surrounding countryside and its development would not therefore affect the rural character of the landscape.
- 5.12 It is considered that the construction of a dwelling on this site would not detract from the character and appearance of the village or the surrounding countryside.

Residential amenity

- 5.13 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The view of the neighbouring property at The Granary is southwards towards the application site and therefore a dwelling on the application site would be clearly visible but at a distance of more than 30m from the affected windows. This would therefore affect the outlook from the windows but would not result in an increased sense of enclosure or have an overbearing impact or have a significant adverse impact on residential amenity and would not therefore have a detrimental impact contrary to Policy DP1.
- 5.14 There is an agricultural building adjacent to the application site that is not within the control of the applicant. This building is not currently used for an intensive agricultural use but could possibly be used more intensively in the future, for example the housing of livestock, without requiring permission from the Planning Authority. The Council's Environmental Health Officer has expressed some concern regarding the potential for the disturbance to be experienced by future residents. The building mostly comprises a Dutch barn element and therefore would require significant alteration but which may not be subject to planning control depending on the amount of work required, in order to be used more intensively. There is therefore the possibility that the use of this building could become more intense and adversely affect residential amenity of the future occupiers of the proposed dwelling, contrary to Policy DP1.

Highway Matters

- 5.15 The Highway Authority has no objection to the existing access serving an additional dwelling subject to conditions regarding parking and turning within the site.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:
1. Gatenby is a village that is remotely located with no or few services and without convenient access to services in a nearby settlement by alternative modes of transport. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. National guidance states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. In this instance no special circumstances have been demonstrated and the proposal would be isolated from shops and services which are approximately 4km from the application site. The proposal is therefore considered to be contrary to Local Development Framework policies CP1, CP4, CP16, DP9, DP10 and DP30 and the Council's Interim Planning Guidance and in particular, but not exclusively, paragraphs 29, 37 and 55 of the National Planning Policy Framework. It would therefore be an isolated form of unsustainable development.

2. The proximity of the site to an existing agricultural building could give rise to noise, disturbance and odours that would adversely affect the amenity of the future residents of the proposed dwelling, contrary to LDF Policy DP1.

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Parish: Huby
Ward: Huby
4

Committee Date: 30 March 2017
Officer dealing: Mr Tim Wood
Target Date: 3 April 2017

16/02247/FUL

**Development of four dwellings
At Part OS 8471 and 9170, Gracious Street, Huby
For Northminster Ltd.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The application was deferred by Planning Committee on 8 December 2016 for the following issues to be considered:

- Whether it is possible to achieve two passing places on the road frontage;
- The possibility of extending street lighting on Gracious Street;
- The internal parking arrangements;
- The possibility of providing a footway along the road frontage; and
- The provision of a contribution towards affordable housing, taking account of the recent approval of a dwelling on part of the same field.

1.2 The applicant has submitted additional plans and information relating to the parking provision of the site, lighting and the provision of affordable housing and reduced the number of dwellings from five to four. Comment on the submitted details is given in the later part of this report.

1.3 The application site is located on the southern side of Gracious Street, opposite four detached two-storey houses set behind substantial boundary hedging. To the west is a site recently granted planning permission for a single dwelling and, further beyond this, another residential property. To the east of the site is a pumping station. The site forms part of a field which is used for the grazing of horses and slopes down from the road. The northern boundary of the site is formed by hedgerow with some gaps. Behind the hedgerow on the northern boundary is a post and wire fence. The road curves gently.

1.4 The application in its revised form proposes four detached four-bedroom dwellings reduced from five when previously considered by the Committee. All are two storey dwellings with associated parking, turning areas and gardens. The proposal would create two new entrances onto Gracious Street.

1.5 The site is outside the Development Limits which runs along and includes the road of Gracious Street and the verge in front of the site, the boundary line continues to the east to the last property on the northern end (Ryefield). To the west the Development Limits dissect the garden of Ashdale.

1.6 The application is supported by a Design and Access Statement and addendum, Flood Risk Statement, Phase 1 Ecological Assessment, and Landscape Statement.

1.7 The application site is in Flood Zone 1, at the lowest risk of flooding.

2.0 RELEVANT PLANNING HISTORY

2.1 86/0787/FUL (alternative reference: 2/86/070/0101B) - Detached dwellinghouse with double garage; Refused 14 May 1986, appeal dismissed.

2.2 16/02064/FUL – Detached dwellinghouse with associated works (on land adjoining and west of the application site); Granted 14 November 2016.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 27 March 2012
Interim Policy Guidance Note - adopted by Council on 7th April 2015

4.0 CONSULTATIONS

- 4.1 Parish Council – Objects on the grounds that (i) it does not fit well with the characteristic of the settlement; (ii) the existing road is not suitable for two-way traffic; and (iii) it is not in line with the emerging local plan.
- 4.2 Highway Authority – No objection. Concern must be expressed that Gracious Street is narrow with no formal passing places. As a result passing takes place on highway verges or using private accesses. There is an opportunity to provide a formal passing place on the site's frontage as part of this application. Conditions are recommended.
- 4.3 Yorkshire Wildlife Trust – No objection; recommends that the enhancements on pages 11-13 of the submitted ecological assessment are conditioned to reduce loss of biodiversity. In particular there will be opportunities for grassland and hedgerow enhancement and future management for wildlife. Hedgerows are a Biodiversity Action Plan habitat for Hambleton.
- 4.4 Environmental Health Officer (contaminated land) - No objection subject to a condition.
- 4.5 Yorkshire Water – No objection but notes that a sewage pumping station (SPS) and associated rising main are located near to the site. Vehicular access, including with large tankers, could be required at any time. The proximity of the SPS to the site may mean a loss of amenity for future residents. In order to minimise the risk of this, industry standards recommend that habitable buildings are not located within 15m of the SPS. The erection of suitable screening to reduce the visible impact of the SPS is advised.

- 4.6 Ministry of Defence – No safeguarding concerns.
- 4.7 Public comment - Objections have been received from 17 local residents. The issues raised are:
- Concerns about the precedent being set for more development;
 - The site is not a Preferred Option for development in the new Local Plan
 - Combined with the planning permission 16/02064/FUL would mean a development of 6 new houses which would have a significant impact on the surrounding area;
 - The land is Green Belt;
 - The site is not designated in the Community Neighbourhood Plan;
 - Drainage - the field is wet and low lying;
 - The parking on Gracious Street is not adequate at the moment and the cottages all use the verge opposite for parking;
 - Gracious Street is narrow, without turning places, and cannot cope with additional traffic;
 - Impact on wildlife and loss of hedges;
 - Loss of view of a beautiful pasture with grazing horses and wildlife;
 - Development is of such a scale that it won't fit in with the existing houses and would detract from the rural and traditional character of the Street;
 - Detrimental effect on the value of the properties;
 - (There is no) need for the dwellings – development would increase overpriced properties not affordable properties; and
 - Comments on the accuracy of the documents submitted.

5.0 OBSERVATIONS

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

Principle

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

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

- 5.3 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. The land is not Green Belt.

- 5.4 The Council's Interim Planning Guidance (IPG) notes that small scale development adjacent to the main built form of settlements (excluding Service Centres) will be supported where it meets the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 The development is considered small scale for Huby and the site is in close proximity to Development Limits and therefore has a good relationship to the village. Huby is designated a Service Village in the 2014 Settlement Hierarchy and therefore there are no concerns raised with regard to the sustainability of the location. The continuation of the built form proposed in the application would mirror the dwellings opposite.
- 5.6 The application in paragraph 2.1 was determined under a policy framework which has since been superseded. Whilst the concerns over precedent are noted, each case must be considered on its merits and be considered against the planning policy framework at the time.
- 5.7 Other than the planning permission for a single dwelling on the adjacent land there have been no other planning permissions for housing under the Interim Policy Guidance in Huby. Considering the size of the village and the facilities available, as a Service Village, it is not considered that the cumulative development of five dwellings would significantly affect the character of Huby.
- 5.8 The emerging Neighbourhood Plan is noted; however it has not progressed far enough to carry weight in decision making yet and for similar reasons neither can the Preferred Options of the new Local Plan carry weight at present.
- 5.9 Overall it is considered that the proposal meets the first two criteria of the IPG.

Character of the area

- 5.10 Gracious Street includes a variety of house types and ages, principally of two storey and traditional design, and has a village character. The buildings on the northern side of the street extend further east than those on the southern side.
- 5.11 At the eastern end of the field is a pumping station which, with an appropriate buffer from the proposed development (at least 15m is required by Yorkshire Water), could form an appropriate end stop to the southern side of Gracious Street. Development on the northern side of the road continues beyond the pumping station.

- 5.12 The proposal would include four detached dwellings. The proposed design follows the gentle curve in the road. In the revised form the scheme is for four-bedroom dwellings and therefore does not achieve the mix of size of dwellings previously proposed (the scheme had previously included two three-bedroom semi-detached dwellings) however the scheme would not be out of place on Gracious Street.
- 5.13 The proposal would follow the built form of the road and would echo many of the design features of the local area, for example the front elevation window lintels and porch detail. A more contemporary rear elevation with bi-folding doors and garden rooms is proposed. The provision of new hedges to the boundaries is considered to be in keeping with the area and the maintenance of the hedge to the northern boundary would help soften the impact of the proposed development.
- 5.14 The consideration of the Preferred Options is noted and whilst this carries very limited weight it should be noted that the proposal that did not receive the Council's support related to development of the whole field. It was felt that development to the rear of the field would be out of keeping with the built form and character of the village, which is generally formed by a frontage development. This conclusion on a more comprehensive proposal does not rule out appropriate frontage development under current policies and guidance.
- 5.15 The proposal is therefore considered to be in keeping with the character of the area.

Residential amenity

- 5.16 The proposal is separated from other properties and set off from the boundaries and is of sufficient distance from other properties to not result in harm to their occupiers by way of loss of light, overlooking or loss of privacy. Whilst the comments on loss of views are noted, that is not a material planning consideration. The position of plot 4 is about 15 metres west of the Sewage Pumping Station (SPS) and the noise and other issues relating to the operation of the SPS is not anticipated to result in a loss of amenity to the residents of the proposed dwellings.
- 5.17 Overall it is considered that the proposal would not result in a significant detrimental impact on residential amenity.

Wildlife

- 5.18 The comments of Yorkshire Wildlife Trust are noted, alongside the concerns of residents. The submitted Ecological Assessment states the site consists predominantly of horse-grazed pasture (improved grassland), with unmanaged boundaries (hedgerows) and a defunct pond with associated dry ditch. The pasture is stated to be of negligible value to wildlife, whilst the dry pond and dry ditch's value to wildlife is compromised by the lack of water. However, retention of these features should be considered as they do provide potential shelter and habitat linkages to the wider landscape for wildlife.
- 5.19 Hedgerows form a vital function in providing ecological connectivity across the wider landscape and as such it is recommended that they are retained and managed in any development of the site. Hedgerows should ideally be cut once every two years in order to stimulate a bushy growth and provide food and cover for wildlife. Tall ruderal and scrub species should also be encouraged to provide habitat diversity within hedgerows; these are beneficial to pollinating insects as well as providing shelter and nesting opportunities for birds. Tall ruderals can include patches of nettles and thistles, whilst brambles form patches of scrub relatively quickly.

- 5.20 The supporting Ecological Assessment makes a series of recommendations relating to further survey work and species that should be encouraged to provide habitat diversity within hedgerows to be beneficial to pollinating insects as well as providing shelter and nesting opportunities for birds and roosting opportunities for bats.
- 5.21 Therefore the proposal is considered to have taken adequate account of relevant ecological issues and would include a positive contribution through the provision of new hedgerow planting with potential enhancements through the bird boxes also recommended by the ecological assessment, which can be secured by condition.

