

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 11 December 2014. The meeting will commence at 9.30am.

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

The background papers for each application may be inspected during office hours at the Civic Centre by making an appointment with the Director of Environmental and Planning Services. 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 Director of Environmental and Planning Services 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
Director of Environmental and Planning Services

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 11th December 2014

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	14/02306/FUL Mr J Howe Aiskew Page no. 11	New food production facility (B2 Class Use) with associated vehicle hardstanding, car parking, landscaping and external lighting. Retention of existing refrigerated containers on a temporary basis at applicant's existing premises For: Yorkshire Provender At: Plot 7, Coneygarth Way, Leeming Bar RECOMMENDATION: GRANT
2	14/01513/FUL Mr A Cunningham Alne Page no. 17	Residential development (including the conversion and replacement of existing agricultural buildings) to form a total of 10 dwellings For: Mr T Clark At: Village Farm, Jack Hole, Alne RECOMMENDATION: GRANT
3	14/01514/FUL Mr A Cunningham Alne Page no. 34	Farm worker's dwelling and two agricultural buildings For: Mr T Clark At: Village Farm, Jack Hole, Alne RECOMMENDATION: GRANT
4	14/01228/FUL Mr D Gibson Aiskew Page no. 42	43 dwellings, access and associated landscaping For: Taylor Wimpey (North Yorkshire) Ltd At: Land to the south of 28 Bedale Road, Aiskew RECOMMENDATION: GRANT
5	14/01120/FUL Mr T Wood Easingwold Page no. 57	Demolition of building and construction of 37 retirement living housing units (category II type accommodation), communal facilities, landscaping and car parking For: McCarthy & Stone Retirement Lifestyles Ltd At: Stillington Road, Easingwold RECOMMENDATION: GRANT
6	14/02142/FUL Mrs J Forrest Pickhill Page no. 65	Installation of a new window opening and two storey extension to rear of existing dwelling For: Mr & Mrs Waddington At: 15 Melltowns Green, Pickhill RECOMMENDATION: GRANT
7	14/01012/FUL Mr A Cunningham South Otterington Page no. 68	Revised application for alterations and extensions to existing agricultural buildings to form a residential annex For Mr and Mrs C Parvin At: Whig Hall, South Otterington RECOMMENDATION: GRANT

8	14/01198/REM Mrs H Laws Sutton-on-the-Forest Page no. 71	Reserved Matters application for the construction of a detached dwelling and garage For: Mr Peter Gripton At: Rutland House, 4 The Gowans, Sutton-on-the-Forest RECOMMENDATION: GRANT
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Parish: Aiskew
Ward: Leeming Bar

Committee Date : 11 December 2014
Officer dealing : Mr J E Howe
Target Date: 9 January 2015

1

14/02306/FUL

Construction of a new food production facility (B2 Class Use) with associated vehicle hardstanding, car parking, landscaping and external lighting. Retrospective application for the retention of existing refrigerated containers on a temporary basis at applicant's existing premises..
at Plot 7 Conygarth Way, Leeming Bar Business Park, Leeming Bar
for Yorkshire Provender.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application is for the construction of a new, replacement, factory unit on the Leeming Bar Business Park for Yorkshire Provender Foods. The company currently has two units within the Council's Food Enterprise Centre but wishes to expand onto larger premises directly adjacent which will, on completion, enable their existing premises to be made available to other local businesses. In addition to the above planning application the applicants are applying for retrospective Planning Permission for the retention of two refrigerated containers on a temporary basis on the existing site they currently occupy. These containers will only be required until such time as Yorkshire Provender move into the proposed new unit. A supporting statement submitted with the application indicates that:

"The on-going success of Yorkshire Provender has meant they have outgrown the existing 2no. units they occupy at the Food Enterprise Centre and require a larger facility. Yorkshire Provender are keen to continue their economic development in the Leeming Bar area, thus supporting economic growth in the area. By retaining their successful business in the area Yorkshire Provender are portraying a positive image for the Business Park which could encourage other companies to locate there. In addition vacating their existing premises allows another small business the supported start-up opportunity that they had."

" The existing factory typically operates two shifts per day, 5 days a week, however in the peak season (October to February), a third shift operates overnight. The factory employs 15 staff, and the staffing levels are also supplemented by 10 office staff who work normal office hours (8am to 6pm, 5 days per week). The new premises will increase the factory production lines from 2no. to 5no. and will provide improved packaging facilities, increased distribution and storage capabilities, and increased office space. It is assumed that staffing will increase by 30 persons over the 12 months following completion of the development and in peak season the factory will operate 24hrs a day, 5 days a week. As well as providing additional skilled and varied employment opportunities for the area, the increased staff in turn provide additional custom for local shops and businesses."

1.2 The application site is currently an undeveloped area in the south-eastern corner of the Business Park and comprises a rectangular shape some 80m x 50m (0.45ha in total) set back 40m from Leases Road and with an access off Conygarth Way. The proposed building, towards the south-western corner of the site, measures 46m x 25m. The site also contains staff and visitor car parking, including disabled spaces, cycle parking and parking, turning and manoeuvring space for HGV deliveries.

1.3 The total internal footprint of the new unit is 1,320 sqm. The internal space will consist of the main factory, packaging, storage and distribution areas and, to the first floor, ancillary offices and staff welfare facilities.

1.4 With regard to the external appearance the supporting statement indicates:

"The proposed building appearance has been arrived at after careful consideration and analysis of surrounding buildings, landscape and details regarding Building Design & Materials in the Development Brief for Leeming Bar Business Park Phase 4 document. The proposed external materials include Olive Green vertical profiled cladding at high level on the walls and wrapping over the roof to compliment the surrounding landscape. The Olive Green cladding is broken up on the key North and West elevations with bands of lighter Meadowland green cladding to highlight the location of the office/amenity areas and to frame the dark grey windows. This adds an element of architectural interest to these elevations. At low level the external walls are finished in Grey White flat cladding panels to create a subdued appearance. The reasoning behind using varied coloured cladding is to reduce the scale of the building by breaking it up into smaller elements. External areas are to include permeable asphalt to the car parking areas, concrete hard standing to the vehicle yard and contrasting paving to pedestrian areas. These areas will be broken up by pockets of landscaped areas. The main entrance is highlighted by the inclusion of a shrub planted area directly outside."

1.5 As noted above the site is currently undeveloped. It is enclosed to the North West by Conygarth Way and to the West by the Food Enterprise Centre. To the East is the remainder of the larger plot which is also undeveloped and fronts onto Leases Road at the entrance to the Business Park. To the South is a public footpath and then arable land with a separating boundary of native hedgerows and a number of existing trees which are a natural screening to the proposed site. The closest dwellings front onto Leases Road some 60m to the south-east.

1.6 The applicants have included details of the landscaping of the site in which it is stated that:

"The proposed landscape scheme is to reinforce the existing with further native hedges to the boundaries and shrub planting to attract more wildlife to the area. The car park will be screened as far as possible with an ornamental hedge. Plants around the remaining car park and building will be chosen to provide nectar and berries for wildlife but will be a varied mix of low and ground cover to provide a robust and dense landscape. Planting and bunding around roads and verges to be considered carefully to ensure that sightlines are not compromised. The Hambleton District Council Biodiversity Action Plan will be referred to during its design and the following list of trees and planting will be used as a guide; Trees: Silver birch, Holly, Hornbeam, Rowan, Field maple, Whitebeam, Hazel Hawthorn, and Blackthorn; Hedging: Hawthorn, Holly, Guelder Rose and Dogwood."

1.7 In terms of boundary treatment and crime prevention the application specifies that:

"The only fencing proposed is along the South boundary to separate the site from the public footpath. This fence will be a waist high timber post and wire fence. It is not proposed to put any further fencing around the site. It is not envisaged that any items will be stored externally that require protection or pose as a security risk. The cycle facilities have been located so that so that they are overlooked by occupied spaces at first floor level. The lighting design strategy is to provide external lighting to enable processes and for safety and security purposes. This will be operated through a mixture of timer switches and motion detectors. The premises will contain a security alarm system with motion detectors and door sensors. It is intended to install CCTV surveillance across the site. External door and windows will be double glazed with thermally broken aluminium frames."

1.8 In terms of traffic generation to and from the site the application states that:

"An analysis of the methods of travel shows that typically each shift only generates 6 car movements (3 in, 3 out) given the high proportion of staff who either walk, cycle or arrive on public transport. In terms of the office staff, all arrive by car and this adds a further 20 car movements (10 in, 10 out) to the site. Finally, commercial movements are extremely low for a use of this type, being typically 1 HGV delivery per day, 1-2 small truck deliveries, and 1 HGV collection per day."

There is no requirement for overnight HGV parking. The proposed facility will provide increased storage facilities on site and thus reduce the frequency of deliveries proportionate to the size of unit."

1.9 The two refrigerated containers within the applicant's existing plots will be retained until the new building is completed and then removed from the site.

1.10 The land is owned by Hambleton District Council.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 The layout of Phase IV of the estate (now referred to as the Leeming Bar business Park) was approved in 2004. The adjacent Food Enterprise Centre, from where the applicants currently operate, was permitted in 2009.

3.0 NATIONAL AND LOCAL POLICY

3.1 The relevant policies are:

- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design
- Core Strategy Policy CP12 - Priorities for employment development
- Development Policies DP16 - Specific measures to assist the economy and employment
- Development Policies DP17 - Retention of employment sites
- Development Policies DP39 – Recreational Links
- Development Policies DP2 – Securing Developer Contributions
- Development Policies DP6 – Utilities and Infrastructure
- Development Policies DP1 - Protecting amenity
- National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Aiskew and Leeming Bar Parish Council: No comments received

4.2 North Yorkshire County Council (Highways Authority): No objections subject to conditions.

4.3 Yorkshire Water: Awaited.

4.4 Environmental Health Officer: No objections in principle subject to confirmation of projected noise levels from the site.

4.5 Sabic Pipelines: No objections in principle, the developer will need to negotiate directly when development commences. The applicant has been sent a copy of the consultation response.

4.6 Ramblers Association: Awaited.

4.7 Economic Development Officer: Supports the proposal: " Yorkshire Provender has been at Leeming Bar food units for over 3 years. In this time have been very successful. Their growth means that they now need larger premises of their own and this is exactly what the employment land on Leeming Bar Phase 4 was intended to provide - expansion land for new and existing businesses - and in particular supporting the food sector. As Yorkshire Provender have been at Leeming Bar for over 3 years it has provided the opportunity to see how their business operates and I understand that there have been no issues with the business activity during this time. This should provide confidence and support for the case of amending the planning use class from B1 to B2 on this area of land. The application supports further growth and the creation of employment opportunities in the district which is very positive. With the intended growth plans, I would request

that consideration is given to ensure that parking provision can meet the demands of the employment growth and that all activities are contained within the boundaries of the site as the business grows."

4.8 The application was advertised by site notices on the boundary of the site and the nine closest neighbour/businesses were consulted. The date for the receipt of applications expires on 12th December. None have been received to date.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the sustainable nature of the site location (Policies CP1, CP2 and CP4), the scale, design and materials proposed (Policies CP17 and DP32), the potential for the growth of an established local business as a result of the development (Policies CP12, CP15 and DP25) together with the consideration of any impact on adjacent businesses or residents (Policy DP1). The contents of paragraph 28 of the National Planning Policy Framework (NPPF) are also relevant in this case. A financial contribution towards the provision of the Bedale Footpath and Cycleway Scheme is also currently being negotiated with the applicant. A Unilateral Undertaking ensuring this will be completed prior to the issue of any planning permission has been submitted.

5.2 The site is part of the Leeming Bar Business Park which is within the defined Development Limits of Leeming Bar, a settlement designated in the context of Policy CP4 as a Service Village, having a substantial range of local services and facilities and excellent communication links, particularly directly to the newly-improved A1(M). It is in local and national planning policy terms a sustainable location particularly for manufacturing and distribution businesses

5.3 The design of the proposed building has been prepared in accordance with the brief for the development of the Business Park and comprises a simple and functional development of attractive form which, with the scheme of landscaping proposed will enhance the overall appearance of the site. The building will, nevertheless, ultimately be at least partly screened when the adjoining plot to the east is developed.