Highways

- 5.22 The comments of neighbouring residents have been carefully considered and it is noted that the grass verge on some parts of Gracious Street is used informally for parking provision. The conditions recommended by the Highway Authority would overcome concerns raised and the creation of two new accesses and an appropriate passing place would enhance the highway situation. The Highway Authority advises that additional passing places are not needed to make the development acceptable.
- 5.23 The proposal includes parking provision within the site for future residents and their visitors. Checks have been made by the Highway Authority to ensure that the parking arrangements are workable and adjustments have been made by the agent to increase the turning and parking space within the plots. There would be no substantive change to the character of the highway.
- 5.24 Street lighting already extends along Gracious Street to a point east of the application site; consequently there is no need to alter the existing lighting scheme.
- 5.25 The nearest footway to the site is on the main village street. The footways do not extend on to Gracious Street. There is no evidence that the lack of footways has presented a significant limitation on pedestrian access to property on Gracious Street. Whilst the provision of a footway link from the site to the existing network in the village would enhance pedestrian access, the Highway Authority has not identified a need for one and it is not considered necessary to make the development of four dwellings acceptable in planning terms and would not meet the tests for a planning condition.
- 5.26 Whilst there would be an increase in traffic as a result of the development, there is no highway safety evidence to justify a reason for refusal. It is considered that the limited degree of congestion that may arise would not harm the amenity of residents to an extent that would justify refusal of the application.

Drainage

- 5.27 The comments of the local residents have been noted and considered. The site is located in Flood Zone 1, which is at the lowest risk of flooding. It is considered that there is a drainage solution available which would not cause harm or cause flooding to existing or future residents. The applicant clarifies in their submission that, subject to input from Yorkshire Water, the assumed foul water disposal strategy will be gravity disposal to the pumping station then into the existing rising main up Gracious Street to a gravity transfer near Ashdale. A connection application would need to be made to Yorkshire Water in order to realise this.

Affordable housing

- 5.28 Planning application 16/02064/FUL was submitted by a different applicant some four weeks before this application and was granted for a self-build house. The applicant

has submitted details of an option agreement relating to the current application site, which pre-dates the May 2016 Court of Appeal decision that upheld the Ministerial Statement of November 2014. The option was therefore entered into at a time when the Ministerial Statement had been ruled unlawful by the High Court and when the Development Plan policy position applied, i.e. to require affordable housing contributions from all residential developments of two or more dwellings in rural areas. The Council has not seen an option agreement for the single dwelling site.

- 5.29 The Council had adopted the six-dwelling threshold for affordable housing contributions allowed for by the Ministerial Statement on 21 July 2015, ten days before the High Court decision was published and seven months before the option agreement for this site. Whilst the status of national policy on affordable housing on small sites may have been unclear at the time of the option agreement, it is reasonable to assume that a well-advised vendor or purchaser would have been aware that affordable housing would be a planning consideration.
- 5.30 The applicant has acknowledged that a requirement for an affordable housing contribution would be triggered by a sixth unit and has considered the commuted sum that would be sought by the Council (estimated to be £74,018). The applicant has decided to address the policy requirement by reducing the number of dwellings to below the threshold for provision. The amendment to four dwellings addresses the policy requirement and is found to be acceptable.

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 4053-(05)10, 4053-(05) 11, 4053-(05) 12 and 4053-(05) 13 received by Hambleton District Council on 6 March 2017 unless otherwise approved in writing by the Local Planning Authority.
 3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. Prior to the commencement of development details of surface and foul water drainage shall be submitted to and agreed in writing by the Local Planning Authority.
 5. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
 6. No site clearance, removal of hedgerows or other development that involves work to the site shall commence unless a bat emergence survey, assessment of Pond 1 (located at SE 568657); and Ponds 2 & 3 (both at SE 567656) for Great Crested

Newts and a walkover survey to ensure that badgers have not occupied any habitat prior to development at the site has been undertaken, survey report submitted and the mitigation measures submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented prior to the commencement of the demolition or other development that involves work to the structures. Thereafter the mitigation measures shall be retained in accordance with the approved scheme.

7. Prior to their installation details of bat and bird boxes shall be submitted to and agreed in writing by the Local Planning Authority. The proposed bird boxes shall include as a minimum 4 x open-fronted nest boxes, two should be sited low down below 2 metres and hidden in vegetation, with 2 positioned higher up (2 to 4 metres), sheltered by vegetation with a more open outlook. Nest boxes suited to hole-nesting species should also be provided with 2 having 25mm holes for smaller tit species; 2 with 28mm holes for larger tit species; 2 with 32mm holes for tree sparrows and 2 with 45mm holes for starlings. 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 access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
10. The proposed garage and parking areas shall be laid out in a permeable material in accordance with plan reference 4053(05)12. 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. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until the details for the provision of a passing place on the site's frontage on Gracious Street have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a programme for the completion of the proposed works which shall be made available for use prior to the first occupation of the development. The development shall be carried out in accordance with the agreed details.
12. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 33 metres measured along both channel lines of the major road from a point measured 2.0 metres down the centre line of each of the accesses. 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.

The reasons are:

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

Parish: Kirkby
Ward: Stokesley
5

Committee date: 30 March 2017
Officer dealing: Mr K Ayrton
Target date: 3 April 2017

16/02525/MRC

Variation of condition 2 of planning permission 15/02246/FUL - Demolition of buildings, construction of 5 dwellings with associated access, garaging and parking and private amenity space and change of use of part of the land from agricultural to domestic, change of use of part of the site from agricultural to allotments, change of use of part of the site from agricultural to recreational keeping and grazing of horses and construction of one stable building

**At Land and buildings at rear of Kirkby House Farm, Hill Road, Kirkby in Cleveland
For Mr & Mrs Rowland and Jane Holmes-Smith**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies behind frontage properties on the east side of Hill Road, approximately 70m south of the village crossroads. The site is accessed by a concrete road, approximately 5m wide, between the gable ends of Kirkby House Farm (dwelling) and Heather House. The site lies just outside the south east extent of the Kirkby in Cleveland Conservation Area.
- 1.2 The site includes a farm yard which includes 3 large agricultural sheds, a timber single storey building, and a pair of brick stable buildings. Agricultural use appears to have ceased. To the east of the farm yard, the wider site includes agricultural land extending to a beck. The total site area is stated to be 2.07ha, of which the farmyard is 0.46ha. The surroundings include residential property fronting Hill Road and Kirkby Road. A public right of way runs through the site from an access point on the south side of the existing farm buildings.
- 1.3 The site lies outside, but in part adjacent to the Conservation Area.
- 1.4 The application seeks to vary the drawings relating to a planning permission granted in August 2016 for:
- Demolition of buildings;
 - Construction of 5 dwellings with associated access, garaging and parking and private amenity space;
 - Change of use of part of the land from agricultural to domestic;
 - Change of use of part of the site from agricultural to allotments;
 - Change of use of part of the site from agricultural to recreational keeping and grazing of horses; and
 - Construction of one stable building.
- 1.5 Since planning permission was granted the applicant has received interest in some of the plots from self-builders. As a result, individuals have each identified their own requirements, which have resulted in amendments to the approved scheme, primarily in the design of the five dwellings. This application has been made to secure these amendments to the original permission.
- 1.6 The applicant has submitted amended plans during the consideration of the application in an attempt to address comments made by the public and Parish Council.

- 1.7 The most up to date package of amendments includes:
- Plot 1 - Internal layout revised, with consequent minor increase in overall floor area;
 - Plot 2 - Minor amendments to existing design proposals;
 - Plot 3 - Design revised, retaining general form and character of original scheme but with consequent decrease in overall floor area. This element was amended during the consideration of the application, which is now closer to the originally approved elevation with a simpler form and rationalised fenestration;
 - Plot 4 - Internal layout revised to achieve through living room with southern aspect resulting in slight increase in floor area;
 - Plot 5 - Internal layout revised to increase living space and provide access to front door via porch, rather than through carport, resulting in slight increase in floor area;
 - Boundary between the site and an adjacent paddock to the north has been rationalised, following agreement to land swap with owners of Otter's Hill, with consequent reduction of 27sqm in overall area of land accommodating residential development; and
 - Additional allotment included for use by prospective resident, together with formation of access track, resulting in increase of 240sqm in area of allotment land and consequent reduction in area of a paddock to the south.
- 1.8 The applicant has submitted an extensive amount of information in support of the proposed amendments and clearly set out all the proposed changes in a detailed supporting schedule.

1.9 This application is referred to Planning Committee at the request of Councillor Wake.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 10/00095/FUL - Construction of six holiday cottages and change of use of agricultural land to garden; Withdrawn 10 May 2010.
- 2.2 10/02927/FUL - Revised application for the construction of six holiday cottages and change of use of agricultural land to domestic garden; Refused 4 February 2011, Appeal dismissed 28 June 2011.
- 2.3 15/02246/FUL - Demolition of buildings, construction of 5 dwellings with associated access, garaging and parking and private amenity space and change of use of part of the land from agricultural to domestic, change of use of part of the site from agricultural to allotments, change of use of part of the site from agricultural to recreational keeping and grazing of horses and construction of one stable building; Granted 19 August 2016.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 – Access
 Development Policies DP3 – Site Accessibility
 Development Policies DP1 - Protecting amenity
 Core Strategy Policy CP4 - Settlement hierarchy
 Development Policies DP9 – Development outside Development Limits
 Core Strategy Policy CP9 - Affordable housing

Development Policies DP15 - Promoting and maintaining affordable housing
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Development Policies DP28 – Conservation
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Core Strategy Policy CP17 - Promoting high quality design
 Development Policies DP32 - General design
 Core Strategy Policy CP19 - Recreational facilities and amenity open space
 Development Policies DP39 - Recreational links
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP43 - Flooding and floodplains
 Interim Guidance Note - adopted by Council on 7th April 2015
 National Planning Policy Framework (NPPF)

4.0 CONSULTATIONS

4.1 Parish Council – The Parish Council has made comments in relation to the plans as originally submitted and the subsequent amendments. The Parish Council has concerns over the proposed access arrangements to the allotments and southern stable building. Their preference would be for the access to pass round the edge of the allotments.

The original comments from the Parish Council also made comments in respect of the design moving away from the original permission. However, these have been largely addressed by the amended plans submitted during the consideration of the application.

4.2 Historic England – The application should be determined in accordance with the national and local policy guidance.

4.3 Environmental Health – No objections

4.4 Northumbrian Water – No comments to make.

4.5 Contaminated Land – No objection subject to condition requiring an assessment and any subsequent mitigation measures to be implemented.

4.6 Highways – No objections.

4.7 Public comments – 8 letters of objection have been received making the comments set out below. More letters have been received during the consideration of the application. However, several of these have been superseded during the consideration of the application.

- Some of the comments in the supporting statement are not accurate;
- The development, including the increased size of the allotments, will have an impact on an open view;
- The access track for the allotments is not necessary;
- The changes to the elevational treatments will result in a loss of privacy;
- The development will result in light pollution;
- The proposal for allotment boundary divisions further dilutes the concept of a traditional village and rural characteristic and weakens the notion of the development as a “traditional farmyard”;
- Objection to the large number of gates proposed; and
- The development would be much higher than the existing and surrounding development.

4.8 Three letters of support making the following comments:

- The changes have little bearing on the overall project;
- This is likely to be the most sympathetic development of the old Kirkby Farm site;
- Five reasonably-sized dwellings arranged in a "Farmhouse and Farm buildings" pattern would seem to be an appropriate design for the site and the few changes in design requested by prospective purchasers do not seem big enough to alter the original decision of the Planning Committee; and
- It is important to protect existing rights of way.

5.0 OBSERVATIONS

5.1 The principle of development has already been established and is not the subject of this application. The original decision also addressed matters in respect of highways, ecology and affordable housing.

5.2 The main issues to consider in this application are (i) the impact of the changes on the character and design of the proposed development; and (ii) the impact on the residential amenity of nearby occupiers.

5.3 The amendments include the creation of a garden room for plot 2 (Barn 1), which is linked to the garage building. The Parish Council has queried the potential use of this and whether it could be used as a dwelling in the future. The applicant has explained that the future intention is for this to serve a natural swimming pond, although this is not yet definite and would be the subject of a future planning application. The scale of the structure and its relationship with the host dwelling removes concern that it could be used as a separate dwelling, which in any event would require planning permission in its own right.

Character and Design

5.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Kirkby Conservation Area. In this instance, the site adjoins the Conservation Area, therefore the impact on the setting of the Conservation Area needs to be considered.

5.5 The changes made to the application do not make significant alterations to the layout or scale of development. It is still based on a semi-enclosed group of buildings based on traditional forms which will maintain the character of the village and is considered to respond positively to its setting and will preserve the character and appearance of the Conservation Area.

5.6 Policy DP32 requires that the design of all developments must be of the highest quality. In determining the previous application, it was concluded that the proposed dwellings made a successful attempt to suggest a hierarchy of dwellings that might arise from the development of barns and ancillary buildings around a farm house, providing a pleasing variety of unique designs.

5.7 There are several changes proposed as part of the application, which relate to all five dwellings and associated works (e.g. allotments). Once these have been individually broken down, it is apparent that the changes proposed are relatively minor. However, there is a benefit in receiving them as part of a single application as it has retained a degree of control over the overall character and design of the site.

5.8 The changes proposed to all five dwellings are considered to be acceptable and would continue to deliver a high quality development. It is noted that the comments

from the public and Parish Council have raised particular concerns with plot 3 (Barn 2). This dwelling has been the subject of the most amendments, most notably the removal of the wing extending east from the main part of the building and the increased fenestration on the eastern elevation. The applicant responded to the concerns raised during the consideration of the application, which has resulted in a more rationalised treatment of the fenestration. The proposed design is consistent with the overall character of development and is considered to be acceptable.

- 5.9 The amendments include an additional allotment for use by a prospective resident, together with the formation of an internal access track. There is no objection to the additional land used for the allotment. Comments from the public have raised concern over the access arrangements. However the design of the track is of a suitable width for the purpose it serves and will fit in with the overall mix of hard and soft landscaping.
- 5.10 The above assessment leads to the conclusion that the proposed design remains of a high quality that responds positively to its setting and preserves the character of the adjoining Conservation Area.

Neighbour Amenity

- 5.11 The layout is consistent with that previously approved, where it was concluded that the proposal would not result in an unacceptable loss of privacy for the occupants of neighbouring properties. The separation distances between the proposed dwellings and properties to the west and north (Kirkby Lane) of the site ensure that the scheme would not result in a detrimental level of overlooking.
- 5.12 Whilst the track to the allotments would undoubtedly be used by vehicles, it is considered that this would be on a very limited basis and therefore would not be to the detriment of the amenity of nearby occupants.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of the original permission (15/02246/FUL), which was approved on the 19/08/2016.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 01 Rev F; 02 Rev D; 04 Rev G; 05 Rev F; 06 Rev B; 07/1 Rev B; 07/02 Rev B; 08 Rev B; 09 Rev B; 10 Rev C; 11 Rev D; 12 Rev B; 13 Rev B; 14 Rev D; 15 Rev D; 16 Rev C; 17 Rev D; 18 Rev B; 20 Rev A; 21 Rev D; received by Hambleton District Council on 13/03/2017 unless otherwise approved in writing by the Local Planning Authority.
 3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.

5. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 4 above.
6. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
7. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
8. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
9. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
10. No development shall take place until the Public Right of Way diversion has been confirmed.
11. Unless otherwise approved in writing by the Local Planning Authority, the allotment gardens hereby approved shall be used solely for recreational gardening ancillary to the domestic occupation of Kirkby House Farm and/or residents of the dwellings hereby approved and not for any other public or private use.
12. The stable hereby approved shall be used only for stabling and equestrian related storage in association with the domestic occupation of a single dwelling and not for any other business or recreational activity.
13. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' there shall be no structures or fencing of any sort erected on the land without the consent in writing of the Local Planning Authority.
14. There shall be no burning of manure on site and no storage of manure except in accordance with a scheme previously approved in writing by the Local Planning Authority.
15. No bins shall be stored on the collection point hereby approved except on the relevant collection day and the day preceding.
16. 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.

17. 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. Build out and alterations to the give way line and other lining in the vicinity of the Hill Road/Kirkby Lane junction; (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 in writing by the Local Planning Authority in consultation with the Local Highway Authority.
18. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 05 Rev F. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
19. 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.
20. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: a. the parking of vehicles of site operatives and visitors; b. loading and unloading of plant and materials; c. storage of plant and materials used in constructing the development; d. wheel washing facilities; e. measures to control the emission of dust and dirt during construction; and f construction access to the site.
21. The houses hereby approved shall not be occupied unless there has been implemented compensatory measures to ensure the conservation status of the local bat population in accordance with the scheme set out in Reasoned risk assessment for bats and barn owls dated September 2015 by Barrett Environmental Ltd received by Hambleton District Council 7 October 2015 as part of application ref: 15/02246/FUL.
22. Before the last house hereby approved is brought into use, the temporary haul road and access hereby approved shall be removed and permanently closed-off, the hedge re-instated, the grass verge made good and the highway made good in accordance with details that shall first have been approved in writing by the Local

Planning Authority. After such closure, no new access shall be created without the prior approval of the Local Planning Authority.

23. 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 temporary access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (a) The temporary construction access shall be located on Hill Road with its centre 18 metres to the south of the boundary with the property known as Meadowfields. It shall be constructed as shown on the submitted drawing reference "Proposed Temporary Construction Access from Hill Road-Revision D" and in accordance with Standard Detail number E7 (concrete or tarmac); and (b) Any gates or barriers shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway.
24. 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.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
6. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
8. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP32.
9. To ensure that the development is appropriate to the amenities of the surroundings in accordance with Local Development Framework Policy CP1 and DP1.
10. To ensure that the reasonable enjoyment of the use of the public right of way which crosses the land of the application site is not harmed by commencement of development in accordance with the Local Development Framework Policies CP19 and DP39.

11. To enable the local planning authority to assess the impact of any alternative use, in accordance with the policies of the local plan.
12. In order that the Council can assess the impact of any alternative use, in accordance with the policies of the Local Plan.
13. In the interests of the open character of the countryside, and the amenities of neighbouring occupiers in accordance with Local Development Framework Policy CP16, DP 30, CP1 and DP1.
14. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1 and DP1.
15. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1 and DP1.
16. In accordance with policy CP2 and DP4 and in the interests of highway safety.
17. In accordance with policy CP2 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
18. In accordance with policy CP2 and DP4 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
19. In accordance with policy CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
20. In the interest of safety and the general amenity of the development.
21. In the interests of nature conservation, in accordance with Local Development Framework policy CP16 and DP31.
22. In the interests of highway safety.
23. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience
24. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Hambleton District Wide Local Plan Policy PH1.

Informatives

1. It is expected that details submitted in connection with conditions 7 and 8 will include provision for hedging on outer boundaries.
2. 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.
3. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste

1 x 240 litre 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 Waste and Street Scene 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.

Parish: Low Worsall
Ward: Appleton Wiske & Smeatons
6

Committee date: 30 March 2017
Officer dealing: Mr K Ayrton
Target date: 17 January 2017

16/02574/OUT

**Outline application with all matters reserved for a single dwelling
At Churchfields, Low Worsall
For Mr Peter Lancaster**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is on the south side of Low Worsall, which is at the northern edge of the District, close to the boundary of Stockton-On-Tees Borough Council. Low Worsall is relatively close to the market town of Yarm. The historic centre of Yarm is approximately 4.5 km away and can be accessed via a roadside (B1264) footway, which also links to a cluster of services and facilities located approximately 3 km away.
- 1.2 The site is located close to the southern edge of the main built up area of the village, located on land within the ownership of the applicant who occupies Churchfields, which is a detached residential property accessed off Piersburgh Lane. Churchfields has an associated detached annex, which has a separate vehicular access; and a barn which is agricultural in appearance, located to the east of the application site.
- 1.3 The site is generally agricultural in appearance and relatively open to the north, albeit set well back from Stobarts Lane, which runs parallel with the northern boundary of the site.
- 1.4 The rear gardens of properties on Manor Close are located a short distance to the west of the site, separated by a strip of land and mature planting. The eastern boundary adjoins the site of the barn. To the south is a parcel of land that appears to be in use as a paddock. Further to the south is the Ship Inn and associated parking.
- 1.5 There is no existing vehicular access serving the site. Stobarts Lane is a public bridleway and there is a public footpath off Stobarts Lane, which heads south, passing the western boundary of the site.
- 1.6 The proposal is in outline form for the erection of a dwelling. All matters are reserved. The submitted site plan indicates a proposed drive, approximately 130m in length, linking the site with Stobarts Lane. This does not form part of the red line site boundary but is within land under the applicant's ownership.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 15/02653/OUT – Outline application for a dwelling; Withdrawn 24 February 2016.
- 2.2 16/00661/OUT – Outline application for a dwelling; Withdrawn 1 August 2016.
- 2.3 A recent appeal decision relating to the Ship Service Station is also of relevance. This related to application 16/00556/FUL (extensions and alterations to garage buildings to form a dwelling); Refused 24 June 2016, Appeal allowed 18 November 2016. In determining the appeal, the inspector considered the sustainability of Low Worsall and concluded:

“Given that the proposal is for a single dwelling and the availability of services and facilities in Low Worsall and Yarm and the options for more sustainable travel modes to be used, I do not consider that the proposal would give rise to significant harm in respect of additional travel by private car. I have considered that the distances to the nearest shop and school exceeds the distance set out in the IPG, but on the balance of evidence before me, I consider that the appeal site has convenient access to them and is sufficiently close to the services and facilities in Low Worsall and those in Yarm. Consequently, I consider that the appeal site to be in a sustainable location in terms of the IPG and paragraph 55 of the Framework.”

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 - Access
Core Policy CP4 - Settlement hierarchy
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP10 – Form and character of settlements
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
Interim Policy Guidance Note – adopted by Council on 7th April 2015
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council – No objection.

4.2 Highway Authority – Stobarts Lane and Piersburgh Lane are both public bridleways, however, they are not adopted public highway. The applicant will, therefore, need to ensure there is a vehicular right of way to the proposed development.

There has been in the past concern expressed with the use of the Piersburgh Lane junction with the B1264 as there is substandard visibility to the east. The Highway Authority would normally resist any application that would increase the use of this junction. It is however difficult to determine which way vehicles would access the site as they may well use Village Road to gain access to and from the B1264. Consequently a Highway Authority recommendation for refusal may be difficult to sustain on this occasion.

4.3 Northumbrian Water – No comment.

4.4 Environmental Healthy Officer (contaminated land) – No objection.

4.5 Public comments – Nine objections have been received; summarised below:

- The access route is unsuitable and is a bridleway;
- Sewerage and water cannot be provided to the site;
- There are few amenities in the village;
- There is no public transport servicing the village;
- Detrimental impact on ecology, in particular newts;

- There is no need for housing development in this location;
- Loss of amenity on the bridleway; and
- Approval of this scheme will set a precedent for further development in the village.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) highway safety and iv) the impact on residential amenity in the vicinity of the application site.

Principle

- 5.2 Low Worsall does not have any Development Limits as identified in the Local Development Framework (LDF). Therefore development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4. The applicant does not claim any of the exceptional circumstances and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in March 2012. Paragraph 55 of the NPPF states:

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

- 5.3 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.4 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.5 In the Settlement Hierarchy reproduced in the IPG Low Worsall is identified as an Other Settlement. This status recognises its relatively limited range of services and facilities. Therefore the IPG states that it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements in order to constitute a sustainable community.