5.4 The statement submitted in support of the application and the comments made by the Council's Economic Development Officer both show that the business, which originally moved to Leeming from Melmerby seeking additional space and occupied two units on the Food Enterprise Centre, has subsequently continued to grow such that a significantly larger facility is now required. This a positive benefit in two respects, firstly for the future of the business and the substantial additional employment to be generated and, secondly, the consequent release for future occupation of two units within the Centre which will give the opportunity for other local firms to expand in the same manner.

5.5 The site, as noted above, is entirely within the approved Business Park and the applicant's operations over the past three years have given rise to no comments or objections from adjacent businesses or occupiers of the closest residential properties. The Business Park was approved in 2004 for Classes B1 (Business/office), B2 (general industry) and B8 (storage and distribution) uses although this particular plot, on the southern boundary and at the front of the site, was restricted to B1 and B8 uses in order to assess the impact of any future occupier's activities on adjacent neighbours. The new premises, which will carry out the same process within a building constructed to higher acoustic and insulated standards, are not expected to create any nuisance. The final comments from the Environmental Health Officer are awaited and safeguarding operating conditions may be suggested.

5.6 Paragraph 28 of the NPPF states that in order to promote a strong rural economy local authorities should support the growth and expansion of all types of sustainable businesses and enterprise in rural areas both by the conversion of existing buildings and well-designed new

buildings. It has been noted above that the site is in an eminently sustainable location within a designated Business Park with excellent communication links and the development itself is of a high standard of design. It is therefore considered that it fully complies with the NPPF content.

5.7 As noted above the applicants are currently completing the preparation of a Unilateral Undertaking in respect of a financial contribution towards the implementation of the Bedale Footpath and Cycleway Scheme. This Undertaking will be completed prior to the grant of a planning permission.

5.8 The recommendation set out below is, in addition, subject to the responses to outstanding consultations which may result in the imposition of additional conditions.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations and satisfactory completion of a planning obligation to secure a contribution towards the creation of the Bedale Cycle and Footway planning 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. 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 has been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in full accordance with the approved details and programme.
3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: a. The details of the access shall have been approved in writing by the Local Planning Authority. b. The crossing of the highway verge and/or footway shall be constructed in accordance with Standard Detail number A2. c. Any gates or barriers shall be erected a minimum distance of 15 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway. d. That part of the access extending 15 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15. e. The final surfacing of any private access within 15 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. f. Provision of tactile paving in accordance with the current Government guidance.
4. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved: a. have been constructed in accordance with the submitted drawing (Reference 4158/102 P1 Proposed Site Plan). b. have been constructed in accordance with Standard Detail Number A2. c. are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times
5. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on 4158/102 P1 Proposed Site Plan for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

6. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. 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.

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 the interests of highway safety.
3. In order to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
4. In order to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
5. In accordance with the policy and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
6. In order to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Parish: Alne
Ward: Tollerton

Committee Date: 11 December 2014
Officer dealing: Mr A J Cunningham
Target Date: 12 September 2014

2

14/01513/FUL

**Residential development (including the conversion and replacement of existing agricultural buildings) to form a total of 10 dwellings as amended by plans and email received on 20 October 2014
at Village Farm, Jack Hole Lane, Alne
for Mr T Clark**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application relates to a site in two parts. The larger element is the re-development of Village Farm and the proposal also includes the conversion and re-construction of two agricultural buildings at the western end of Jack Hole Lane. Both are within the Alne Conservation Area. The Village Farm site extends between Jack Hole Lane to the south and Back Lane to the north, both of which provide vehicular and pedestrian access. It is occupied by a traditional range of Victorian buildings to the south nearest Jack Hole Lane with a modern range to the north adjacent Back Lane.

1.2 Alne is a secondary village under policy CP4 of the Hambleton Local Development Framework (LDF).

1.3 The Village Farm site is flat, roughly rectangular in shape and extends to approximately 0.29 hectares. The proposal for this part of the site comprises:

- The demolition of two open sided barns to the north of the site and a tin barn adjacent the eastern boundary of the site;
- Conversion of a barn (Barn 1) to a single dwelling, with a single storey extension to the rear, adjacent to the western boundary of site, measuring approximately 11.5m x 8m. The proposed accommodation comprises 3 bedrooms, 1 en-suite bedroom and a bathroom at first floor, and lounge, hall, study, kitchen/dining area, utility and integral garage at ground floor level;
- Conversion of a second barn (Barn 2) to a single dwelling, with 2 en-suite bedrooms, 2 bedrooms and a bathroom at first floor level, and a garden room, lounge, hall, kitchen/dining area, utility and study area at ground floor level; and
- Six new dwellings (Units A-F) in a detached 'L' shape to the north of the site: unit A would be an open market 2-storey dwelling with 3 bedrooms and units B to F would comprise 2-storey affordable dwellings with 2 bedrooms each.

1.4 The land at the western end of Jack Hole Lane is surrounded by agricultural land to the north, west and south and the proposal for this part of the site comprises:

- Reconstruction of a barn (Barn 3) partly on the site of a derelict former agricultural building to provide a single storey dwelling with 2 bedrooms, bathroom, hall, lounge, dining/kitchen area, utility and wheelhouse. The structure would have maximum dimensions of 19.2m x 13m, with a total height of approximately 4.4m;
- Conversion of another barn (Barn 4) to provide a 2-storey dwelling with 3 bedrooms, bathroom and an en-suite bedroom at first floor level, and a lounge, study, hall, kitchen/dining area and utility at ground floor level; and
- Conversion of a redundant agricultural building to the south of Barn 4, nearest Jack Hole Lane, to provide a single detached garage for Barns 3 and 4, with the area between this

structure and the highway forming a paved parking and turning area.

1.5 The south of the Village Farm site fronting Jack Hole Lane, with the exception of the access, is bound by a mature mixed native hedge interspersed with shrubs and small trees which extend along the west boundary towards Barn 1. The remainder of the west boundary is formed by the gable wall of Barn 1; a facing brickwork wall with stone copings; the end wall of Barn 2 and is finished by a conifer hedge running towards back lane. The north boundary has two access / egress points either side of a short section of mixed native hedge with some shrubs and small trees. The east boundary extending from Back Lane is formed by mature mixed native hedge interspersed with shrubs and small trees before reaching the modern and traditional buildings. The east boundary carries on around the farmhouse which is enclosed by a vertically close boarded timber fence to the rear and mixed native hedge running adjacent to the access towards Jack Hole Lane.

1.6 A structural engineer's report appended to this application confirms that Barn 1, Barn 3 and the small barn facing Jack Hole Lane are each in a poor state of repair necessitating demolition and rebuilding in line with the submitted plans.

1.7 Amendments were received on 20 October 2014. These have:

- Clarified the details of the passing place to be provided on Back Lane;
- Shown improvements to the natural northern boundary adjacent unit A necessitating the relocation of the car parking spaces to this property within the body of the site;
- Clarified that no surface water from the application site would discharge onto Back Lane
- Confirmed that the proposal would not, at the Jack Hole Lane site, provide an access to the existing dwelling immediately south of the area proposed to be paved;
- Introduced first floor windows to the southern elevation of units D to F in lieu of roof lights to the southern roof slope
- Introduced a landscaping strip atop a raised kerb immediately to the south of unit C and to the northern elevation of units D and E, 7; and
- Introduced energy saving measures to the entire development to align with LDF policy DP34.

1.8 A Unilateral Undertaking to facilitate the full provision of a contribution of £33,078 towards off site open space, sport and recreation facilities in respect of the development has been drafted but is not yet complete.

1.9 Both development sites are positioned within Flood Zone and a Public Right of Way extends along Back Lane and Oakbusks Lane.

1.10 A Contaminated Land Risk Assessment, Heritage Statement and Secured by Design Statement have been submitted in support of this application.

1.11 Ane is predominantly residential in character, particularly within the Defined Development Limits, with Main Street/Jack Hole forming the basis for the most significant groups of buildings. The majority of buildings in this part of the village are dwellings, traditional in form and scale, with pockets of more modern housing at the northern and southern ends of the village. Gale Road and Back Lane run parallel and to the north of Main Street and Jack Hole, with housing on both sides of Gale Road. The Conservation Area extends to Back Lane, further than the Development Limits, and includes the back gardens of houses on Main Street and Jack Hole and dwellings fronting Back Lane near the junction with Mitchell Lane and two converted barns, Croft Barn and Seymour House further west, closer to the larger application site. With the exception of Village Farm, there appear to be no remaining agricultural buildings within Development Limits or the Conservation Area. Near the site, groups of agricultural buildings are found on the northern side of Back Lane.

1.12 A Members' site inspection was conducted at peak school time on 13 October to understand peak traffic conditions on Jack Hole Lane.

1.13 A further consultation and publicity exercise regarding additional amendments to address the comments of the Council's Conservation Officer concludes on 6 December 2014.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 14/01514/FUL - Construction of an agricultural workers dwelling and two agricultural buildings as amended by plans and email received on 20 October 2014; reported elsewhere on this agenda.

3.0 NATIONAL AND LOCAL POLICY

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP9A - Affordable housing exceptions
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP5 - Community facilities
Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP25 - Rural employment
Development Policies DP26 - Agricultural issues
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework
Supplementary Planning Document - Open Space, Sport and Recreation - February 2011
Affordable Housing - Supplementary Planning Guidance - June 2008

4.0 CONSULTATIONS

4.1 Aine Parish Council - Considers the proposals as one given that they are strongly interrelated. Objects to the proposal on grounds of: i. the development being outside of the Development Limits of the village, ii. Its impact on the Conservation Area; iii. The unsustainability of the location, with limited services (including oversubscribed education provision) and public

transport links; and iv. Insufficient affordable housing provision would be made outside of Development Limits.

4.2 NYCC Highways - Conditions recommended regarding: discharge of surface water, private access/verge crossings: construction requirements, closing of existing access, visibility splays on back lane, approval of details for works in the highway, completion of works in the highway (before occupation), provision of approved access, turning and parking areas, precautions to prevent mud on the highway, and on-site parking, on-site storage and construction traffic during development.

4.3 Yorkshire Water - Recommend a condition regarding the discharge of foul and surface water.

4.4 Internal Drainage Board - No observations.

4.5 NYCC Education – Seeks a contribution of £33,990 for primary schools serving the locality of the development.

4.6 Environmental Health Officer – No objection; the development would not have a negative impact on amenity.

4.7 Police Architectural Liaison Officer - No specific mention of how security and crime is to be addressed. Would recommend that the houses attain secured by design certification, that external lighting be provided to reduce crime and fear of crime, and that adequate security is implemented during the construction phase.

4.8 Conservation Officer – The application for replacement and conversion of these traditional farm buildings is supported, however the design of the front elevation of Barn 1 requires some alteration, the windows to Barn 2 simplified and concerns regarding the size and scale of Barn 3 addressed. Regarding consideration as a Non Designated Heritage Asset (NDHA); all the barns are likely to meet the Council's criteria 1 (age) 3 (representativeness) and 6 (group value). However: Barn 1 is much altered and in a particularly poor state of repair. Whilst I would wish to see a similar building replace this for the benefit of the street scene and Conservation Area I would be reluctant to call it a NDHA as it is so much altered and of poor quality construction. Barn 2 is of sound construction and could be a NDHA. Barn 3 is so dilapidated I think it would be inappropriate to class it a NDHA. Barn 4 should be a NDHA. (Amendments have been requested regarding the design alterations necessary to Barns 1, 2 and 3 as referred to above)

This farmstead is set within the historic form of the village, consisting of a farmhouse along Jack Hole Lane which is in line with the other houses which are mainly detached and set back from the street and an adjacent agricultural barn (Barn1). By replacing the inadequate Barn 1 to a suitable similar design, the character of the street scene will be maintained and enhanced. To the rear of the site, several traditional and modern farm buildings form one plot which extends to Back Lane at the rear. The buildings themselves do not extend all the way to Back Lane, but the plot does and is clearly marked. Whilst other plots in the vicinity do not have buildings extending this far back, the farm site is much wider in comparison and could accommodate development without losing the grain of the plot or the open aspect to Back Lane. The proposed new build dwellings have an agricultural character and will be constructed of brick and pantile with timber windows. The siting of the new 'barns' will enable an open aspect to Back Lane and enable permeability of the site as at present. I am not aware of any proposed works to Back Lane or the introduction of lighting, however lighting should really be limited to the buildings themselves.