- 5.6 The nearest settlement is that of Yarm, which is located within Stockton Borough Council. This would be the equivalent of a Service Centre. Yarm's main centre is located over 4km away from the application site. However, there is a local shopping centre at the northern edge of Yarm, which is located just over 3km away. There are also other services and facilities including a railway station and school, located a similar distance away. These are all accessible by a surfaced footway adjacent to the main road between Low Worsall and Yarm.
- 5.7 The IPG notes that in order to form a sustainable community, a village must be clustered with other settlements where there are no significant distances or barriers between them. The IPG defines "significant distance" as approximately 2km. Whilst Yarm is not a Service Village or Secondary Village, its (equivalent) status as a Service Centre indicates that it is able to provide amenities to Low Worsall. The distance between Low Worsall and Yarm exceed the guidance in the IPG.
- 5.8 Whilst the guideline distance is not met, the recent appeal decision relating to the Ship Service Station is an important material consideration. The inspector recognised that the distances set out in the IPG were exceeded. However, they were still content that the appeal site (which is located a short distance to the south of the application site) has convenient access to the services and facilities in Yarm for it to be considered a sustainable location in the terms of paragraph 55 of the National Planning Policy Framework.
- 5.9 Considering that the appeal decision was recently made, the Council would struggle to arrive at a different conclusion to that of the appeal inspector. Therefore it is concluded that Low Worsall can be viewed in a similar manner to a cluster village and that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

Character and appearance

- 5.10 IPG criterion 2 requires development to be small scale. The guidance expands on this definition as being normally up to five dwellings and in this instance only one dwelling is proposed. Therefore the scale of development is acceptable.
- 5.11 Whilst relatively close to the main built up area of the village, the application site is clearly separate from the main built form of the village. It is viewed in the context of its more open surrounds and adjoining agricultural building as opposed to the nearby properties on Manor Close, which turn their back on the site, and are screened by a mature strip of landscaping. The site has more in common with the open countryside rather than the built form of the village. Whilst in outline form, the site is clearly separated visually from the main body of the village and effectively sits on its own in open countryside.
- 5.12 Any form of siting within the application site would result in a development which would not reflect the form and character of the settlement of Low Worsall and is considered to be harmful to the character and form of the village. This is contrary to the IPG, Core Policy CP16 and Development Policy DP30, which are concerned with protecting the character and appearance of the countryside and requiring development to reflect the existing built form.
- 5.13 There is also additional concern with the proposed drive, which would have to extend for some 130m from Stobarts Lane and would therefore contribute further to the harm caused by the development to the character and appearance of the countryside.

Highway safety

- 5.14 It is proposed that the site be accessed from Stobarts Lane, which is a narrow lane to the north of the site. The access would extend some 130m across an open field to the site. A public Bridleway runs along the field boundary to the west of the proposed access road which adjoins Stobarts Lane in the same location as the proposed access.
- 5.15 The local highway authority has not raised any objection to the proposed development.

Residential Amenity

- 5.16 All matters are reserved and as such should outline permission be granted the specific impacts of development can be addressed through any reserved matters application. The site is not located in close proximity to any existing residential property and it is considered that the site could be laid out in a manner which would protect residential amenity in the vicinity of the application site.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reason(s):
1. The proposal represents development in a location outside of the Development Limits of a village within the Hambleton Settlement Hierarchy without a clear and justified exceptional case for development, contrary to Policies CP1, CP2 and CP4 of the adopted Hambleton Local Development Framework and the National Planning Policy Framework.
 2. The application site is not considered to be capable of benefiting from the provisions of the Council's Interim Policy Guidance Note on housing - Development in Villages. The proposed dwelling in this location is considered to be harmful to the development form of the village and to the open character of the countryside surrounding the village. The proposed development is considered to be contrary to the Interim Policy Guidance Note on housing in smaller settlements and Policy CP16 and DP30 of the adopted Hambleton Local Development Framework

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17/00370/FUL

Single storey extension to provide additional fitness suite & toning studio spaces together with an accessible WC provision and a 24 hour access doorway; internal refurbishment works to revamp the existing changing areas, and provide new dance & group cycle/multi-purpose studios together with a new platform lift provision from the main entrance area

**At Hambleton Leisure Centre, Northallerton Road, Brompton
For Hambleton District Council**

1.0 SITE DESCRIPTION AND DEVELOPMENT

- 1.1 The application site is on the northern end of Northallerton Leisure Centre. The Leisure Centre is located within an extensive landscaped and parking area associated with the Leisure Centre and the District Council offices.
- 1.2 The area to the east and north of the site mostly comprises car parking. To the west is an extensive area of playing fields at lower level than the Leisure Centre which are also part of the Northallerton flood prevention scheme. The Leisure Centre is within Flood Zone 2 and adjacent to land within Flood Zone 3 (to the west) and Flood Zone 1 (to the north).
- 1.3 The nearest independent residential properties are on Brompton Road, over 150m away. The Civic Centre Caretaker's property is immediately adjacent to the Leisure Centre.
- 1.4 The proposal would improve leisure facilities in the Northallerton area through the provision of a new suite of fitness studios. The application comprises a small area of demolition to the north end of the Leisure Centre and the construction of a single storey extension to include a new fitness suite and a toning studio along with lobby area. The new facilities would be available 24 hours per day, 7 days per week. The current leisure centre floor space of 2,765 sq.m would be extended by approximately 485 sq.m.
- 1.5 The elevations would be finished with a brick plinth and metal cladding panels with extensive double glazed curtain walling to the north elevation.
- 1.6 Access and parking for the site are dealt with under existing arrangements and no additional car parking spaces are proposed.
- 1.7 It is proposed that all surface water drainage from the extension roof and any roof drainage that has to be diverted as a result of the development are collected by a new surface water drainage network connecting to the surface water sewer in the Leisure Centre access road.
- 1.8 The application is supported by a parking assessment, an ecology report, and energy statement, and a drainage and flood assessment

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 86/0453/OUT - Construction of a swimming pool with outside sports changing facilities and public toilets; Granted.
- 2.2 88/0464/FUL - Details of the layout and construction of a building to incorporate a public swimming pool and ancillary facilities, including car parking; Granted 23 February 1998.
- 2.3 90/0555/FUL – Extension to Existing Swimming Pool; Granted 5 April 1990.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP3 - Community assets
 Core Strategy Policy 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 DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP5 - Community facilities
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP34 - Sustainable energy
 Development Policies DP37 - Open space, sport and recreation
 Development Policies DP43 - Flooding and floodplains
 National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Northallerton Town Council – Comments awaited.
- 4.2 Highway Authority - No objection.
- 4.3 Environment Agency - No objection in terms of the proposed development's scale, nature, and level of flood risk. Recommends that the developer considers opportunities to reduce the potential impact of flooding by raising floor levels wherever possible and incorporating flood proofing and resilience measures.
- 4.4 Public comment - one representation has been received in relation to possible flooding and a culvert which is prone to overtopping in the vicinity of the application site.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case are: (i) the principle of development in this location; (ii) the design and form of the proposed development; (iii) impact on flood risk; (iv) impact on residential amenity and; (v) impact on highway safety.

Principle of development

- 5.2 The site is within the Development Limits of Northallerton. Core Policy 19 and Development Policy 37 of the Hambleton Local Development Framework seek to support the enhancement of existing recreational assets. The principle of the extension to the Leisure Centre therefore has policy support.

Design and form

- 5.3 The Leisure Centre is fairly typical for a facility of its time. The proposed extension seeks to create a positive, modern extension through simplicity of design, the use of matching materials and extensive glazing. The single storey nature of the extension leads to a subservient design which would sit comfortably on the end of the building and achieve a sensitive transition to the open space beyond.

Flood risk

- 5.4 The extension would add approximately 485 sq. m. This means that the area of site extending into Flood Zone 2 is significantly less than the 1ha (10,000 sq.m) limit which would trigger the requirement for a Flood Risk Assessment. The application does not propose any change in land use, which means that the site would be no more sensitive to flooding following completion of the development.
- 5.5 The Environment Agency has raised no objection to the proposed development but has noted the past flooding issues in the vicinity of the application site and the need to ensure that materials used in the building and the finished floor levels are compatible with the potential flood levels in the vicinity of the application site. The applicant has submitted supporting information which demonstrates that these measures have been adequately built into the design of the proposed extension. The Environment Agency also notes that the Local Planning Authority needs to satisfy itself that the requirements of the Sequential Test (set out in Technical Guidance to the NPPF) are met. The Sequential Test is not considered relevant in the case of extensions because there are no possible alternative locations for them. The completed development would have a higher finished floor level than that of the adjacent building and existing ground.
- 5.6 The application site is on the border between Flood Zone 1 and Flood Zone 2 and the majority of the extension would be within Flood Zone 2. The levels of the proposed building are such that they will have no impact on the capacity of the flood containment basin formed by the adjacent playing fields. As such the proposed development is not considered to have any detrimental impact on flood risk in the vicinity of the application site.
- 5.7 A member of the public has raised the issue of a culvert (Stone Cross Stell) which runs in the vicinity of the application site which is prone to overtopping. The applicant's drainage engineers have identified the culvert which runs within the lower area of the playing fields and not under the proposed development itself. The location and route of the overland flow as highlighted on the EA flood risk plans shows the overland flow running across the adjacent playing fields and towards North Beck. The topography of the site is such that the playing fields are at a lower level to the existing building and as such it is not considered a risk. The proposal for the new extension is to put the finished floor levels at the higher level compared to the existing sports hall and as such the risk of overland flow from Stone Cross Stell to the new building is not considered to be relevant in this case.
- 5.8 It is considered that the risk of flooding to the proposed extension from all sources would not be increased and would be mitigated as a result of the proposed floor levels. It is further considered that the proposed development would have no impact on flooding in the vicinity of the application site and that the design details incorporate suitable flood protection measures.

Residential amenity

- 5.9 The application is for a relatively small extension to the Leisure Centre which is a considerable distance from independent residential properties on Northallerton Road. It should be noted that the Civic Centre's Caretaker's house is immediately adjacent to the site of the proposed extension and the amenity of the occupier of this dwelling must also be considered.
- 5.10 The main change in terms of potential impact on residential amenity is the proposed 24hr operation of the new suite of facilities. Activity in the area would therefore be able to extend through the normal closed hours for the site. It is anticipated that car parking during the normal closed hours of the site would be in close proximity to the building and at the point furthest away from the residential properties on Brompton Road. Use of the site through the night is likely to be sporadic and is not likely to lead to a level of noise and disturbance that would lead to a significant loss of amenity to the occupier of the Caretaker's house. The level of activity anticipated leads to the conclusion that the proposed development would have no significant impact on residential amenity.

Highway safety

- 5.11 The application is accompanied by a car parking and traffic assessment in order to establish whether or not there is sufficient car parking available on the site to provide for the additional facilities. The Highway Authority has considered this and is satisfied that the extension would not have any detrimental impact on parking provision or highway safety.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered P4758_1150, P4758_1101, P4758_1200, P4758_1201, P4758_1350, received by Hambleton District Council on 17 February 2017 unless otherwise approved in writing by the Local Planning Authority.
 3. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 4. The external surfaces of the development shall not be constructed other than of materials, samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

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 Local Development Framework Policy DP32.
3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties and to accord with the requirements of Local Development Framework Policy DP32 and DP33.
4. To safeguard the visual amenities of the area in accordance with Local Development Framework Policy DP32.

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Parish: Northallerton

Committee date: 30 March 2017

Ward: Northallerton North & Brompton

Officer dealing: Mr K Ayrton

8

Target date: 18 May 2017

17/00234/FUL

**Cancer centre building and associated works
At Friarage Hospital, Northallerton
For South Tees Hospitals NHS Foundation Trust**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application is for the development of a new cancer care centre within the grounds of the Friarage Hospital. The application site is currently a visitor's car parking area adjacent to the hospital's main entrance and covers an area of 6,900 sq. m with no major changes in level.
- 1.2 To the north east of the site is a staff parking area and beyond the site boundary, to the north west, are bungalows on Priory Close. To the east of the site is a four-storey hospital block (Block A) which contains patient and staff accommodation. This building is the most modern on the site with a mix of brick, cladding panels and render finishes.
- 1.3 To the front of Block A is the current route to the hospital mortuary. This route is to be maintained, but the current fenced path way is appropriately considered as part of the landscaping proposals under this application.
- 1.4 To the south of the site lies the existing hospital access and main entrance from Bullamoor Road. This is to be maintained, although proposals to upgrade the route and the entrance canopy have been developed as part of this application.
- 1.5 To the west, within the grounds of the Hospital, is an area with planning permission for additional visitor car parking intended to serve the Hospital including the cancer care centre. Once the new car park area has been constructed it would allow continued provision of visitor car parking while the cancer care centre is developed.
- 1.6 The application proposes a new, purpose-built state-of-the-art facility for patients, carers and relatives including the following:
- Treatment and consulting rooms;
 - A Macmillan cancer information and support centre;
 - Supporting accommodation (including telemedicine facilities);
 - Main reception and waiting area including visitor WCs;
 - Phlebotomy;
 - 14 treatment bays with medical gases to provide capacity to treat up to 35 people per day;
 - 2 complementary therapy rooms;
 - 2 day bedrooms;
 - Clinical support accommodation;
 - Staff room and WC facilities; and
 - Offices and meeting rooms.
- 1.7 The proposed circular building would surround, and be surrounded by, landscaped external areas for the benefit of patients, their carers, visitors and staff.