4.9 Sustainable Development Officer - Comments made regarding sustainable communities, sustainable transport, solar construction, sustainable drainage and biodiversity.

4.10 Network Rail - No observations.

4.11 Housing Services - Alne lies within the hinterland of Easingwold, which requires 50%

affordable housing on any proposed scheme in a rural parish of 2 or more properties. In the case of the Village Farm's proposal of 10 units, would trigger a requirement of 5 units. The preferred option would be units on site and a number of meetings have been held with the planning agent and Registered Provider (Broadacres Housing Association). However if this site is sold on, a different Registered Provider may be appointed. The affordable housing contribution of 2 x 2 bedroom houses and 3 x 3 bedroom houses meets the identified need for the parish. These would be sold to the Registered Provider at the Council's Transfer Prices.

4.12 A Community Consultation event was held in the Village Hall on 26 September 2012, to allow residents to comment on the proposed scheme, which has been changed to take into account any comments. At the same time a Housing Need survey was undertaken and has been updated with any recent enquiries regarding housing in the parish. This need identified a need by 14 households in need for 5 x 2 beds, 6 x 3 beds, 1 x 4bed and 1 gave no size requirement. Experience has shown that once a development is granted planning and start on site, the hidden need reveals itself. The housing need did not register anyone wishing to purchase a property on the open market. Housing would support this application.

4.12 Neighbours – 67 comments in summary, mainly concerning:

- i. Harmful to Conservation Area.
- ii. Visual impact to locality.
- iii. Would set future precedent.
- iv. Positioning of proposed dwellings.
- v. Outside of development limits.
- vi. Not in accordance with LDF policies.
- vii. Would change character of Back Lane which is a local amenity in its own right.
- viii. Impact on highway safety.
- ix. Lack of amenities in Alne.
- x. Improvements to public footpath network.
- xi. Condition of Back Lane.
- xii. Increase in traffic.
- xiii. Alne School at capacity.
- xiv. Support evolving/expanding business.
- xv. Need to consider alternatives to proposed development.
- xvi. The two planning applications should not be considered as one.
- xvii. Overdevelopment of site.
- xviii. Benefits for farm enterprise and rural economy.
- xix. Disruption during construction phase.
- xx. Financing of the new farm complex.
- xxi. Would stretch existing utility infrastructure in Alne.
- xxii. Impact on neighbour amenity.
- xxiii. Improved animal welfare perspective and efficient running of enterprise.
- xxiv. No development on greenfield site.
- xxv. Affordable Housing provision.
- xxvi. Access to site.
- xxvii. Future extension of garden of Barn 4.
- xxviii. Support for the principle of proposal.
- xxix. Lack of public support.
- xxx. External lighting about the development.
- xxxi. Need to attract young people to village.
- xxxii. Bats in buildings.
- xxxiii. Localised drainage/flooding issues.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to:

- (a) The principle of development
- (b) Impact on the character, appearance and visual amenity of the area
- (c) Impact on neighbour amenity
- (d) Highway matters
- (e) Impact on protected species
- (f) Affordable housing provision
- (g) Public open space provision
- (h) Education provision
- (i) Sustainable Energy
- (j) Drainage and Flood Risk
- (k) Community Engagement

The Principle of Development

5.2 Only the southern third of the Village Farm site is within Development Limits. This area would accommodate a paved area, a detached garage and a small portion of the eastern end of Barn 4. The majority of development on this part of the site would therefore be outside of Development Limits and would need to be justified as an exception allowed under Core Policy CP4 or by the National Planning Policy Framework (NPPF).

5.3 The applicant considers that the residential development is required to (a) provide funding necessary to enable the replacement agricultural unit proposed in application 14/01514/FUL to be completed and to allow the agricultural operation to move forward; and (b) to allow for the beneficial re-use of the original farmstead and its traditional buildings. The applicant is viewing the proposal as a package of measures that provide sympathetic infill within the development limits of a settlement within the sustainable settlement hierarchy, and meet an exceptional circumstance of policy CP4 of the LDF to achieve an affordable housing provision to meet a local need. As noted above the majority of the larger site is outside the Development Limits of Alne, as is the majority of the smaller site.

5.4 As reported in the Conservation Officer's advice, Barns 2 and 4 may be considered as Non Designated Heritage Assets, and their sensitive conversion and restoration could satisfy criterion ii of policy CP4 which supports proposals that are necessary to secure a significant improvement to the conservation of a feature of acknowledged importance. In this regard, the Alne Conservation Area is also a feature of acknowledged importance and paragraph 131 of the NPPF requires the Council to consider the desirability of new development making a positive contribution to local character and distinctiveness when determining this application. It has been suggested that this might justify the conversion of Barns 2 and 4 to affordable housing but not market housing. However, criterion ii of policy CP4 does not make any such restriction on tenure and there is a separate exception for affordable housing under criterion iii of the same policy.

5.5 Barn 1 is within Development Limits and therefore its conversion is considered acceptable in principle and in accordance with LDF policies. For the remainder of the proposal, the NPPF post-dates the LDF and 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". The modest growth proposed within the application would assist in the regard. The NPPF does counsel against isolated new homes in the countryside but the site is not considered to be isolated and therefore the less restrictive position taken by the NPPF on the principle of development in this location must be taken into account and weighed against the position taken by policy CP4. Furthermore, the NPPF allows for exceptions, including where it would:

- Represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- Re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

Both are considered relevant to this scheme.

5.6 LDF Policy CP4 is interlinked with policies CP1 and CP2 which relate to sustainable development and minimising the need to travel. The positioning of the proposed dwellings close to the core of Alne means that sustainable access is provided to facilities that the secondary village has. As noted earlier, the NPPF is less restrictive than the LDF when considering development beyond Development Limits, only going so far as to counsel against isolated new dwellings in the countryside, so it must be considered whether the NPPF, as a material consideration, outweighs the development plan position in this regard. Recent appeal decisions on sites adjoining but outside Development Limits at South Back Lane, Stillington and South Back Lane, Tollerton indicate that Inspectors may view such sites as sustainable locations. In principle the proposal is considered compliant with national policy and the reasoning provided by Inspectors determining appeals in similar locations within Hambleton indicate that this may be viewed as sustainable development in line with the NPPF and to outweigh conflict with CP4.

Impact on Character, Appearance and Visual Amenity of Locality and Conservation Area

5.7 Policy DP30 of the adopted Development Policies DPD seeks to protect the character and appearance of the countryside. The design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views. Paragraph 1312 of the NPPF requires the Council to take account of the following in deciding this application:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

5.8 Built form to the rear (north) of properties which run north-south between Jack Hole Lane and Back Lane is limited save for the development referred to in paragraph 1.11 however, the nature of boundary treatments to those properties and the presence of landscaping and outbuildings within some gardens do result in a perception of a less spacious character when viewed from Back Lane than might be inferred from a map. The Village Farm site has sizeable structures which extend in depth within the plot. The baseline character of the Conservation Area is therefore informed by the historic presence of these structures at Village Farm. The proposed scheme would compare with the massing of buildings which currently exist on site (it is acknowledged that the massing of the Dutch barn would vary depending on its intensity of use by way of the effects stored inside the building) and in turn would maintain the local character that the buildings on site have historically informed. The presence of the existing buildings is in contrast to other land to the rear of properties on the north side of Jack Hole Lane, which have gardens that go beyond Development Limits but are contained within the Alne Conservation Area, which extends to Back Lane. The development would therefore not set a precedent for further development within the Conservation Area but beyond Development Limits. The appearance and design of the proposed, re-built and converted dwellings at the Village Farm site would be appropriate to the traditional agricultural character which has evolved through the life of the farm complex, and would be appropriate to the locality. Furthermore, the sympathetic conversion of buildings considered to be heritage assets (Barns 2 and 4) would sustain them and put them to a viable use consistent with their conservation. It is acknowledged that to a degree the proposed dwellings at Village Farm would introduce a more suburban and less agricultural character to the site, however the design of the scheme and the use of high quality materials and other matters that can be controlled through appropriate conditions would ensure that the character and appearance of the Conservation Area and the surrounding area are protected. The re-built and extended and converted building adjacent the end of Jack Hole Lane would represent a sympathetic, traditionally designed approach which would sustain the character and appearance of the Conservation Area. The Council's Conservation Officer has appraised the impact on the Conservation Area and has not raised objection to the scheme on these grounds. A condition to control lighting in line with the

Conservation officer's advice is recommended (condition 29).

5.9 It is considered that sensitive conversion of the existing buildings would maintain the appearance of the Conservation Area. In this context it is reasonable to note the form and condition of the large agricultural buildings within the site that can be seen from Back Lane. The Conservation Area is predominantly residential in character and the proposed residential use would accord with this. The new dwellings would also accord with the predominant residential character of the Conservation Area and in terms of its appearance, they would be appropriate in scale, siting and design, following the grain of development on the larger site, and comparing well to the scale and form of the farm buildings to be demolished, which do not follow the prevailing pattern of historic development, in which buildings reduce in scale as their distance from the primary road frontage increases. It is noted that there are two barn conversions on Back Lane, which establish appropriate residential development as part of the character of this part of the Conservation Area.

Impact on Neighbour Amenity

5.10 The scheme has been sympathetically designed to protect the amenities of occupiers of existing adjacent property and the proposed properties within both sites. The positioning of first floor windows has been scrutinised as have the separation distances, the orientation of proposed structures to adjacent property, the existing and proposed boundary treatments of both sites, and the likely activity generated by the development of both sites. Neighbour amenity would be satisfactorily safeguarded in accordance with LDF policy DP1.

Highway Matters

5.11 The positioning of the proposed accesses to the public highway network, the public highway network which links to these accesses, and the on-site parking provision have been assessed. The context of the existing agricultural activities at both the Village Farm and Jack Hole Lane sites has been considered against the residential proposals and the localised traffic implications of both uses. Back Lane is a relatively narrow access road and the proposal incorporates a passing place (identified on drawing number 3527/VF/019 received by the Council on 20 October 2014) to alleviate congestion. Full details of this and its provision before any new dwellings are occupied can be required by recommended condition 21. This is an improvement to the scenario which currently exists. It is recognised that the continued use of Back Lane by the relocated agricultural complex the subject of 14/01514/FUL would generate a low degree of traffic (less so as the complex would be better related to its existing land holding although it is recognised that the applicant undertakes off-site agricultural contractual work). An increase in activity would arise from the vehicular and pedestrian traffic generated by units A-F, but not to a level which would adversely impact on highway safety and the residential traffic envisaged would be appropriate to the form and function of Back Lane. Whilst it has been suggested that a second passing place is required, the Highway Authority is satisfied with the one proposed and there is therefore no highway justification for seeking additional provision. It has also been suggested that the passing place should not be constructed on private land. The land is within the control of the local highway authority and so there is no planning reason to withhold permission on this ground.

5.12 Regarding the developments taking their access from Jack Hole Lane, it is recognised that a degree of congestion occurs around the start and finish of the school day. It is important to consider the likely vehicle and pedestrian movements resulting from the proposed development when reaching a conclusion as to whether they would raise an adverse impact on highway safety through worsening an existing problem or introducing fresh issues. Typically peak vehicle movements from a property would take place around 8am, potentially at midday, and at 5pm. Congestion around the school and Jack Hole Lane, would intensify between 8:30 and 9am, and between 3 and 3:30pm. The most common vehicle movements of the proposed development would not therefore directly coincide with those of Alne School and it is recognised that additional attendees resulting from the proposed development would be likely to walk to the school. Consequently it is not considered that the works would give rise to an unacceptable highway safety

issue. In conclusion the whole development, subject to the recommended conditions of the Highway Authority would not harm highway safety.