- 1.8 The materials for the external elements of the building have been chosen to reflect the nature of the existing site but also to provide a high quality solution with minimal maintenance requirements. The principal materials selected to enclose the building are through coloured render, hardwood cladding, zinc rain screen, powder coated aluminium windows and screening, aluminium standing seam roofing and a small amount of clay facing brickwork.
- 1.9 The proposed development will result in a total of 553 car parking spaces on the Hospital site, which is a net increase of 7 when compared with the existing provision.
- 1.10 The following supporting information has been submitted with the application:
- Design and Access Statement;
 - Geotechnical Report;
 - Flood Assessment;
 - Statement of Community Involvement;
 - Traffic Management Report;
 - Landscape Strategy Report; and
 - Travel Plan

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 There is an extensive planning history for the Hospital site comprising a variety of both small and large scale development. The application most relevant to this proposal is:
- 2.2 16/02343/FUL - Formation of new car parking including alterations and improvement to car parking layout; Granted 6 January 2017.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP3 - Community assets
 Core Strategy CP13 - Market towns regeneration
 Core Strategy Policy CP14 - Retail and town centre development
 Core Strategy Policy CP17 - Promoting high quality design
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP5 - Community facilities
 Development Policies DP16 - Specific measures to assist the economy and employment
 Development Policies DP19 - Specific measures to assist market town regeneration
 Development Policies DP20 - Approach to town centre development
 Development Policies DP22 - Other town centre uses
 Development Policies DP29 - Archaeology
 Development Policies DP32 - General design
 National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Town Council – No comments received as at 21/03/2017
- 4.2 Highway Authority – The following have been taken into account:

- The draft Travel Plan, which identified a number of sustainable travel incentives;
- The new cancer care facility will be provided clinical services already delivered on the hospital site; and
- The Site Traffic Management Information document submitted in support of the application.

No objection is raised; however it is requested that the Travel Plan is secured as part of any permission granted.

- 4.3 Environment Agency - No objection subject to conditions being applied.
- 4.4 Environmental Health Officer - No objection.
- 4.5 NYCC Archaeology - The proposed development lies within an area of archaeological interest and potential for the survival of remains of the medieval Carmelite Friary at Northallerton. There is a high potential for good preservation of other elements of the priory in the surrounding area, despite modern activity.

Recommends 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 new foundations 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.

- 4.6 Ministry of Defence – No safeguarding objections.
- 4.7 Public comments – No representations received.
- 4.8 Yorkshire Water – No objection. Offers advice to applicant in relation to surface water, sewage and water supply.

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

- 5.2 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.
- 5.3 The proposed development comprises the efficient use of land and infrastructure and would enable a significant improvement in the range and quality of services provided at the Hospital. The proposed development will help to improve clinical provision in Northallerton, contributing to the health, economic and social well-being, amenity and safety of the population. Therefore the principle of development is considered to fully accord with the aims and objectives of planning policy, particularly Core Strategy Policy CP3 (community assets), which commits the Council to supporting proposals that would provide additional community assets that would improve community well-being. The proposal would also align with Core Policy CP13, which commits the Council to supporting development and the provision of services that enhance the Service Centre function of Northallerton.

Residential amenity

- 5.4 Whilst the principle of development is supported, a key consideration is the impact it would have on the residential amenity of the occupiers of the bungalows beyond the northern and western boundaries of the site.
- 5.5 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.
- 5.6 The proposed building, whilst large in scale, is single storey and set well back into the site. The nearest bungalow in Priory Close would be approximately 25m away. This distance is sufficient to avoid an overbearing relationship or any loss of privacy or overshadowing.
- 5.7 The submitted drawings show the creation of the new car parking area along the western boundary, adjoining bungalows in Priory Close, which has already been approved under reference 16/02343/FUL. The permission was subject to controls over lighting, boundary treatments and landscaping, secured through conditions, to mitigate any potential impact on nearby residents.
- 5.8 Therefore it is concluded that the proposal, when implemented in conjunction with the approved car parking scheme, will meet the requirements of policy DP1.

Character and appearance

- 5.9 Policy DP32 requires new development to be of the highest quality, including creative, innovative and sustainable designs that take into account local character and setting, and promote local identity and distinctiveness. This requirement is reflected in the NPPF, which states that good design is a key aspect of sustainable development.
- 5.10 The proposed design seeks to utilise a space to the front of the hospital currently used for car parking. The site is challenging in that it is surrounded on two sides by the existing large scale hospital building and more open areas to the north and west.
- 5.11 The submitted Design and Access Statement sets out how the massing has been arranged in response to both function and context. A key functional requirement was to have all the accommodation at ground floor level. In order for the building to sit comfortably against the adjoining four-storey building, the circular footprint of the building allows the mono-pitch roof to provide a greater height on the outer perimeter; an additional benefit is a more spacious internal arrangement. The circular building also allows for outdoor views from most locations within the building.
- 5.12 The scheme also includes a new lightweight, modern canopy for the main entrance. This will assist in creating visual continuity between the main hospital complex and the new cancer care centre.
- 5.13 The proposed palette of materials is important in helping to deliver a high quality development, whilst allowing the building to integrate with the surrounding, more traditional forms of development. The primary materials, including zinc, render and vertical timber cladding, are considered appropriate for the proposed design and the location of the proposed building.
- 5.14 Details relating to Secured by Design have been included within the design and incorporate sight lines, access and lighting which minimises the risk of anti-social behaviour.

Highway safety

- 5.15 During the consideration of the application, the agent undertook a survey of existing car parking on the Hospital site and confirmed that the existing and proposed car parking numbers are:

	Visitor parking	Staff parking	Total
Current	248	298	546
Proposed	255	298	553

The increase in visitor parking would include an additional two disabled parking spaces.

- 5.16 The agent has confirmed that the net gain of seven visitor spaces is achieved by the applicant providing visitor access to a parking area to the rear of the Kwik-Fit garage on Brompton Road, which is currently under-utilised.
- 5.17 The Highway Authority has raised no objection and the Travel Plan it requested (currently in draft form) can be secured by condition.

Flooding

- 5.18 The site is within Flood Zone 1, and as such at the lowest risk from flooding. The scheme has been designed to retain surface water on site through the use of an underground attenuation tank, which would be discharged into 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. A condition requiring the full implementation of the drainage solution is recommended.

Archaeology

- 5.19 North Yorkshire County Council heritage officer has commented on the application and requested that a scheme of investigation is 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 drawing(s) numbered 2616/D/00/002/P15, 2616/D/00/003/P19, 2616/D/00/004/P6, 2616/D/00/005/P and 2616/D/00/006/P3 received by Hambleton District Council on 30/01/2017 unless otherwise approved in writing by the Local Planning Authority.
 3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development 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. No development for any separate phase or sub-phase of the development shall take place until a Construction Management Statement and/or Plan for that separate phase or sub-phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Phase Construction Management Statement/Plan shall be adhered to throughout the construction period for the phase unless otherwise approved in writing by the Local Highway Authority. The Plan shall provide for the following in respect of the phase:
 - (i) Working hours on site;
 - (ii) The parking of vehicles of site operatives and visitors;
 - (iii) Loading and unloading of plant and materials;
 - (iv) Construction traffic management;
 - (v) The routing of HGV and other construction related traffic to and from the site;
 - (vi) Timing of deliveries and other construction related traffic to and from the site (the delivery restriction timetable contained within the Site Traffic Management Information document to be amended to exclude deliveries between 08:00-09:00);
 - (vii) A programme for the delivery of the works;
 - (viii) Details and programme of all traffic management (temporary signs and controls) proposed;
 - (ix) The location of storage of plant and materials used in the construction of the development to avoid interference with vehicle and pedestrian movements and details of measures to avoid any potential ground contamination;
 - (x) The erection and maintenance of security hoarding where appropriate;
 - (xi) Wheel washing facilities;
 - (xii) Measures to control the emission of dust and dirt during construction;
 - (xiii) Measures to control noise and vibration during construction;
 - (xiv) Means of protection of trees and hedgerows during site preparation and construction; and
 - (xv) A scheme for recycling/disposing of waste resulting from demolition, excavation and any other construction works.

5. 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 –15T737-101/Rev P2, received by Hambleton District Council on 30/01/2017, unless otherwise agreed in writing by the local planning authority.

6. (A) No demolition/development shall take place/commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - (i) The programme and methodology of site investigation and recording;
 - (ii) Community involvement and/or outreach proposals;
 - (iii) The programme for post investigation assessment;
 - (iv) Provision to be made for analysis of the site investigation and recording;
 - (v) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - (vi) Provision to be made for archive deposition of the analysis and records of the site investigation; and
 - (vii) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

7. The external lighting shall be provided in accordance with the proposed external lighting plan (drawing number L1660/001/RevA prepared by JCP Consulting Engineers) received by Hambleton District Council on 30/01/2017 unless otherwise approved in writing by the Local Planning Authority.
8. 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.
9. The development 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-0001 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 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. In submitting these details, a 1.8m close boarded fence or other boundary treatment suitable to protect private amenity, will be required conterminous with the existing hedged part of the boundary of the site. The approved means of enclosure shall be erected prior to the first use of the car parking area hereby permitted.
11. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. This shall be based on the work already undertaken on the submitted draft Travel Plan received by Hambleton District Council on the 30/01/2017. The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the agreed Travel Plan.

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 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.
5. In order that the development does not increase the risk of flooding elsewhere in accordance with Local Development Framework CP21 and DP43.
6. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.
7. In the interests of the amenities of the surroundings and neighbouring occupiers in accordance with Local Development Framework Policy CP1 and DP1.

8. In the interests of the amenities of the surroundings and neighbouring occupiers in accordance with Local Development Framework Policy CP1 and DP1.
9. In order to soften the visual appearance of the development in accordance with LDF Policies DP32 and DP33
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.
11. In accordance with policy DP3 and to establish measures to encourage more sustainable non-car modes of transport.

Parish: Shipton
Ward: Easingwold
9

Committee date: 30 March 2017
Officer dealing: Mrs Helen Conti
Target date: 7 April 2017

17/00073/MRC

Removal of condition 15 and variation of condition 14 (to read cabins shall only be stacked in the 7 shaded areas "annotated as hatched areas" on submitted drawing PKA/2/030 and no cabins shall be stacked to a height of more than 6m unless otherwise agreed in writing by the Local Planning Authority) to previously approved application 14/02558/MRC - Application to vary conditions 18, 19, 20 and 21 of approved scheme 14/00141/FUL

**At S Wernick & Sons (Holdings) Ltd., Station Lane, Shipton by Beningbrough
For S Wernick and Sons (Holdings)**

This application is referred to Planning Committee as it seeks to vary a previous decision of the Committee.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located to the west of Shipton by Beningbrough, north of Station Lane. The East Coast Main Line is located to the west of the site and residential properties of Dawnay Garth are located to the east. There are commercial properties to the west and south.
- 1.2 The eastern boundary of the site, adjacent to a public footpath, is marked by a chain link fence with a landscaping area containing a mix of trees, hedge and shrubs behind it and a 2.4m high close boarded fence further into the site. Next to the footpath runs a small beck and beyond is a band of hedge/mature trees marking the boundary of the public open space behind the residential properties of Dawnay Garth.
- 1.3 The applicant wishes to remove condition 15, which restricts the height of cabins to 6m, and to vary condition 14 of planning approval 14/02558/MRC to allow storage on all seven areas of the site shown on drawing PKA/2/030A to a height of no more than 6m. The proposed variation of condition 14 would therefore replicate the 6m height limit of stacking currently exercised through condition 15.
- 1.4 The reason for both conditions was "In the interests of neighbour and visual amenity in accordance with Local Development Framework Policy CP1 and DP1".
- 1.5 The applicant wishes to double stack cabins to allow the company's continued expansion, maintaining and creating new jobs. The applicant originally applied to have all storage areas within the site available for double stacking during the consideration of the first application, 14/00141/FUL, however condition 16 was included as part of the decision following discussion at Planning Committee.
- 1.6 Variation of condition 14 would allow double stacking of cabins in the eastern and southern most hatched areas as set out in drawing PKA/2/030A, in addition to five areas on the same drawing that the condition did not restrict. It would therefore allow double-stacked cabins a minimum of 49m closer to the eastern boundary and Dawnay Garth beyond. The minimum distance between double stacking and a dwelling would be 62m. It is proposed to delete condition 15, which restricts the stacking height to 6m, and include this provision within the amended wording of condition 14. The applicant has submitted photographs showing two storey cabins in

the eastern hatched area. At the time of the photograph the stacking of these cabins was in breach of condition 15 but they have since been removed.