Protected Species

5.13 A bat scoping survey of the buildings associated with the development was undertaken in February 2012 and then updated in July 2013. No evidence of bats was found during the first survey and only a single bat dropping was found during the updated survey. Overall, the buildings are considered to have no significant bat roost potential, so the proposed development is considered unlikely to have an adverse impact on bats. Nesting Swallows and House Sparrows were recorded using the buildings at the time of survey. The survey advised that because birds were found nesting in the surveyed buildings care must be taken not to disturb nests while they are in use. If work is to commence after the beginning of March the buildings must be secured prior to March to prevent birds starting to nest. If nesting has begun before building works start disturbance to the nest must be avoided whilst it is being built or when it contains eggs or young. In view of the time which has lapsed since the last update to the survey the applicant has been requested to provide an updated assessment of the buildings. This could be the subject of a pre-commencement planning condition which would ensure that any recommended mitigation measures are implemented.

Affordable Housing

5.14 One dwelling is wholly within Development Limits and so there are 9 dwellings beyond Development Limits of which 5 are proposed to be affordable housing. Affordable housing provision for the proposed development is required, according to policy CP9A of the LDF to be 100% where it is positioned outside the Development Limits of secondary villages to meet an identified local need and where any development is small in scale. The applicant has approached the scheme on the basis of the criteria of CP9 where 50% of the dwellings proposed within the development are affordable. Policy CP9 is applicable where the development is wholly within Development Limits which the majority of the development, including the entire affordable element, is not. The policy requirement is not therefore met in full in this instance as open market units have been interspersed with the affordable housing element at the Village Farm site, with open market units provided in full at the Jack Hole Lane site. The interspersal at Village Farm was at the Council's suggestion to ensure that the affordable units are integrated within the development. The National Planning Policy Framework at paragraph 50 supports this approach and it is noted that this national policy was adopted more recently than the Council's LDF.

5.15 As noted earlier, recent appeal decisions have allowed open market housing outside but adjacent to Development Limits and therefore the possibility of limited market housing should be considered. In view of this, and the other potential benefits of the scheme, the proposed 50% affordable housing provision is considered reasonable.

Public Open Space

5.16 Policy DP37 of the adopted Development Policies DPD requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.

5.17 Section 4 of the Open Space, Sport & Recreation Supplementary Planning Document (Open Space SPD) identifies that developments of between 10 and 79 dwellings should make provision for amenity green space and play areas for children on site. In addition, off-site contributions will normally also be sought to ensure Policy DP37 standards are met, because the Council's evidence base indicates significant shortfalls in the amount of Public Open Space in all sub areas (see paragraph 4.12 of the Open Space SPD). In this instance the applicant has chosen to make the full required contribution towards off site provision.

5.18 The scheme requires a contribution of £33,078 towards the provision of off-site open space,

sport and recreation provision to meet the policy requirements of DP37 of the LDF. A draft Unilateral Undertaking has been received and is currently being processed but has not been completed.

Education

5.19 LDF policy DP2 stipulates that contributions will be sought where necessary to ensure the achievement of sustainable development, including the provision of additional infrastructure whenever there is a need generated by the new development. This includes, amongst other things, provision of additional children's services/facilities where existing services in the area have insufficient capacity to cater for the potential increase in the number of children, or are appropriately placed to serve a development, having regard to the need to minimise travel, consistent with Core Policy CP2.

5.20 In addition, LDF policy DP5 advises that support will be given to the provision and enhancement of community facilities with a view to maintaining sustainable communities. Policy DP6 on utilities and infrastructure seeks to ensure new development is capable of being accommodated by existing or planned services.

5.21 The County Council has requested an education contribution of £33,990 for primary schools serving the locality of the development. The mechanism for this contribution would need to take the form of a legal agreement which could be combined with the current draft agreement in respect of off-site open space, sport and recreation provision.

Sustainable Energy

5.22 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.

5.23 Amendments to the scheme have addressed the issue of sustainable energy and the policy requirements of DP34 of the LDF. The applicant confirms that they: "have introduced solar hot water panels to each dwelling which will provide between 50 - 60% of the annual domestic hot water demand, and a 10KW photovoltaic system to the calf rearing shed (14/01514/FUL) which will achieve a saving upwards of 5000kgs of carbon dioxide annually. This is in addition to the sustainable construction methods etc. as outlined in the original supporting documentation". In the event that the Council is minded to grant planning permission, a suitably worded condition could be imposed to secure the implementation of these renewable energy technologies.

Drainage and Flood Risk

5.24 LDF policy DP43 outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.

5.25 The site is within Flood Zone 1, an area with low flood risk, and is outside the flood envelope of all other identified sources of flood potential and records that residential development within Flood Zone 1 does not need to be subjected to the Sequential Test set out in the NPPF.

5.26 LDF policy DP6 stipulates that new developments must be capable of being accommodated by existing or planned services, and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the community. These systems include surface water drainage and sewage disposal.

5.27 Yorkshire Water and the Council's Senior Drainage Engineer have been consulted on the

proposal and have not raised any adverse issues in regard to localised drainage/flooding.

Community Engagement

5.28 Public consultation should be a genuinely meaningful exercise and must be guided by the Council's Statement of Community Involvement and paragraph 66 of the NPPF.

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

5.30 The Council's SCI makes clear that developers should discuss and agree the exact nature of consultation in advance. In this case the applicants undertook pre-application engagement as sought by the NPPF and local policies. The application documents show how the process of engagement has shaped the proposals.

5.31 In response to the concerns of the Parish Council and local people not already addressed, it is considered that:

- The increased use of Back Lane and the upgrade measures to provide a passing place would not harmfully alter its character;
- The proposal would not interfere with the public footpath network and a condition could be imposed to ensure that this is maintained clear from obstruction at all times;
- The condition of Back Lane is a matter for the Highway Authority to monitor and act on as necessary;
- It is considered entirely reasonable to consider 14/10514/FUL alongside this scheme given the type of this concurrent proposal and the implications it would have on this proposal;
- The proposal would make optimal use, but not constitute overdevelopment, of the site;
- Disruption for a limited period is inevitable during the construction phase however due to the close proximity of the proposed development to adjacent existing dwellings it is considered necessary to attach an hours restriction on any permission granted;
- The finance of the new farm complex cannot be considered in the determination of this application;
- The development would not place an unacceptable burden on utilities within Alne. It is noted that Yorkshire Water has not objected to the scheme;
- Any extension of the domestic curtilage of Barn 4 (or any other dwelling) beyond that shown in this application would necessitate an application for planning permission, which would be considered on its own merits at that time; and
- The provision of external lighting about the proposed development could be controlled by planning condition.

Conclusion

5.32 The development would address a number of objectives. From the applicant's perspective it would help to facilitate a relocation of the farming enterprise to new buildings that are better suited to modern agricultural practice and would support the creation of an agricultural worker's dwelling at the new site.

5.33 However, in planning terms there are separate considerations that lend support to the principle of the scheme. First, the development of a site outside but adjacent to Development Limits may be considered in line with the position taken by the NPPF on development outside settlements, as evidenced by recent appeal decisions within Hambleton. Turning to local policy, and when viewed as a package, the proposal is considered to meet two exceptional circumstances of policy CP4 in that it would make provision for affordable housing to meet an identified local need

and would secure a significant improvement to the conservation of features of acknowledged importance, not only in its contribution to the Conservation Area but also the restoration and re-use of buildings considered to be non-designated heritage assets. In view of the precedents from appeal decisions elsewhere, where limited open market housing has been allowed beyond Development Limits, it is not considered that 100% affordable provision can be required.

5.34 The development would not have a harmful impact on the character, appearance and visual amenity of the surrounding area, nor would it introduce a harmful impact on neighbour amenity. The proposal would not raise any unacceptable adverse highway safety issues. Subject to the updated protected species survey the scheme would not harm protected species. The scheme meets the national policy requirements regarding the provision of affordable housing by exception and subject to the completion of the Unilateral Undertaking would make the required contribution towards the off-site provision of open space, sport and recreation. Subject to the completion of planning obligation the scheme would make sufficient contribution towards local education improvements. The scheme includes the required sustainable energy measures set out policy DP34 of the LDF, and there is no harmful impact to the development from localised drainage and flood risk issues. Consequently the scheme is recommended for approval.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations and the satisfactory completion of a planning obligation to secure appropriate affordable housing provision on site and a contribution toward open space, sport and recreation provision, the application is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 18 July 2014 as amended by the drawings and details received by Hambleton District Council on 20 October 2014 and 5th November 2014 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. Prior to the development commencing, details of the cross section of the window frames and glazing bars, together with details of the materials, method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority. Following such written approval, all installed windows shall conform to that approved specification.
5. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details set out on drawing number 3527/VF/019A received by Hambleton District Council on 20 October 2014. 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.
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 0800 hours and 1800 hours Monday to Saturday and there shall be no such work on Sunday or on any public holidays unless by prior written consent of the Local Planning Authority.
7. 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.

8. 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 7 above.

9. No more than 2 dwellings comprised in the General Market Housing Scheme shall be occupied until the Affordable Housing Scheme is ready for occupation.

10. No person or persons shall occupy all or any part of the housing in the Affordable Housing Scheme ("the Affordable Housing") unless he or she is a tenant and unless: a) he or she is a person in need of such accommodation as defined in the Schedule to these Conditions and he or she fulfils one or more of the criteria contained in Condition 11 below: or b) he or she has succeeded to a tenancy under the provisions of the Housing Act 1986 upon the death of the former tenant of the accommodation; or c) he or she has upon the death of the former tenant's family who resided with him/her throughout the period of twelve months ending with the former tenant's death and who occupied the accommodation as his or her only principal home at the time of the former tenant's death; or d) he or she has succeeded to the tenancy as a result of a Court Order.

11. Subject to Condition 10 no person or persons shall occupy all or any part of the Affordable Housing Unless he/she is a person who is in need of such accommodation and who: a) has immediately prior to such allocation been ordinarily resident within the Easingwold Service Centre Hinterland (the hinterland as defined within the LDF Core Strategy) for a period of at least twelve months; or b) has within the last ten years prior to such allocation been ordinarily resident in the hinterland for a period of at least five years; or c) has immediately prior to such allocation a mother, father, son or daughter or some other relative or carer approved in writing by the Local Planning Authority who has been ordinarily resident in the hinterland for at least twelve months; or d) is immediately prior to such allocation permanently employed in the hinterland.

12. At all times in allocating or managing the units of accommodation in the Affordable Housing the Owner shall: a) comply fully with the rules of a Housing Association and its current published housing waiting list and allocation system and in all cases in accordance with any published Housing Corporation Policies and Guidance Notes or rules policies and systems which are similar to such Housing Association and Housing Corporation documents; and b) charge rents which are no higher than the Benchmark rents for the area specified by the Housing Corporation from time to time.

13. Prior to first occupation or use of any part of the development hereby approved the Secured by Design details set out in the Secured by Design Statement received by Hambleton District Council on 18 July 2014 shall be implemented in full and retained thereafter.

14. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

15. The site shall be developed with separate systems of drainage for foul and surface water.

16. Prior to first occupation of the development hereby approved the details demonstrating how compliance will be achieved with the requirements of Policy DP34 (Sustainable Energy) of the Hambleton Local Development Framework shall be implemented in full and retained thereafter unless otherwise approved in writing by the Local Planning Authority.

17. 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 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.

18. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site 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:

(ii)(a) The existing access to barns 3 and 4 shall be improved and reconstructed to give a minimum carriageway width of 5 metres for a distance of 6 metres back from the edge of the major road and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6VAR.

(ii)(b) The access to units B-F from Back Lane shall be improved and reconstructed in accordance with the submitted drawing reference 3527/VF/019A and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6VAR.

(ii)(c) The access to unit A from Back Lane shall be constructed in accordance with the submitted drawing reference 3527/VF/019A and Standard Detail number E6.

(iii) 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.

(vi) The final surfacing of any private access and parking area within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing public highway.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

19. No part of the development shall be brought into use until the redundant sections of the existing access on to Back Lane have been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority. No new access shall be created without the written approval of the Local Planning Authority.

20. 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 to the centre line of Back Lane from a point measured 2.0 metres down the centre line 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.

21. 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 required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority; and

(ii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include provision of a passing place on Back Lane, including hard and soft landscaping.

22. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 21: provision of a passing place on Back Lane.

23. 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 3527/VF/019A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

24. 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.

25. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- (i) On-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway;
- (ii) On-site materials storage area capable of accommodating all materials required for the operation of the site;
- (iii) The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

26. Prior to the commencement of development a method statement detailing the proposed demolition and refurbishment of structures on site shall be submitted to and approved by the Local Planning Authority. Thereafter the works shall be undertaken in accordance with the approved details.

27. No works shall be undertaken on the development until a schedule has been agreed with the Local Planning Authority of those materials forming part of the building to be demolished which are worthy of re-use on the site. The schedule shall include a reference to where the materials will be used in the re-development of the site. The building shall be carefully taken down or dismantled and the materials contained in the schedule and stored for later re-use in the proposed redevelopment. The materials contained in the schedule shall be re-used in the redevelopment of the site in the manner indicated in the schedule.

28. 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.

29. No external lighting shall be installed on site except in accordance with details which have first been submitted in writing to and approved by the Local Planning Authority. Thereafter the external lighting shall be installed in accordance with the approved details.

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

31. Prior to development commencing a protected species survey of the buildings proposed for demolition shall be submitted to the Local Planning Authority. Any mitigation measures within the approved survey shall be implemented in accordance with the recommendations.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP1, DP30 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. To ensure that the appearance of the windows are appropriate to the character and appearance of the Alne Conservation Area.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
6. In order to protect the amenities of residential property in the locality.
7. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework policy DP43.
8. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework policy DP43.
9. To ensure that the development is carried out in full accordance with the aim and content of policy CP9 of the Hambleton Local Development Framework Core Strategy.
10. To ensure that the development is carried out in full accordance with the aim and content of policy CP9 of the Hambleton Local Development Framework Core Strategy.
11. To ensure that the development is carried out in full accordance with the aim and content of policy CP9 of the Hambleton Local Development Framework Core Strategy.
12. To ensure that the development is carried out in full accordance with the aim and content of policy CP9 of the Hambleton Local Development Framework Core Strategy.
13. In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998.
14. To maintain the free flow of the Public Right of Way.
15. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework policy DP43.
16. In the interests of minimising energy demand, improving energy efficiency and promoting renewable energy generation in accordance with policy DP34 of the Hambleton Local Development Framework.
17. In the interests of highway safety.
18. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

19. In the interests of highway safety.
20. In the interests of highway safety.
21. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users and in the interests of visual amenity.
22. In the interests of the safety and convenience of highway users.
23. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
24. In the interests of highway safety.
25. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
26. In the interests of local amenity.
27. In the interest of maintaining the character of the area and conservation of existing building materials.
28. 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.
29. In the interests of local visual and neighbour amenity.
30. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
31. To safeguard against harm to any protected species present within the buildings.

Parish: Alne
Ward: Tollerton

Committee Date: 11 December 2014
Officer dealing: Mr A J Cunningham
Target Date: 12 September 2014

3

14/01514/FUL

**Construction of an agricultural workers dwelling and two agricultural buildings as amended by plans and email received on 20 October 2014.
at Village Farm Jack Hole Alne North Yorkshire
for Mr T Clark**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application seeks planning consent for the construction of an agricultural worker's dwelling and two agricultural buildings at Village Farm, Alne. The application site is positioned to the north-west of Alne outside of the Development Limits and is positioned to the west of Oakbusks Lane, approximately 70 metres from the Conservation Area boundary.

1.2 The proposal is for the construction of a dwellinghouse which would provide for at ground level, a lounge, hall, cloakroom, pantry, dining/kitchen, snug, utility, office and integral garage. At first floor level two bedrooms, a bathroom and an en-suite bedroom with a dressing area would be provided, and second floor level two additional bedrooms and a bathroom are proposed.

1.3 The proposed dwelling would have maximum dimensions of 18.8m x 12.5m, with a total ridge height of approximately 8.8m. Materials for the structure would comprise red facing brickwork, red clay pantiles and timber windows and doors.

1.4 A parcel of domestic curtilage is proposed around the dwellinghouse with a driveway positioned to the east of the curtilage. A mixed native hedgerow and timber post and rail fence is proposed to separate the domestic curtilage to the agricultural land beyond.

1.5 The scheme includes the construction of the two agricultural buildings to the western periphery of the site. The calf rearing building would measure approximately 24m x 12m, with a total height of approximately 7.5m. The general purpose agricultural building would measure approximately 36m x 12m, with a total height of approximately 7.5m. Materials for the proposed structures would comprise concrete panel and profile sheet walls with a fibre cement roof.

1.6 This scheme is associated with the current application of 14/01513/FUL for the re-development of the existing farmstead between Back Lane and Jack Hole Lane within Alne for housing, reported elsewhere on this agenda. This scheme is supported by an agricultural appraisal which has reviewed this concurrent scheme and its implications for the proposed agricultural worker's dwelling, and concludes that there is a clear functional need for an additional agricultural worker's dwelling.

1.7 Village Farm extends to 90 hectares. The enterprise comprises cropping and livestock. As of July 2014 there were 152 head of cattle on the farm.

1.8 The scheme has been amended to introduce energy saving measures to the proposed dwelling and agricultural buildings.

1.9 A public right of way extends along Oakbusks Lane.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 14/01513/FUL - Residential development (including the conversion and replacement of existing agricultural buildings) to form a total of 10 dwellings; reported elsewhere on this agenda.

3.0 NATIONAL AND LOCAL POLICY

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP25 - Rural employment
Development Policies DP26 - Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Alne Parish Council - Considering the proposals as one given that they are strongly interrelated. Object to the proposal on grounds of: (i) the development being outside of the Development Limits of the village; (ii) its impact on the Conservation Area; (iii) its unsustainability - limited services (including oversubscribed education provision) and public transport links; and (iv) insufficient affordable housing provision outside of Development Limits.

4.2 NYCC Highways - Condition recommended regarding the provision of an approved turning and parking area.

4.3 Yorkshire Water - Water Supply - water supply can be provided under the terms of the Water Industry Act, 1991. Waste Water - This proposal is in an area remote from the nearest public foul sewerage network (would mean crossing land and roads not in applicant's ownership). In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities.

4.4 Environmental Health Officer - This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore the Environmental Health Service has no objections.

4.5 Neighbours – 52 comments in summary mainly concerning:

- i. Harmful to the Conservation Area.
- ii. Labour requirements inaccurate.
- iii. No justification for an additional dwelling.

- iv. Location and massing.
- v. PPS7 requirements not met.
- vi. Visual impact to locality.
- vii. No existing security measures.
- viii. Would set future precedent.
- ix. Positioning of proposed dwelling.
- x. What happens if the business fails?
- xi. Who will occupy the proposed dwelling?
- xii. No functional need for permanent dwelling on site.
- xiii. Can use alternative technology to monitor new farm complex.
- xiv. Outside of development limits.
- xv. Not in accordance with LDF policies.
- xvi. Would change the character of Back Lane.
- xvii. Impact on highway safety.
- xviii. Lack of amenities in Alne.
- xix. Improvements to public footpath network.
- xx. Condition of Back Lane.
- xxi. Increase in traffic.
- xxii. Alne School is at capacity.
- xxiii. Support evolving/expanding business.
- xxiv. Need to consider alternatives to proposed development.
- xxv. The two planning applications should not be considered as one.
- xxvi. The business is not strong enough to justify an additional dwelling.
- xxvii. Overdevelopment of the site.
- xxviii. A temporary caravan would allow residential presence during calving instead.
- xxix. The dwelling too large.
- xxx. Benefits for farm enterprise and rural economy.
- xxxi. Disruption during construction phase.
- xxxii. The existing farmhouse can satisfy the needs of the new complex.
- xxxiii. Security not justification in its own right.
- xxxiv. Financing of the new farm complex.
- xxxv. Would stretch existing utility infrastructure in Alne.
- xxxvi. Impact on neighbour amenity.
- xxxvii. Improved animal welfare perspective and efficient running of enterprise.
- xxxviii. No development on greenfield site.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of the proposed agricultural worker's dwelling and additional agricultural buildings in this location; any impact on the visual amenity of the surrounding countryside, any impact on neighbour amenity; any highway safety issues that may arise; and the required contribution towards the off-site provision of open space, sport and recreation provision.

5.2 Paragraph 28 of the NPPF states that Local Planning Authorities should "support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings." It goes on to say that they should also "promote the development and diversification of agricultural and other land-based rural businesses." Paragraph 55 states that "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities". The paragraph, nevertheless goes on to say "Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside." Policy CP4 fully reflects this statement in requiring that any development outside development limits will only be permitted in exceptional circumstances when it is necessary to meet the needs of an enterprise to locate in the countryside and will help to support a sustainable rural economy. Policy DP9 states that "Permission will only be granted for development outside

Development Limits in exceptional circumstances having regard to the provisions of Policy CP4, or where it constitutes a replacement of a building, where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion.”

5.3 Consideration in this case needs to be given to whether there is an “essential” need (as defined by the NPPF and alternatively defined as an “exceptional” need by the LDF) for a new dwelling on the holding. The farm labour force is composed of Mr T Clark whom is semi-retired and his son, Mr A Clark who is full time. Another son assists at peak labour times. The existing farmhouse on the existing Village Farm site is not subject to an agricultural occupancy restriction. The proposed agricultural worker’s dwelling the subject of this application would provide accommodation for Mr Clark Junior. The redevelopment of the existing farmstead for housing and the relocation of the agricultural enterprise west of Oakbusks Lane would move the farm complex out of sight and sound of the existing farmhouse. The agricultural appraisal of the applicant’s enterprise has set out the specific needs of the farm enterprise, particularly the implications of moving the livestock to the new complex. In terms of the functional needs of the farm enterprise it is stated in an agricultural appraisal submitted with the application that a residential presence is essential on the new site in order to provide a required supervision of the livestock enterprises, particularly at calving time and throughout the calves’ first 3-4 weeks and to keep a close eye on bull beef animals as they get more mature and aggressive, to react to any fighting. The appraisal also states that this cannot be achieved by continued use of the existing farmhouse.

5.4 The agricultural appraisal concludes: “A John Nix Farm Management Pocketbook Standard Man Day analysis totalling the entire labour requirement of animals and crops yields a figure of over 300 Standard Man days. As a standard worker is capable of working 275 Standard Man Days the requirement at Village Farm is over 300, or more than 1 full time worker. However that would have to be adjusted upwards as the traditional farm buildings are particularly labour intensive, nearer to 1.5 workers. It should also be born in mind that as the number of calves reaches the maximum of 120 the labour requirement will rise substantially, approaching 2 full time workers”. The reference to the traditional farm buildings would carry less weight as these buildings are to be converted to residential uses and would no longer form part of the farm enterprise. Notwithstanding this it is considered that the “essential” need for the proposed dwelling relates to a full time worker.

5.5 The applicant’s agricultural appraisal advises that the farm business has been established for many years and is financially sound, viable and profitable with clear prospects of remaining so. This is reinforced by business accounts supplied in confidence. However, it also states that very little modernisation of the farming enterprise took place between 1976 and 2011, when the applicant bought it. The appraisal states that the traditional buildings at Village Farm are not suited to modern farming methods, in particular because they expose animals to higher health risks than modern buildings, they are unsuited to tractor access, and they are not as well suited as modern portal frame buildings for keeping bull calves and steers in pens to manage their behaviour.

5.6 Given the justification above and taking into account the proposed relocation of livestock away from the existing farmhouse in order to allow the redevelopment of the Village Farm site proposed in application 14/01513/FUL to be implemented, it is considered that the siting of the proposed agricultural worker’s dwelling would satisfy a functional requirement of the business for a worker to be readily available at most times. It is highlighted by an objector that, where necessary, the Council takes the advice of external consultants to review agricultural appraisals where there is uncertainty over the “essential need”. For the reasons given above, that is not considered to be the case in this instance.

5.7 The design, scale and materials of the dwelling and agricultural buildings are considered appropriate to maintaining the visual amenity of the locality. It is noted that their presence would introduce built form into a largely uninterrupted area of countryside however the structures would be positioned in close formation with the existing modern portal framed buildings on site as is commonplace in the rural landscape and therefore the character and appearance of the area would not be harmfully eroded. The positioning of the agricultural buildings is away from sensitive receptors and would not raise any harmful impact through noise and odour. The dwelling would be

isolated from nearby dwellings and would not introduce any adverse amenity impacts. It is important to impose a planning condition retaining the proposed dwelling for use by agricultural workers to ensure that it is available for this intended use and that the occupants would not suffer an adverse amenity impact. Furthermore, it would be appropriate to tie the implementation of this development to the redevelopment of the sites within the village because unless and until they go ahead, the need for this development is much reduced.