- 1.7 The originally submitted plan PKA/2/030 did not show the stacking areas and vehicle access around the site as they have been laid out. The applicant submitted a corrected plan (PKA/2/030A) on 20 March 2017. The stacking areas are no closer to the residential area to the east than shown on drawing PK/2/030.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 14/00141/FUL - Change of use of land and buildings from B8 storage to a mixed use of B8 storage and B2 general industrial use, demolition of warehouse units and two storey office building, and siting of single storey modular office with associated car parking, roadways and hard standings; Granted 11 November 2014.
- 2.2 14/02558/MRC - Application to vary conditions 18 (working hours), 19 (restricted vehicle movement times), 20 (no outside working) and 21 (restriction on working in cabins near the eastern boundary) of approved scheme 14/00141/FUL; Granted 11 November 2016.
- 2.3 Enforcement investigation 16/00061/CAT3 – Double stacked units on area nearest eastern boundary; Investigation closed 27 May 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 CP12 - Priorities for employment development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP17 - Retention of employment sites
Development Policies DP32 - General design

4.0 CONSULTATIONS

- 4.1 Parish Council – Objects to the application on the grounds summarised as follows:

Safety and litter – debris and litter have blown been off the site in high winds which could cause safety issues for public footpath along the north boundary, the residential area or the East Coast Main Line. Concerns that if units were triple-stacked, the existing fence would not stop debris blowing out of the site. Should permission be granted, a condition should be imposed to require any litter blown off site to be collected.

Noise – an increase in height of stacked units will result in increased use of cranes instead of fork lift trucks with low noise alarms/sirens, causing greater noise disturbance.

Visual impact – double stacked units are visible from Tollerton Road, the A19 and the railway line. While the site is industrial it is close to residential properties and

surrounded by green belt. Double stacked units are an eyesore, to allow triple height would have seriously detrimental visual impact to whole community.

- 4.2 Highway Authority – No objection.
- 4.3 Environmental Health Officer - No objection: the application is principally concerned with visual amenity and that the stacking would not add perceptibly to existing noise levels.
- 4.4 Public comments – 13 objections have been received, summarised as follows:
- Impact of double stacked cabins on residential amenity of Dawnay Garth – the existing landscaping is not sufficient;
 - Double stacking on the eastern side will be intrusive;
 - The cabins are an eyesore because they are in poor condition;
 - Concerns about the appearance of 9m high stacked cabins;
 - Litter and debris blown across neighbouring areas during strong winds;
 - The applicant has applied several times since approval to change approved conditions;
 - Increase in noise from increased movements within the site;
 - The existing business has an effect on the character of neighbourhood; and
 - Increase in traffic and heavy haulage vehicles through the village.

5.0 OBSERVATIONS

- 5.1 The primary planning consideration is the impact of the proposed variation (condition 14) and removal (condition 15) on the interests of (i) visual amenity; and (ii) residential amenity. It is also necessary to consider whether the variation and removal would have any material impact on the additional issues of (iii) debris and litter; and (iv) traffic generation raised by the Parish Council and residents.
- 5.2 As indicated in paragraph 1.5, the proposed variation of condition 14 would replicate the 6m stacking height restriction currently exercised by condition 15 at the same time as increasing the areas within the site where stacking could occur, so the following assessment focuses on the proposed variation of condition 14.
- 5.3 The key determining issue is whether the proposed variation of condition 14 would be more, less or equally effective in securing the public protection existing conditions 14 and 15 were designed to achieve having regard to the stated reasons for them. As such the proposed variation (and associated removal) should only be refused if it is concluded that the new condition 14 would be less effective and would give rise to unacceptable harm.

Visual amenity

- 5.4 The applicant wishes to double stack cabins on all seven hatched areas as shown on drawing PKA/2/030A. Concerns have been raised regarding the visual impact of the cabins on the neighbouring residential properties on Dawnay Garth. The rear/side elevation of the closest properties on Dawnay Garth would be approximately 62m away from the closet part of the proposed two-storey storage area. The applicant installed a 2.4m high close boarded fence, which shields views of the single-storey cabins, when they occupied the site. There is a mix of vegetation along the site boundary and along an area of public open space immediately adjacent to Dawnay Garth which also helps shield views into the site.
- 5.5 Two-storey cabins would be visible from the rear of three properties on Dawnay Garth, especially from upper floor rooms. The minimum distance between double-

stacked units and a dwelling (7 Dawnay Garth) would be approximately 62m. Due to the distance between those properties and the cabins, and the opportunity to secure additional landscaping on the eastern boundary, it is considered the impact of the cabins on the amenity of the occupiers would be limited and would not warrant refusal of the application. A landscaping condition can require tree planting to soften the visual impact of the site.

- 5.6 The Parish Council has pointed out that double stacked units are visible from Tollerton Road, the A19 and the railway line. However, the proposal in this application would extend double stacking eastwards and would not materially alter views from those directions, which are as approved under 14/00141/FUL and 14/02558/MRC.
- 5.7 Some public comments suggest that cabins could be stacked up to 9m in height. However, that is not proposed; the requested variation to condition 14 would maintain the present 6m stacking height restriction, currently exercised through condition 15.

Residential amenity

- 5.8 Some residents have suggested that double stacking units nearer to residential properties will lead to greater noise disturbance through the use of cranes on the site. However, Environmental Health officers have reviewed the application and have not raised any objection to the proposed variation, which would allow double-stacking approximately 53m closer to Dawnay Garth than currently permitted (62m compared with 115m at present). It should be borne in mind that the site is still subject to the restrictions on opening hours imposed by conditions 9 and 10 of 14/02558/MRC with movement of cabins limited to 07:30 – 18:00 Monday to Friday. It is considered that the closer position of double stacking areas would not have a material impact on noise generated within the site and that the current restrictions on working hours are sufficient to protect local residents.

Debris and litter

- 5.9 Concerns have been raised by the Parish Council and residents regarding the potential for an increase in litter on the site due to parts of cabins requiring repair blowing around the site. However, the only evidence of this is one photograph submitted by a resident showing a small amount of litter at the base of the fence on the northern boundary. It is not possible to say whether this had anything to do with double stacking of cabins and therefore it is questionable whether the proposed additional double stacking would make any difference. No evidence of debris being blown beyond the site boundary has been presented.

Traffic generation

- 5.10 It is reasonable to assume that an increase in double stacking of cabins would also increase the numbers of lorries entering and leaving the site. Concerns were raised about vehicles, particularly HGVs, using Station Lane when application 14/00141/FUL was under consideration and the Highway Authority advised at the time that "Station Lane is subject to a 7.5 ton weight restriction which commences to the east of the site. Whilst there is an exemption for access purposes, this would not apply to any HGV associated with the site. Any HGV driver travelling to or from the site via the restricted section of Station Lane would be committing an offence and may be prosecuted".
- 5.11 In view of this, it is not considered that any increase in lorries would affect the school and residential properties on Station Lane. The Highway Authority has not raised any concerns in respect of the current application.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered PKA/1/002, PKA/1/003 received 21 January 2014 (file ref 14/00141/FUL) , Site Plan PKA/1/004G received 12 August 2014 (file ref 14/00141/FUL), PKA/1/005C received 2 September 2014 (file ref 14/0141/FUL) and transport assessment received 1 May 2014 (file ref 14/00141/FUL), Supplementary Noise Reports of September 2014 received 17 December 2014 (file ref 14/02558/MRC) and Background Noise Survey report September 2016 received 29 September 2016 (file ref 14/02558/MRC) and Stacking Site Plan PKA/2//030A received 20 March 2017 unless otherwise approved in writing by the Local Planning Authority.
3. The approved parking, unloading and turning areas (on drawing PKA/1/004G) shall be maintained clear of any obstruction and retained for their intended purpose at all times.
4. No structures shall be sited within 2 metres of the western boundary of the site which is adjacent land belonging to Network Rail.
5. Double stacking of cabins in the southernmost and easternmost areas indicated on drawing PKA/2/030A 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 in writing by the Local Planning Authority. The southernmost and easternmost areas indicated on drawing PKA/2/030A shall not be used for double stacking of cabins 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.
6. No external lighting shall be installed on site except in accordance with the details received on 11 February 2015 unless otherwise approved by the Local Planning Authority.
7. The boundary treatments shown on plan PKA/2/009C received 18th August 2015 (file ref 14/00141/DIS13) shall be implemented in full and thereafter the boundary treatments shall be retained in accordance with the approved details.
8. The approved fork lift truck audible warning safety system for the fork lift trucks shall be operated and be maintained in accordance with the approved scheme submitted on 17th August 2015 (file ref 14/00141/DCN) and the manufacturers' recommendations.
9. No openings shall be created to the eastern elevations of the retained warehouse structures on site.
10. No work shall be undertaken or cabins moved within the application site on Bank Holidays or outside of the hours 07:30 - 18:00 Monday to Friday other than the following activities: (i) Office / administration work; (ii) Works within the workshop building providing doors and windows are kept shut where no noise is discernible at

the eastern boundary of the site; (iii) Internal works to the cabins located in the storage area including painting, carpentry, floor laying, electrics and plumbing where no noise is discernible at the eastern boundary of the site; (iv) Painting the cabins located in the storage area; and (v) Movement of forklift trucks and vehicles within the area to the west of the purple demarcation line on drawing PKA/1/004G received by Hambleton District Council on 12th August 2014 which in any event will be no earlier than 06.00 hours and no later than 20.00 hours.

11. No vehicles shall operate between the purple demarcation line shown on drawing PKA/1/004G received by Hambleton District Council on 12th August 2014 and the eastern boundary of the site during a Bank Holiday and not outside the hours of 07:00 to 19:00 Monday to Friday, except for staff accessing the designated parking areas.
12. During works within a workshop the workshop doors and windows to that workshop shall be kept closed.
13. No work shall be under taken outside the workshops other than, painting of the cabins and carpentry works as defined in Table 1 of Supplementary Noise Report DYN260214A/2_SUP dated August 2014, floor laying, electrics, and plumbing with 110 volt hand tools inside the cabins and the movement of fork lift trucks and vehicles within the area of the purple demarcation line shown on drawing PKA/1/004G received by Hambleton District Council on 12th August 2014.
14. The recommendations and mitigation measures identified in the protected species survey received by Hambleton District Council on 11 February 2015 shall be implemented in full.
15. Notwithstanding the submitted drawing PKA/2/030 received on 12th January 2017 cabins shall only be stacked in the 7 shaded areas "annotated as hatched areas" on submitted drawing PKA/2/030A and no cabins shall be stacked to a height of more than 6m 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 provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
3. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
4. In the interests of the safe operation of the adjacent railway.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP30.
6. In the interests of local visual and neighbour amenity and the safe operation of the adjacent railway.
7. In the interests of neighbour amenity in accordance with Local Development Framework Policy CP1 and DP1.

8. In the interests of neighbour amenity in accordance with Local Development Framework Policy CP1 and DP1.
9. In the interests of neighbour amenity in accordance with Local Development Framework Policy CP1 and DP1.
10. In the interests of neighbour amenity in accordance with Local Development Framework Policy CP1 and DP1.
11. In the interests of neighbour amenity in accordance with Local Development Framework Policy CP1 and DP1.
12. In the interests of neighbour amenity in accordance with Local Development Framework Policy CP1 and DP1.
13. In the interests of neighbour amenity in accordance with Local Development Framework Policy CP1 and DP1.
14. To safeguard against harm to any protected species present within the buildings proposed for demolition.
15. In the interests of neighbour and visual amenity in accordance with Local Development Framework Policy CP1 and DP1.