5.8 The proximity of the proposed development to the Conservation Area is noted. The separation distance and the design and configuration of the proposed farm complex and dwelling are such that they would not harmfully impact the setting of the Conservation Area. The use of Back Lane by vehicles to access the farm complex would not significantly alter from the existing scenario and given the better relationship to the applicant's land holding would cause a potential reduction in use. This vehicular activity on Back Lane is not considered to harm the character and appearance of the Conservation Area.

5.9 The vehicle movements and access needs of the existing enterprise and the relocated enterprise have been assessed. The dwelling and farm complex would be better related to the applicant's land holding than the existing scenario and therefore the proposal would bring about an improvement from a highway safety perspective. NYCC Highways have appraised the scheme and not raised an objection subject to a recommended planning condition. Therefore proposal would not have adverse impact on highway safety.

5.10 The applicant has drafted a Unilateral Undertaking to contribute £4,410.40 towards off-site provision of open space, sport and recreation facilities in line with Council policy. This obligation has yet to be completed and therefore the recommendation of this report is subject to the satisfactory completion of the document prior to any decision being issued.

5.11 In response to the concerns of the Parish Council: the proposed development has been justified as an exceptional circumstance outside development limits, the proposal is outside of the Alne Conservation Area and would not result in a harmful impact on its setting, the sustainability and affordable housing issues are more related to application 14/01513/FUL and will be commented upon in the report on this scheme. The neighbour comments are noted and in response to the points not already addressed above:

- The proposed dwelling and agricultural buildings would not harm the character of the Conservation Area.
- The labour requirements have been scrutinised and are not considered inaccurate.
- The location of the proposed dwelling and agricultural buildings are positioned close to the existing modern agricultural buildings adjacent Oakbusks Lane and so would not unacceptably cause any massing issues to the locality.
- The security measures at the existing site are not material to this application.
- No future precedent would be set as each exceptional circumstance in terms of policy CP4 is assessed on its own merits.
- The future viability is assessed by the financial appraisal of the enterprise to ensure that the likelihood of its failure is minimised. In any event the dwelling could only be occupied by a person fulfilling the agricultural occupancy condition attached to any permission granted.
- Mr Clark Junior is to occupy the proposed dwelling.
- Modern technologies provide no workable substitute for being within sight and sound of this type of agricultural enterprise.
- The proposal does not interfere with the public footpath network, and a condition will be imposed to ensure that this is maintained clear from obstruction at all times.
- The condition of Back Lane is a matter for the local highway authority to monitor and act on as necessary.
- It is considered entirely reasonable to consider 14/10513/FUL alongside this scheme given the type of this concurrent proposal and the implications it would have on this proposal.
- A temporary residential presence has not been submitted for consideration.

- The dwelling is sizeable but is not considered an unreasonable level of accommodation for an agricultural worker and their family.
- Disruption for a limited period is inevitable during the construction phase however due to the separated position of the proposed dwelling and buildings to adjacent existing dwellings it is not considered necessary to attach an hours restriction on any permission granted.
- How the new farm complex is financed cannot be considered in the determination of this application. The viability of the proposed enterprise and its future prospect of remaining so can be considered in this instance.
- The additional dwelling and buildings would not place an unacceptable burden on utilities within Alne. It is noted that Yorkshire Water has not objected to the scheme.

5.12 The concerns of the neighbours and Parish Council as addressed above are noted however the proposal is considered to satisfy the policies of the Hambleton Local Development Framework in terms of principle, neighbour and visual amenity and highway safety, and on completion of the legal agreement regarding open space, sport and recreation provision would also comply in this regard. The scheme is recommended for approval.

5.13 The proposed agricultural worker's dwelling and agricultural buildings are considered to be acceptable in this location due to the demonstrable agricultural need and would not raise any harmful visual or neighbour amenity issues. The development would not raise any adverse highway safety issues. Subject to the completion of the Unilateral Undertaking regarding the off-site provision of open space, sport and recreation facilities the scheme complies acceptably with the above policies.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations and the satisfactory completion of a planning obligation to secure a contribution toward open space, sport and recreation the application is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 18 July 2014 as amended by the drawings and details received by Hambleton District Council on 20 October 2014 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 occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.
5. 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.
6. 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 5 above.

7. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted drawing (Reference 3527/AW/06). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement shall be carried out to the dwelling and no building or other structure shall be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
9. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. 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.
10. The agricultural worker's dwelling hereby approved shall not be occupied more than 1 month before the completion and stocking of the proposed agricultural buildings unless otherwise agreed in writing by the Local Planning Authority.
11. The agricultural worker's dwelling hereby approved shall not be occupied until contracts for the redevelopment of the existing Village Farm site the subject of planning application reference 14/01513/FUL have been exchanged.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP16, CP17, DP1, DP30 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. The dwelling is in an area where the Local Planning Authority considers that new residential development should be restricted to that which is essential in the interests of agriculture or forestry in accordance with Hambleton Local Development Framework Core Strategy Policy CP4.
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

8. The Local Planning Authority would wish to retain control over the extension of this development in the interests of the appearance of the site and to control the size of the property in accordance with Local Development Framework Policies CP1, DP1, CP17 and DP32 and to ensure it remains of a size that is commensurate to the holding which it serves.
9. In order to soften the visual appearance of the development and provide any appropriate screening.
10. To ensure that there is an essential requirement for the agricultural workers dwelling to locate in this countryside location and to ensure that there is an essential need for a rural worker to live permanently at their place of work in the countryside in accordance with policy CP4 of the Hambleton Local Development Framework and Paragraph 55 of the National Planning Policy Framework.
11. To ensure that there is an essential requirement for the agricultural worker's dwelling to locate in this countryside location and to ensure that there is an essential need for a rural worker to live permanently at their place of work in the countryside in accordance with policy CP4 of the Hambleton Local Development Framework and Paragraph 55 of the National Planning Policy Framework.

Parish: Aiskew
Ward: Bedale
4

Committee Date: 11 December 2014
Officer dealing: Mr David Gibson
Target Date: 12 December 2014

14/01228/FUL

Construction of 41no. dwellings, provision of access and associated landscaping as amended by plans received by Hambleton District Council on 3rd December 2014 at Land to rear of 28 Bedale Road, Aiskew for Taylor Wimpey (North Yorkshire) Ltd

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Full planning permission is sought for the construction of 41 dwellings, associated roads, sewers and landscaping. This would deliver a development of approximately 32 dwellings per hectare. 11 of the dwellings (28%) are identified for affordable use, (see paragraph 5.37) with the balance of 29 dwellings for private residential use. The affordable dwellings are distributed throughout the scheme and are designed to appear indistinguishable from open market properties.
- 1.2 The proposed dwellings are predominately two storeys in height, providing a mix of 2, 3 and 4 bedroom dwellings. Following negotiation, a bungalow is included within the development.
- 1.3 The proposed architectural detailing includes: gable fronted properties; varied window styles ranging from sliding sash to modern casement; splayed and square bay windows to ground floors; chimneys and decorative dentil courses. All dwellings would have private amenity space in the form of rear gardens, some house types would be provided with a front garden.
- 1.4 Private defensible spaces would be separated from the public domain by a series of 1.8m high enclosures ranging from full height timber screen fences to a combination of brick wall and railings. Bins/ recycling receptacles can be stored to rear of properties without difficulty.
- 1.5 Both primary vehicular and pedestrian accesses are from an extension of the existing Fox Covert Close. Badger Hill Drive, to the point where it serves Fox Covert Close, has a highway width of 6.2m with footpaths either side of the highway with the highway width along Fox Covert Close dropping to 5.6m with footpaths either side.
- 1.6 The proposed development is located on the south east side of Aiskew, south of the A684 and north of the Wensleydale Railway. The site forms part of the BH3 (South East of Aiskew) Allocation. The eastern boundary is formed by Blind Lane which bisects the BH3 Allocation. The western part of BH3 is in agricultural use (pasture). The site adjoins housing to the north west and open countryside (over the railway line) to the south east. Policy BH3 states that these linked sites are allocated for housing development, subject to:
 - ii) Development of Site BH3 being delivered ... at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 203 dwellings (of which a target of 40% should be affordable);
 - iii) Types and tenure of housing developed meeting the latest evidence on local needs;
 - iv) Suitable and satisfactory access being gained to the sites from the A684 and an appropriate design and loop layout of the development being achieved;
 - v) Potential access from this site to Site BM2 adjacent being retained as part of the design and layout any development of Sites BH2/BH3;

- vi) Contributions from the developer towards providing public open space, enhancement of footpath and cycleway links including the public right of way which crosses this site and along the Wensleydale Railway route, including improvements to Bedale Bridge and any sewerage disposal infrastructure improvements required to accommodate new development in the area; and
- vii) Contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

2.0 RELEVANT PLANNING HISTORY

2.1 There is none for the application site but the following decisions relate to the adjacent housing site within Allocation BH3:

11/02543/FUL - Construction of 59 dwellings and associated roads, sewers and landscaping; granted 22 August 2013 (Yuill Homes).

13/02013/MRC – Modification of 11/02543/FUL through substitution of house types; granted 27 March 2014 (Shepherd Homes).

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

The National Planning Policy Framework – March 2012

3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied. Associated guidance in the National Planning Practice Guidance is published online.

Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development
CP2 - Access
CP3 - Community Assets
CP4 - Settlement hierarchy
CP5 - The scale of new housing
CP5a - The scale of new housing by sub-area
CP6 - Distribution of housing
CP7 - Phasing of housing
CP8 - Type, size and tenure of housing
CP9 - Affordable housing
CP16 - Protecting and enhancing natural and man-made assets
CP17 - Promoting high quality design
CP18 - Prudent use of natural resources
CP19 - Recreational facilities and amenity open space
CP20 - Design and reduction of crime
CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure

DP8 - Development Limits
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP29 - Archaeology
DP30 - Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links
DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

BH3 – South East of Aiskew

Other Relevant Documents

Hambleton Biodiversity Action Plan
Council Plan
Sustainable Communities Strategy

4.0 CONSULTATIONS

Parish Council

- 4.1 The Council wish to see this planning application refused on account of concerns that the access is unacceptable; the volume of traffic on Badger Hill access is not acceptable and width of access is poor; this is not the scheme originally proposed; and we have had concerns by the residents regarding the problems with the proposed access and we fully support them.

NYCC Highways

- 4.2 No objections subject to conditions.

Environmental Health Scientific Officer

- 4.3 No objections or recommendations to make.

NYCC Education

- 4.9 Based on the current proposal a contribution of £122,364 is sought.

Yorkshire Water

- 4.11 YWS has no objection in principle to:

- 1) The proposed sewer diversion
- 2) The proposed separate systems of drainage on site and off site
- 3) The proposed amount of domestic foul water to be discharged to the public foul water sewer
- 4) The proposed amount of curtilage surface water to be discharged to the public surface water sewer (at a restricted rate of 5 (five) litres/second)

- 5) The proposed points of discharge of foul and surface water to the respective public sewers.

Environment Agency

- 4.12 No objections to the development.

Internal Drainage Board

- 4.13 Whilst the site lies outside the Swale and Ure Drainage District the Board requires consent under Byelaw 3 for the discharge of additional flow or volume of water as a result of development. Therefore if the site drains into the drainage district and if the proposal increases the rate of run-off by additional paved area then this will be attenuated at 1.4l/s/ha which is the prescribed greenfield rate of run-off for the Swale and Ure District. This is in general accordance with PPS25.

Network Rail

- 4.17 No objection in principle subject to conditions covering: drainage; use of crane and plant; earthworks; security; fencing; noise; lighting; trees and shrubs and access to the railway

Planning and Housing Manager

- 4.18 Initial concerns over the size of the affordable dwellings. More detailed response to follow.

Publicity

- 4.19 The application was advertised within local press, by site notice and directly to the neighbouring residents. 11 letters of objection have been received which have been summarised as follows:
- a) The layout of the cul-de-sac is not adequate for additional vehicle movement
 - b) This will also affect the amount of vehicles onto Badger Hill Drive/B684 during peak periods.
 - c) The Parish Council and Hambleton District Council both have a duty of care to ensure safety of the general public at all times.
 - d) Differs from original scheme
 - e) Very intrusive layout
 - f) Quiet road destroyed
 - g) Road design not assessed sufficiently or accurately
 - h) Design of the new road is not fit for purpose
 - i) No paving for crossing for children
 - j) Current services and infrastructure is already compromised
 - k) Site levels are an issue
 - l) Disturbance during construction period
 - m) Social housing blocks should be moved away from existing properties
 - n) Impact on wildlife
 - o) Loss of trees
 - p) Provision therefore needs to be made within the development to accommodate the linking up of the cycleway
 - q) Already a much safer access on the other site
 - r) Vibrations from the current Shepard's Homes build adjacent to the site are already felt
 - s) Serious concerns regarding the safety of children
 - t) Concerns over the height of the gardens
 - u) Existing properties would experience subsidence
 - v) Development would affect property values

w) Loss of privacy and overbearing impact

5.0 OBSERVATIONS

5.1 The main issues to consider in the determination of this application are matters relating to:

- a) Location and mix of New Housing
- b) Design and density
- c) Protecting amenity
- d) Sustainable construction
- e) Highway safety and car parking
- f) Drainage and flood risk
- g) Ecology
- h) Public Open Space
- i) Affordable housing and viability

Location & Mix of New Housing

- 5.2 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 5.3 The site forms part of the BH3 (South East of Aiskew) which is allocated for housing development in subject to the provisions detailed within paragraph 1.6 of this report.
- 5.4 In terms of housing mix, the Housing Needs Study 2004 updated by the Housing Market Demand Study 2008 indicate that there is demand for all types of housing in the Bedale Sub Area. Expectations continue to be that the development will deliver a number of three and four bedroom homes as well as smaller units and bungalows.
- 5.5 The application makes provision for a mix of dwellings in semi-detached and detached form. A bungalow would also be provided within the site. Consequently, the proposed development addresses the housing need for a range of family homes along with the specific local demand for one bedroom units.
- 5.6 In order to integrate different tenures, on larger residential developments the Council would not normally support the grouping of all affordable units together. Instead, new residential development should be designed so that the affordable housing is 'pepper potted' amongst the open market housing. An amended layout plan was submitted on 3 December which shows that the affordable units will be distributed around the site to an acceptable level. This would help with social integration. Whilst the affordable housing layout has been amended, concerns have still been raised by the Housing and Planning Manager that the 3 bedroom units do not meet the minimum size requirements as laid out in the SPD Affordable Housing. In this specific instance, this is considered to be acceptable as the floor plans have been assessed by a Registered Social Landlord, who has agreed to take on the dwellings at this size.
- 5.7 In light of the above amendments to the configuration of the site, the principle of the proposed development and the housing mix is considered to be acceptable.

Design & Density

- 5.8 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness.

- 5.9 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 5.10 The house-types have been designed using the more traditional elements of Aiskew’s built environment as inspiration for the elevational treatment, the palette of materials has been used to reflect local vernacular.
- 5.11 The proposed layout achieves adequate levels of space about the proposed dwellings in order to avoid problems of overlooking and overshadowing between the proposed properties.
- 5.12 In terms of density, the minimum range of between 30 dwellings per hectare is no longer quoted within national planning policy. Identification of the appropriate density for a site involves developing an understanding of the characteristics of the area; the desirability of achieving high quality, well-designed housing; the current and future level and capacity of infrastructure, services and facilities; the desirability of using land efficiently and current and future levels of public transport.
- 5.13 The application site covers around 1.3ha of the total 5.8ha of allocation BH3. As a result, the proposed development would deliver 40 units at 32 dwellings per hectare. This is consistent with the 32dph policy expectations, whilst also achieving high quality design on a site that forms the gateway to BM3.
- 5.14 The broad principles of the site layout and the proposed house types are considered to be acceptable. Consequently, the proposed development is considered to be in accordance with NPPF and Policies CP17 and DP32 of the Hambleton Local Development Framework.

Protecting Amenity

- 5.15 Policy DP1 of the Development Policies DPD stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.16 The Council applies indicative separation distance of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. This is based upon those standards contained within the time expired *Supplementary Planning Guidance Note 3: Residential Infill*. Despite this guidance being time expired, SPG3 continues to be a useful tool for assessing the likely impact of a proposed development upon residential amenity in a case by case basis. Similar guidance relating to separation distances is contained within *By Design*. Notwithstanding the usefulness of these documents, their standards should not be slavishly adhered to but professional judgement should be used on a case by case basis.
- 5.17 The relationship between the proposed and existing dwellings is considered to be acceptable as the above guidelines have been met.

Sustainable Construction

- 5.18 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.

- 5.19 In response to the requirements of DP34, an Energy Statement has been submitted which confirms that the 10% energy saving would be delivered via a combination of improvements to the fabric of the buildings above Building Regulations and the installation of photovoltaics. However, no firm proposals have been presented to the Council.
- 5.20 Consequently, it is recommended that a suitably worded condition be applied in order to secure implementation of a scheme to achieve the Policy DP34 objectives.

Highway Safety & Car Parking

- 5.21 Originally the scheme was to incorporate a loop road to link the site up with the further allocated site to the north. This was proposed in the Allocation, although no clear reason for it was set out in the Allocations DPD. The applicant has altered this and the site would now be accessed off Fox Covert Close which in turn provides access from the site to the wider highway network. This has resulted in a number of objections being raised with regards to highway safety and potential noise and disturbance.
- 5.22 In support of the application the applicant has submitted a transport assessment which has been carried out to assess the impact of the development upon the wider highway network and providing data which details the predicted number of car journeys along Fox Covert Close. This data indicates that within peak periods, the scheme would generate less than 1 vehicle movement every 2 minutes and that there would be no noticeable impact on the operation of the Badger Hill Drive/Bedale Road Junction. This data has been assessed by the Highways Authority, which has not raised any objection. Whilst it is understandable that local people would prefer the access arrangements to be laid out as envisaged in the Allocations DPD, in the absence of objection from the Highway Authority, this alternative is considered acceptable in highway terms. Residents on Fox Covert Close would experience more through traffic but that road is constructed to a standard capable of accommodating the traffic from 40 dwellings and the residential amenity impact would not be significantly different to the arrangements set out in the Allocations DPD because once traffic has left the A684, it can only pass through residential roads.
- 5.23 The proposed visibility splays accord with the guidance of Manual for Streets and therefore no objection has been raised by the Highway Authority. The parking provision within the site has also been assessed and is considered to be acceptable. A condition is recommended that removes the permitted development rights for the conversion of garages to habitable rooms. It is considered that this would protect the level of off street car parking, thereby reducing the likelihood of issues arising over on street car parking.
- 5.24 A number of other highway-related conditions are recommended to be placed on any approval. These conditions would limit the times of delivery vehicles and ensure construction traffic is properly managed thereby reducing the impact on the neighbouring properties.
- 5.25 The proposed development has been fully assessed by the Highway Authority and with the aforementioned conditions; it is considered that the development would not have a significant impact upon the amenity of the neighbouring residents over and above an average housing estate. Whilst it is accepted that vehicle movements on Fox Covert Close will increase, it is not considered to increase to such a level that would have a significant detrimental impact and is therefore considered to be acceptable.

Drainage & Flood Risk

- 5.26 A Flood Risk Assessment and Foul & Surface Water Drainage Strategy (FRA) produced by iD Civils Design Ltd were submitted with the application. The FRA confirms that the site is within Flood Zone 1 and is therefore at the lowest risk of flooding.

- 5.27 The development of the site will require a new drainage system designed to suit the final approved layout, and in compliance with current Building Regulations and Sewers for Adoption. The system would be adopted by Yorkshire Water.
- 5.28 It is recommended that conditions be applied to any planning permission to ensure the implementation of suitable foul and surface water drainage schemes.

Ecology

- 5.28 Policy DP31 of the LDF states that “Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation... Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value”.
- 5.30 An Extended Phase 1 Habitat Survey produced by Argus Ecology was submitted with the application. This Survey makes the following recommendations:
- To minimise the negative impact on breeding birds, scrub clearance or tree pruning/felling should not be undertaken during the bird breeding season (March – August) unless prior checks have been carried out by a suitably qualified ecologist;
 - Additional bat surveys were recommended and have been carried out in 2010 and 2011 to establish whether any of the trees within the site are currently being used by roosting bats. This survey work is found no use of the trees by bats although important flyways were identified;
 - There are opportunities for possible nature conservation enhancement at this site and it is recommended that landscaped areas are designed to maximise the benefits to biodiversity. Simple ecological principles could be applied to maximise biodiversity on the site including the retention of mature trees where possible, infilling or gapping up existing hedgerows if they remain, incorporating hedgerows into the landscaping design rather than using fences, using native tree and shrub species for planting schemes or undertaking small-scale habitat creation schemes such as pond creation, which in addition to increasing biodiversity adds amenity and aesthetic value to the development; and
 - An arboricultural survey or ideally an arboricultural impact assessment could be carried out by a suitably qualified arboriculturalist to determine the condition of the trees on site and to provide information on the impacts of the proposed development on the existing trees.
- 5.31 In light of the findings and recommendations of the Extended Phase 1 Habitat Survey, it is recommended that a condition be imposed to secure the submission and implementation of a Habitat Management and Enhancement Plan and Tree Protection Plan.

Public Open Space

- 5.32 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. Contributions will be dependent on increased demand resulting from the development.
- 5.33 Policy DP37 also requires a financial contribution towards improving off-site provision. This would be secured through a planning obligation.

Affordable Housing & Viability

- 5.34 Policy CP9 specifies that housing development of 15 dwellings or more within Aiskew and Bedale should make provision for 40% affordable housing which is accessible to those

unable to compete in the local housing market. This policy stance is reinforced by allocation BH3 which sets also sets a target of 40% affordable dwellings, subject to viability.

- 5.35 A Viability Appraisal was submitted with the application which provides evidence of the scheme's ability to deliver affordable housing and other developer contributions. The applicant has proposed an affordable housing level of 28%. A full viability appraisal has been submitted to support the application which has been fully assessed by an independent Valuer. It was concluded that the Viability Appraisal was accurate and that the scheme can deliver 28% affordable housing. Whilst this is lower than the prescribed 40% it is close to the 30% achieved on the adjacent part of Allocation BH3 and it is acknowledged that development costs have been increased by the inclusion of a bungalow at the Council's request. It is considered that due to the submission of a robust viability appraisal and the fact the applicant has agreed to the provision of a bungalow on the site, this level of affordable housing is acceptable in this instance.
- 5.36 One outstanding issue relating to the viability appraisal is the abnormal costs associated with ground conditions that would affect the development. The Council suggested to the Developer that these costs appeared to be high compared with the costs for the adjacent part of the BH3 Allocation. After negotiations with the Developer it has been agreed that once building work is complete an assessment of the developer's costs will be carried out with a 'claw-back' clause placed in the planning obligation, which would ensure that the Development pays the Council a defined amount if the abnormal costs turn out not to be as high as predicted. The exact terms of this would need to be the subject of negotiation and further evidence of the ground conditions on the adjacent site has been requested in order to allow a full comparison.
- 5.37 In addition to delivering affordable housing developer contributions would be secured through the planning obligation to be put towards the Bedale Footpath and Cycleway scheme (or other transport initiatives in the Bedale area), Education and Public Open Space. The total commuted lump sum is proposed to be £72,000. This is well short of the normal amount required under policy, but is based on the viability assessment and could increase under the 'claw-back' arrangements described earlier.
- 5.38 The above is therefore considered acceptable as the development will provide 28% affordable housing units, a much needed bungalow and contributions of £72,000 which could be put towards education, public open space and the Bedale Footpath and Cycleway or other transport initiatives in the Bedale area.