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Parish: Tholthorpe
Ward: Raskelf and White Horse
10

Committee date: 30 March 2017
Officer dealing: Laura Chambers
Target date: 6 April 2017

17/00005/OUT

**Outline application with all matters reserved for a residential development
At Land to the East of Flawith Road, Tholthorpe
For Messrs Robinson, Foster & Castlevale Ltd**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located to the south of the village of Tholthorpe, to the east of Flawith Road; it is part of a field in agricultural use and has no defined boundaries to the south and east. The site is bounded to the west by the grassed highway verge and to the north by a hedgerow, adjacent to a bungalow.
- 1.2 To the south east of the site is a field access, south of which is a two-storey former depot that has been converted to an office building. There is an intervening belt of mature trees and shrubbery between the two.
- 1.3 Outline permission is sought for housing; however the supporting design and access statement and indicative site plan indicate three bungalows are proposed. The properties would follow the linear layout of the properties to the north, fronting the road, from which two access points are proposed, the first serving plots 1 and 2, the second serving plot 3.
- 1.4 It is proposed to retain a mature tree on the frontage of the site and introduce tree planting to the rear of the proposed plots.
- 1.5 The only matter for decision at this stage is the principle of development, with details of access, appearance, landscaping, layout and scale reserved for a later application if this is approved.
- 1.6 Notwithstanding the above, indicative layout details have been provided to demonstrate potential access arrangements. Concerns have been raised by the Highway Authority regarding both the original indicative access arrangements and a revised version, regarding the ability to achieve visibility splays due to an existing tree on the boundary of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 80/1094/OUT – Detached bungalow; Refused 28 August 1980.
- 2.2 84/0924/OUT – Two dwellings with domestic garages; Refused 18 April 1984.
- 2.3 86/1122/OUT – Two bungalows; Refused 1 February 1986.
- 2.4 88/1357/OUT – Four detached dwellings and domestic garages; Refused 1 February 1989.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 - Access

Core Policy CP4 - Settlement hierarchy
 Core Policy CP16 – Protecting and enhancing natural and man-made assets
 Core Policy CP17 – Promote high quality design
 Core Policy CP21 – Safe Response
 Development Policy DP1 - Protecting amenity
 Development Policy DP3 – Site Accessibility
 Development Policy DP4 - Access for all
 Development Policy DP8 –Development Limits
 Development Policy DP9 – Development outside Development Limits
 Development Policy DP10 – Form and character of settlements
 Development Policy DP30 – Protecting the character and appearance of the countryside
 Development Policy DP32 – General Design
 Development Policy DP43 – Flooding and Floodplains
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No objection in principle but raises some concerns regarding highway safety, drainage, the potential for future development beyond Development Limits and the use of materials.
- 4.2 Highway Authority – Some of the indicatively proposed access points would not achieve visibility requirements and may require tree removal. Conditions regarding visibility, construction details, surface water drainage and off-site works are required.
- 4.3 Environmental Health – No objection.
- 4.4 Public comments – the following points have been raised following public consultation:
- Potential for development beyond Development Limits if this application is approved;
 - The position of the proposed access points and the volume and speed of traffic in the village risk highway safety;
 - Surface water flooding and drainage;
 - Concern over the scale of the proposed dwellings and their impact on neighbours;
 - Previous applications have been refused on the site; and
 - Lack of broadband access.

5.0 OBSERVATIONS

- 5.1 In determining this application for outline approval the matters of access, appearance, landscaping, layout and scale have been reserved, although indicative details have been provided in support of the application to demonstrate how some of these might be achieved. Full details would need to be submitted at reserved matters stage, should this application be successful.
- 5.2 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the area; (iii) highway safety; (iii) flooding; and (iv) residential amenity.

Principle of development

- 5.3 The site falls outside the Development Limits of Tholthorpe. Policy CP4 states that all development should normally be within the Development Limits of settlements.

Policy DP9 states that permission will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).

- 5.4 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.
- 5.5 In the Settlement Hierarchy contained within the IPG, Tholthorpe is defined as an Other Settlement. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village or villages nearby. However, the villages in question must be sufficiently close together to be able to cluster and have a good collective level of shared service provision in order to be a sustainable community.
- 5.6 Tholthorpe is within 2km of Flawith and the two villages share services including a public house with associated convenience store, a place of worship and have public transport links to larger settlements, of which Aine is the closest secondary village. On this basis, Tholthorpe can be considered to form a sustainable settlement in accordance with the IPG when clustered with Flawith.
- 5.7 The application site is immediately to the south of the last dwelling within the village and the Development Limits, although beyond that the existing office building to the site would potentially denote the last building within the settlement before moving into open countryside when travelling south. The proposal indicates three dwellings and therefore could be considered small scale development adjacent to the main built form of a settlement resulting in incremental and organic growth.
- 5.8 Should the proposal be considered satisfactory, it would not pre-determine any future applications for development beyond the Development Limits, which would be considered on their own merits.
- 5.9 The previous refusals of planning permission for residential development on the site are noted, however considerable time has passed since these applications were considered and both local and national policy and guidance have changed over the intervening period. Applications must be considered on their merits in relation to current policy.

Character

- 5.10 The character of the village is defined primarily of two-storey brick built dwellings although these range in style and period, reflecting growth over time. To the southern extent of the village the scale of a number of properties is reduced to bungalows, particularly to the east of Flawith Road where the application site adjoins a number of bungalows that vary in style. The proposal is closely related to the edge of the existing settlement and if, as indicated, the new dwellings were bungalows this would reflect the character of this part of the village.
- 5.11 Matters relating to appearance, scale and materials have been raised by the Parish Council and neighbouring residents, while these would be crucial to the success of a reserved matters application, this application is in outline only and there is no reason

to suggest a suitable design could not be achieved if the principle of development is found to be acceptable.

Highway Safety

- 5.12 Objections from neighbouring residents refer to the volume and speed of vehicles passing through the village, as well as their size, causing a safety hazard that would make new access points unsuitable in this location. The proposed plans have been assessed by the Highway Authority; it confirms suitable visibility splays can be achieved for one of access points on the indicative plan, subject to conditions. The other access points would require tree removal, however the LPA have sought to serve a Tree Preservation Order to secure the tree. Finalised details of access arrangements are to be determined at reserved matters stage, it has however been demonstrated that an access can be suitably formed to the site.
- 5.13 The Parish Council has indicated that the speed limit sign could be moved should permission be granted to ensure traffic slows before reaching the village. This would be a matter for the Highway Authority separate from this application.
- 5.14 Indicative details include garages and driveways to each property, which would provide a minimum of two parking spaces per dwelling. This would be suitable to ensure current parking standards for two to three bedroom dwellings in a rural area are achieved.

Flooding

- 5.15 While noting concerns locally about the propensity of the site to flood and generate water run-off into the adjacent road, the site does not lie within a Flood Zone and is not therefore considered at risk of flooding. In addition, a condition requested by the Highway Authority can ensure appropriate measures to prevent surface water discharging onto the highway are introduced.

Residential Amenity

- 5.16 Although layout is not to be determined as part of this application, the indicative plan shows proposed dwellings positioned side by side with the existing property to the north, suggesting a layout that would not impinge on the amenity of neighbouring occupiers could be achieved. There are no neighbouring properties directly opposite at front or rear that would be overlooked by the proposals.
- 5.17 It has been suggested that the proposed dwellings would not be served by broadband access; however this is not a matter in the control of the applicant or a reason to withhold planning permission.

6.0 RECOMMENDATION

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

the layout, scale and appearance of each building, including a schedule of external materials to be used; (b) the means of access to the site; (c) the landscaping of the site. The number of dwellings approved is limited to 3 and the dwellings shall be bungalows.

3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing numbered 3744-01 and Design and Access Statement received by Hambleton District Council on 21 February 2017 unless otherwise approved in writing by the Local Planning Authority.
4. 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.
5. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. 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
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the accesses 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 accesses shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority; (d) The crossing of the highway verge shall be constructed in accordance with the approved details and/or Standard Detail number E6; (e) 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; and (f) That part of the accesses extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
8. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splayboards 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 each of the accesses. 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. 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 listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority: Provision of a footway on the site's frontage; and (ii) 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.
10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site 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; and (c) vehicular turning arrangements. No part of the development shall be brought into use until the approved vehicle accesses, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
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 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.
12. 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.
13. 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 Section 92 of the Town and Country Planning Act, 1990.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development commences.
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.
4. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
5. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
6. In the interests of highway safety.
7. In the interests of a satisfactory form of development and highway safety.
8. In the interests of road safety.
9. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
10. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
11. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenities of the area.

Informatives

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in condition 7 above.
2. 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.
3. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste

1 x 240 litre 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 Waste and Street Scene 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.

Parish: Tollerton
Ward: Easingwold
11

Committee date: 30 March 2017
Officer dealing: Laura Chambers
Target date: 6 April 2017

16/02733/FUL

**Conversion of barns to create four dwellings
At Holmfield, Newton Road, Tollerton
For Mr Jim Robinson**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The applicant property is within a collection of buildings, some in residential use and others in agricultural use. It is located to the east of Newton Road at the south-eastern extent of Tollerton, which is a Secondary Village.
- 1.2 The village has historically developed along two main thoroughfares that meet at the village green (Alne Road & Main Street). Over time development has grown in spurs from those roads, principally along Station Road and Newton Road with cul-de-sacs developing from those. The area hosts a range of architectural styles and house types that reflect the expansion of the village over time. The central and more historic part of the village is a Conservation Area; however the area towards the southeast is not.
- 1.3 Permission is sought to convert an agricultural building to four 3-bedroom dwellings sharing the existing access and forming a parking area for ten parking spaces to the west of the site. Each property would have a small front garden area from a shared pedestrian access, with boundaries divided by 1.2m timber fencing and landscaping. A 1.8m boundary wall is proposed between the site and Holmfield itself. Given the relationship of the property with adjacent buildings there would be no other private amenity space, such as rear gardens.
- 1.4 The building has been assessed as a Non Designated Heritage Asset due to its age, rarity and group value with surrounding buildings including adjoining barns and a dwelling all of brick and tile construction.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 10/02857/FUL - Change of use of agricultural land to domestic and alterations and extensions to existing dwelling; Granted 29 March 2011.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Policy CP1 - Sustainable development
Core Policy CP2 - Access
Core Policy CP4 - Settlement hierarchy
Core Policy CP16 – Protecting and enhancing natural and man-made assets
Core Policy CP17 – Promote high quality design
Core Policy CP21 – Safe Response
Development Policy DP1 - Protecting amenity
Development Policy DP3 – Site Accessibility
Development Policy DP4 - Access for all
Development Policy DP8 –Development Limits

Development Policy DP9 – Development outside Development Limits
Development Policy DP10 – Form and character of settlements
Development Policy DP28 – Conservation
Development Policy DP30 – Protecting the character and appearance of the countryside
Development Policy DP32 – General Design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received.
- 4.2 Highway Authority – No objection subject to conditions.
- 4.3 Environmental Health Officer (contaminated land) – No objection subject to condition.
- 4.4 Yorkshire Water – No objection.
- 4.5 Public comments – None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) heritage and conservation; (iii) residential amenity; and (iv) infrastructure.

Principle of Development

- 5.2 The site falls outside of Development Limits of Tollerton, Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development "in exceptional circumstances". Whilst the applicant does not claim any of the exceptional circumstances identified in Policy CP4, it is considered that, in appropriate circumstances, the conversion of a Non-Designated Heritage Asset can have heritage benefits that would allow an exception under Policy CP4ii, in securing the future use of the building a feature of acknowledged importance.

Heritage & Conservation

- 5.3 The applicant building is a former maltings that has been somewhat altered in the past, including having been re-roofed and some original openings for windows being bricked up, although the original brickwork remains intact. Notwithstanding this, the building has been assessed by officers and is considered to meet the Council's criteria for a Non-Designated Heritage Asset due to its age, rarity and group value being part of a wider collection of buildings.
- 5.4 The small openings are key to the character of such a building, with many maltings having three levels of similarly proportioned windows. It is therefore considered that, in order to achieve a suitably sensitive conversion, existing openings should be retained and any new openings minimised but where essential they should be proportionate to the existing ones.
- 5.5 As part of the proposed conversion, existing upper floor windows would be retained while eight conservation roof lights are proposed and openings to the ground floor would be reconfigured. It is proposed to introduce one door per dwelling, to act as the main access, and large fully glazed doors with full height window panels either side to each property. These openings are intended to reflect the agricultural nature of the former use of the building; this is in contrast with the originally proposed scheme for patio style doors, which was much more domestic and contemporary in appearance.

- 5.6 While the proposed openings do not reflect the original use of the building they are considered necessary to allow light into the proposed dwellings, which would form a viable use for the building and secure its preservation. On balance the revised proposal is considered an improvement and, subject to a suitable materials condition to ensure the use of timber frames, is an acceptable compromise in order to achieve an appropriate development that retains the significant features of the heritage asset.

Residential Amenity

- 5.7 The introduction of new openings to allow for residential use is principally to the south elevation; these windows would be opposite an existing agricultural building, while the existing dwelling at Holmfield is positioned forward of the applicant building at a distance of approximately 19m. In addition, there are no principal windows to the side that would be adversely affected by the new openings.
- 5.8 The reinstatement of a former window opening is proposed in the west elevation, while an existing window would be blocked up. Malt Kiln House is immediately adjacent to that elevation, however its side elevation is blank and therefore the amenity of occupants would not be affected by the proposal.
- 5.9 The applicant has indicated that the existing barns and outbuildings on the site are currently largely redundant and would be used only for storage. As such, the amenity of future occupiers would not be adversely impacted by agricultural uses in close proximity and this could be secured via a suitable condition as the buildings are within the applicant's control.

Infrastructure

- 5.10 The site is on the edge of the village of Tollerton and future residents would be able to access the services and facilities of the village and the development will have connection to the foul drainage system, power network and highway. Further details of the surface water disposal system is awaited however as the building is not to be extended there is no reason to conclude that the disposal of surface water would require any special measures and it can be controlled by condition.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The windows and doors to be used in the conversion hereby approved shall be timber framed, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to installation and thereafter retained in accordance with the approved details.
 3. The permission hereby granted shall not be undertaken other than in complete accordance with the following plans and specifications unless otherwise approved in writing by the Local Planning Authority:
 - Title Plan, received 15/12/16,
 - Proposed Site Plan, drawing number LDS2460/002, revision A, received 15/03/17,

- Proposed Ground Floor Plan, drawing number LDS2460/102, revision A, received 15/03/17,
 - Proposed First Floor Plan, drawing number LDS2460/103, revision A, received 15/03/17,
 - Existing and Proposed Elevations, drawing number LDS2460/201, revision A, received 14/03/17,
 - Sections, drawing number LDS2460/301, received 15/12/16,
 - Preliminary Investigation of Land, report number D7569, received 15/12/16,
 - Structural Survey by Dryden Wilkinson Partnership, received 15/12/16,
 - Design, Access & Supporting Planning Statement, reference number 65201, received 15/12/16,
 - Bat Survey, report reference R-2394-01, received 15/12/16.
4. No above ground construction work shall be undertaken until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 5. No development shall take place until a detailed assessment to demonstrate that the proposed destination of the surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000 and a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with Defra Non-statutory technical standards for sustainable drainage systems, has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing. .
 6. 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) That part of the existing access (extending across the existing footway) shall be constructed in accordance with Standard Detail number E6; and (g) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the details as may be approved under condition 5 and maintained thereafter to prevent such discharges.
 7. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas hereby approved have been constructed in accordance with the submitted drawing (reference LDS2460/002 revision A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 8. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase: (a) the parking of vehicles of site operatives and visitors; (b) loading and unloading of plant and materials; (c) storage of plant and materials used in constructing the development; (d) measures to control the emission of dust and dirt

during construction; and (e) a scheme for recycling/disposing of waste resulting from demolition and construction works.

9. The buildings to the north of units 1 - 4 and to the east of unit 4 shown on drawing LDS 2460/002 shall be used for the purposes of storage only and not the housing of animals unless the express written consent of the Local Planning Authority is granted.

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 the use of satisfactory materials in order to achieve a satisfactory form of development.
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 Development Plan Policies CP1, CP2, CP4, CP16, CP17, CP21, DP1, DP3, DP4, DP8, DP9, DP10, CP28, DP30, DP32.
4. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
5. To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the LPA in advance of full planning consent being granted and to ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options.
6. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenities of the area.
9. In the interests of the amenity of future occupants of the development hereby approved.

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 condition.
2. The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development – A Guide' available at www.northyorks.gov.uk

3. 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 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 bins and boxes sourced from Hambleton District Council – Waste and Streetscene.

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.

4. The drainage assessment required under condition 5 should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy: I. into the ground (infiltration), II. To a surface water body, III. To a surface water sewer, highway drain, or another drainage system, IV. To a combined sewer.

Parish: Topcliffe
Ward: Sowerby & Topcliffe
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Committee date: 30 March 2017
Officer dealing: Laura Chambers
Target date: 6 April 2017

17/00153/FUL

**Four detached houses and ten parking spaces for school staff
At Anchor Dykes, Station Road, Topcliffe
For Mr & Mrs N Corps**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located to the north of the village of Topcliffe, to the east of the A167 between Topcliffe Primary School to the south and Anchor Dykes, a dwelling in the ownership of the applicant, to the north. The site is beyond Development Limits and the Topcliffe Conservation Area and is currently in use as a pony paddock.
- 1.2 The site is primarily bounded to the west and south by hedgerow, with post and rail fencing to the east and north, with a further section at the south west corner. There are a number of mature trees along the western boundary that are subject to tree preservation orders.
- 1.3 Permission is sought to form an access to the A167 to the north of the site in order to create a private drive serving four four-bedroom dwellings. Two fully expressed two-storey dwellings would front the highway, taking pedestrian access only from the front, while there would be a further two two-storey dwellings with the upper floor within the roof space to the rear (east) of the site.
- 1.4 Plots 1 and 2 would be served by semi-detached garages at the rear while plots 3 and 4 would each have attached garages. To the north of the site a covered refuse store for the properties is proposed as well as an area of hardstanding proposed to form ten parking spaces for the use of staff at the adjacent primary school.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 04/00953/OUT – Six dwellings; Refused 21 July 2004.
- 2.2 04/01604/OUT – Two dwellings; Refused 30 September 2004.

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 CP9 & 9a – Affordable Housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies 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 DP15 – Promoting and maintaining affordable housing
Development Policies DP30 – Landscape Character
Development Policies DP31 – Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 – Landscaping
Development Policies DP39 - Recreational links
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework (NPPF)

4.0 CONSULTATIONS

- 4.1 Parish Council – no comments received.
- 4.2 Highway Authority – Has informally raised concerns about the operation of the proposed parking area and has sought clarification of the proposed footpath links. A formal response is awaited.
- 4.3 Environmental Health Officer – no objection.
- 4.4 Yorkshire Water – no objection subject to conditions.
- 4.5 Public comments – two objections have been received and are summarised below.
- The site is unsuitable due to school traffic problems;
 - The new access would affect highway safety; and
 - The proposed parking spaces would not overcome existing problems with school drop off and collections.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development in this location; (ii) the design of the development and its impact on local character; and (iii) highway safety and parking.

Principle of Development

- 5.2 The site falls outside the Development Limits of Topcliffe. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that permission will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 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.
- 5.4 In the Settlement Hierarchy contained within the IPG Topcliffe is defined as a Service Village and is therefore considered a sustainable location for development with services that would be supported by future occupants if residential development were approved in the area. Although beyond the Development Limits of Topcliffe as

identified in the Development Plan, the site is positioned between other buildings that, although also beyond the Limits, are closely related to the village. As such, if the site were developed it would not appear isolated from the village and would represent small-scale growth.

Design and Character

- 5.5 When entering the village from the north a number of properties are passed indicating the beginning of the settlement prior to reaching the application site, as such the proposal can be viewed as an infill that would not be detrimental to the open character of the surrounding countryside.
- 5.6 The character of the village is principally defined by the use of facing brickwork and pantiles, although a small number of properties utilise materials such as render and slate roofing. There are a range of house types and styles but these are unified by the use of materials. The majority of properties front the public highway with a small number of cul-de-sacs formed beyond.
- 5.7 The proposed layout fronting the highway with additional dwellings beyond is appropriate within the context of the village, which has a significant amount of development in depth behind road frontages and although there is not a single architectural style within the village, the proposed use of bay windows and chimneys reflect some existing properties in Topcliffe. The appearance of the proposed properties would as a result be sympathetic to the character of the wider area.
- 5.8 The submitted application forms indicate the use of facing brickwork but a range of roofing materials, while noting there are examples of different materials in the area and those proposed may individually be acceptable there is not clarity as to which materials are proposed to which property. Should the principle of development be found to be acceptable, ensuring the use of suitable materials could be effectively managed via a condition requiring samples and a schedule to be submitted for approval.
- 5.9 It is proposed to retain the existing trees and hedge on the boundary of the site; this would assist in softening the appearance of the development while retaining the attractive setting the existing landscaping provides. It is noted, however, that a proposed footpath link along the western boundary of the site (within the adopted highway beyond the application site) is indicated to abut one of the trees to the southwest of the site, this would require separate approval in terms of its construction from the Highway Authority however it has the potential to damage that tree and would make it essential to secure suitable protection measures by condition should approval be granted.
- 5.10 The application intends to provide an area for parking to be used by staff from Topcliffe Primary School, this will be addressed in more detail below, however it is of note with regards to design that the area of hardstanding would be immediately visible from the proposed site entrance in addition to the proposed covered refuse store. In combination this would create a poor first impression of the site with features that would ordinarily be expected to be discretely located within a development being the most prominent. This would be detrimental to the appearance of the overall development from the main road and consequently harmful to the appearance of the village.

Highway Safety & Parking

- 5.11 At the time of writing a formal response from the Highway Authority has not been possible; however a number of questions have been raised with the applicant about the use of the proposed parking area and details of the proposed footpath but no

additional information has been provided to clarify those issues. Should a formal response be made prior to the scheduled meeting an update to Members will be provided.

- 5.12 In principle, each dwelling is to be provided with a garage and parking spaces within their curtilage and this would meet with the Highway Authority's normal requirement for a minimum of three spaces each to be provided for four-bedroom dwellings in rural areas.
- 5.13 Limited details have been provided in relation to the pre-application consultation exercise undertaken with the neighbouring school in relation to the proposed parking area, or in relation to the how this would operate in practice. The school has not formally commented on the application, so it is not clear whether it supports the provision of the parking spaces or intends to take up the offer of their use.
- 5.14 In common with most schools, it is evident the school generates an overflow of parking, particularly during the morning drop-off and afternoon collection period. Staff parking generally takes place close to the school itself, prior to the arrival of parents; it is apparent when visiting the site that in many cases parents briefly block staff in while dropping off or collecting, although others park on the main road.
- 5.15 If staff cars were parked elsewhere in order to free up space for parents to park closer to the school as indicated in the application, it is unlikely that greater numbers of parents would be able to park in that area at any given time, as it would be impractical to block other parents in without causing an obstruction. There is currently certainty for parents that they are able to block in teachers, who will not need to enter or leave the site during the drop off and collection periods, but if staff parking were relocated that certainty would no longer be the case and overspill parking on the main road may worsen as a result. There is therefore no evidence that the proposal would improve the current arrangements and the gain on offer through the development is of questionable value.
- 5.16 It is also questionable whether staff would want to use the proposed parking area given it would mean carrying resources substantially further to reach the building than currently. In addition, the applicant has indicated there is no intention for the car park to be lit, which gives rise to concerns about security and the potential for anti-social behaviour.
- 5.17 Concerns regarding the use of the parking area in practice and its appearance within the street scene have not been suitably addressed or mitigated and therefore undermine this element of the proposed development.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
 - 1. The proposed parking area and refuse store, by reason of their design and location would be detrimental to the appearance of the area, and as the area would not be lit or appropriately managed to ensure it is secure may give rise to anti-social behaviour that would further detract from appearance of the site. The requirements of policies CP17 and DP32 have not therefore been met.
 - 2. It has not been demonstrated that the proposed parking area would alleviate current parking problems at the site and neighbouring school and would not therefore offer a social gain in favour of development, in conflict with policies CP2, DP3, DP4, CP17 and DP32.