6.0 SUMMARY

- 6.1 The principle of development has been established as the site is allocated for residential development within the submitted LDF Allocations Development Plan Document as Policy BM3. The proposals are considered to achieve a high quality of design and appropriate density and makes provision to access adjoining land complete the residential development envisaged in the Allocations DPD Policy BH2 and BH3. The amendment scheme will deliver an attractive and sustainable development which will add to the built environment of Aiskew.
- 6.2 The proposed amount of affordable housing would be 11 units. A Viability Appraisal has been submitted with the application which provides evidence of the scheme's ability to deliver affordable housing and other developer contributions outlined above. These affordable units would be 'pepper potted' throughout the site.
- 6.3 The Viability Appraisal was referred to the Council's advisor for scrutiny and has been agreed. Therefore the S106 monies and the affordable housing provision are considered to be acceptable in this instance.

- 6.4 The views for the internal and external consultees as well as the views from members of the public have been taken into consideration. On balance it is considered that as the site is an allocated site, within a sustainable location the benefits of the scheme outweigh any perceived negative impacts.

7.0 RECOMMENDATION

It is recommended that planning permission is **GRANTED** subject to the satisfactory completion of a planning obligation to secure the affordable housing content and contributions toward public open space, education and the Bedale Footpath and Cycleway or other transport initiatives in the Bedale area; and 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 (to be confirmed) received by Hambleton District Council on (to be confirmed) unless otherwise agreed in writing by the Local Planning Authority.
- 3 The external surfaces of the development shall not be constructed other than of materials, details and samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.
- 4 The development shall not be commenced until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
- 5 No dwelling shall be occupied until the boundary walls, fences, hedgerows and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
- 6 Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development', no fences, gates or walls shall be erected within the curtilage of any dwellinghouse between any wall of that dwellinghouse and a road.
- 7 Notwithstanding the submitted details and prior to the development commencing, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.
- 8 Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

9. Prior to the development commencing, a detailed scheme to incorporate energy efficiency and/or renewable energy measures within the design-build which meet 10 percent of the buildings energy demand shall be submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.
10. 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.
11. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
12. The development hereby approved shall not be commenced until details of surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.
13. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.
14. The development hereby approved shall not be commenced until details of the foul sewerage disposal facilities have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.
15. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the Applicant and approved by the Planning Authority.
16. Notwithstanding details hereby approved, no development shall begin until a detailed habitat management and enhancement plan, complete with a programme of implementation, has been drafted and submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.
17. The development shall not be commenced until a tree protection plan including details of the positions and height of protective fences, tree guards, areas for the storage of materials and stationing of machines and huts and the direction and width of temporary site roads and accesses. The protective fencing and tree guards shall be maintained in position and good order during the whole period of construction works on site.
18. Prior to the commencement of development, a scheme to protect the railway undertaker's assets from vibration, excavations, earthworks, the collapse or failure of plant and equipment and surface water discharge both during and after the construction of each phase shall be submitted to and approved in writing by the Local Planning Authority. The measures contained within the approved scheme shall be implemented and maintained thereafter, unless varied by alternative details submitted to and approved in writing by the Local Planning Authority.

19. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
20. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Fox Covert Close. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.
21. 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.
22. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
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 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. tactile paving
 - b. vehicular, cycle, and pedestrian accesses
 - c. vehicular and cycle parking
 - d. vehicular turning arrangements
 - e. manoeuvring arrangements
 - f. loading and unloading arrangements.
24. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
25. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

- 26 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
- 27 During construction works there shall be no:
- a. Light Goods Vehicles exceeding 3.5 tonnes
 - b. Medium Goods Vehicles up to 7.5 tonnes
 - c. Heavy Goods Vehicles exceeding 7.5 tonnes
- permitted to arrive, depart, be loaded or unloaded on Saturday & Sunday or a Bank Holiday nor at any time, except between the hours of 9:30 to 15:00 on Mondays to Friday.
- 28 All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.
- 29 Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
 - c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
- 30 No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:
- a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
 - e. wheel washing facilities
 - f. measures to control the emission of dust and dirt during construction
 - g. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - h. HGV turning area within the site.

The Reasons for the above conditions are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework 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 Hambleton Local Development Framework Policies CP17 and DP32
4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
6. In order to maintain the appearance of the development and secure the proper implementation of the landscaping scheme in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
8. In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998
9. In order to minimise energy demand, improve energy efficiency and promote energy generated from renewable resources in accordance with policy DP34 of the Hambleton Local Development Framework.
10. To protect the amenity of the neighbouring residents and to ensure that the accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
11. In the interest of satisfactory and sustainable drainage.
12. In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43
13. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.
14. In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43
15. The site is of archaeological interest.

16. To preserve protected species and their habitat in accordance with policies CP16 and DP31 of the Hambleton Local Development Framework
17. In the interests of the visual amenities of the locality.
18. To ensure the safe operation of the railway.
19. 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.
20. In the interests of both vehicle and pedestrian safety and the visual amenity of the area.
21. In the interests of both vehicle and pedestrian safety and the visual amenity of the area.
22. In accordance with policy and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.
23. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
24. In accordance with policy and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
25. In accordance with policy and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
26. In accordance with policy and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
27. In accordance with policy and to avoid conflict with vulnerable road users
28. In accordance with policy and to protect pedestrians and other highway users.
29. In accordance with policy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
30. In accordance with policy and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Parish: Easingwold

Ward: Easingwold

5

Committee Date: 11 December 2014

Officer dealing: Mr T J Wood

Target Date: 29 August 2014

14/01120/FUL

Demolition of existing building and construction of 37no Retirement Living housing units (category II type accommodation), communal facilities, landscaping and car parking. at Land at Stillington Road, Easingwold for McCarthy and Stone Retirement Lifestyles Ltd.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The proposal relates to a site on the north side of Stillington Road, between the residential estates of Ingleton Drive (also known at the Broadlea area) and Galtres Drive. To the east of the site there is a Fire Station and two depots. The site was formerly used as an office furniture supplies depot with incidental sales covering 2,023 square metres. The site area is noted to be 0.47 hectares (1.16 acres).
- 1.2 The land is generally level and fenced to neighbouring property. There are two mature trees, a cherry and an oak, the subject of TPO (12/00002/TPO) on the Stillington Road frontage.
- 1.3 The site is within the Development Limits of Easingwold.
- 1.4 The proposal seeks to remove all the existing buildings within the site and construct a single building comprising 37 market housing units, 17 of which would be one bedroom units and 20 would be two bedroom units. None of the units are proposed to be made available as affordable housing and the applicant supplied an assessment of the viability with the application seeking to justify this. The initial assessment concluded that the scheme would not be viable if an element of affordable housing was provided on site. Initially no contribution was proposed for off-site provision of affordable housing. Following assessment by Mouchel acting as consultants for the Council's the applicant has reviewed their calculation and advised on 24 October 2014 that the scheme "produces a surplus of £105,757 for affordable housing and any other planning contributions."
- 1.5 The application indicates that a post for one full time employee would be generated by the development.
- 1.6 An "Extended Phase 1 Habitat Survey" has been undertaken that concludes that a Bat Survey should also be undertaken. The applicant has commissioned a Bat Survey.
- 1.7 Amended drawings have been supplied to show the following changes:
- Improved materials, by the removal of render and use of brick in its place;
 - The introduction of a break in the ridge line;
 - Amended dormer design and window details to the south elevation of the building; and
 - The removal of windows on the north (rear) elevations, substituted by new windows on the east elevation and a roof light.
- 1.8 Details are awaited of further revisions to the window surrounds and position of the dormer windows on the front elevation and boundary treatments

2.0 PLANNING AND ENFORCEMENT HISTORY

- 2.1 11/02245/FUL – Application for the construction of 5 dwellings and a retail foodstore with associated parking, servicing and landscaping. Resolved to be refused 1st March 2012, appeal against non-determination and appeal subsequently withdrawn.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy 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 CP18 - Prudent use of natural resources
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP12 - Delivering housing on "brownfield" land
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP17 - Retention of employment sites
Development Policies DP32 - General design
Development Policies DP34 - Sustainable energy
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
Allocations Document Policy EM1 - Mixed Use Stillington Road/York Road, Easingwold - adopted 21 December 2010
The allocated site lies to the south side of Stillington Road. The boundary of the allocated land is not co-terminus with the application.
Supplementary Planning Document - Open Space, Sport and Recreation - Adopted 22 February 2011
Affordable Housing - Supplementary Planning Guidance - June 2008
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Easingwold Town Council: Wish to see the application approved but wish to have three matters addressed:
- 1) Provision of additional disabled parking space. Only 2 spaces is considered insufficient
 - 2) Materials should be more sympathetic to the character of Easingwold
 - 3) Layout should be modified to take account of comments made by local residents
- 4.2 NYCC Highways – No objections subject to conditions.
- 4.3 Yorkshire Water: No objection subject to conditions relating to the approval of the drainage details. A public foul sewer is recorded to cross the site. Yorkshire Water wishes the sewer

to be diverted to the requirements of Yorkshire Water. Foul drainage should discharge to the 375mm sewer in Stillington Road.

- 4.4 Environmental Health – No objections
- 4.5 Environmental Health Scientific Officer – Supports the remediation strategy prepared by the applicant to deal with land contamination on the site.
- 4.6 NYCC Head of Extra Care – Objects to the proposed development. Against the backdrop of the roll-out of extra care housing schemes across North Yorkshire that will provide more than 2,500 apartments by 2020 the low level of delivery of older persons housing profiled by the applicants is not an accurate reflection of the situation in North Yorkshire. Further the representations state:

“These plans for the older people’s retirement housing are not clear in what they are proposing for the model and service delivery and therefore we cannot tell whether or not they meet the County Council’s corporate policy for such accommodation and therefore the Head of Extra Care objects to this application. An approach has not been made to Health and Adult Services to discuss this proposal by the applicant which is the preferred method for providers wishing to develop older people’s housing in North Yorkshire.”

- 4.7 Network Rail – No observations
- 4.8 Forest of Galtres Society – Raise concerns regarding
- i) The mass of the new building, relative to the 2 storey property built on lower land on the south side of Stillington Road, and the unbroken ridge height;
 - ii) The use of materials that are not brownish brick commonly used in Easingwold and clay tiles for the roof or Welsh slate;
 - iii) The windows will overlook the Broadlea estate; and
 - iv) Consider retention of the TPO trees will keep the site quite green.
- 4.9 Neighbours - concern from an adjoining neighbour relating to:

- Overlooking of house and garden from windows on the northern elevation of the apartments causing a loss of privacy;
- Boundary treatments unclear on height, materials and design;
- Wish to see boundary treatment to the car parking area sufficiently high to stop glare from car headlights; and
- Visibility at the junction to the development is restricted at times by parked vehicles.

Proforma cards have been submitted with comments as follows:

- Support housing for the over 60s;
- Development is needed and would free up larger houses for younger people;
- Good location; and
- The very nice building will enhance the area replacing a disused building.

5.0 OBSERVATIONS

- 5.1 The main issues to consider in this application are:

- Design, particularly massing and materials;
- Impact on the setting and streetscene of Stillington Road with particular reference to the TPO trees on the site frontage;

- Highway safety, particularly the capacity of the highway network, visibility at junctions and parking provision for the proposal;
- Drainage; and
- Affordable housing and matters of viability

Design, setting and street scene

- 5.2 The proposed building would be larger than any neighbouring building and would have a greater height than neighbouring property. The design has attempted to reduce the visual impact of this large building by the use of dormer windows, breaks in wall lines and a step in the height of the main ridge. These techniques would collectively make the building appear smaller and enable a scale that is considered appropriate to its setting. The use of clay tiles to the roof and a brick that is of colour and texture common to the locality is considered important and enables the building to be judged to meet the requirements of Policy CP17 and DP32.
- 5.3 The landscaping proposals for the site show a mix of boundary walls topped with pillars and railings, boundary railings and boundary fencing. In combination with a detailed planting scheme the setting of the building is shown to be 'greened' and appropriate to the mainly residential surroundings.
- 5.4 The appearance of Stillington Road is dominated by the mature trees, commercial buildings, on and adjacent to the application site, and residential property, particularly the two storey dwellings opposite the site. The removal of the buildings on the application site would change but not harm the appearance of the street. The retention of the trees that were made the subject of Tree Preservation Order 2012 No2 and the addition of new planting and wall and railing boundaries forward of the new building and car parking would maintain a strong character, where the trees and buildings continue to dominate the street scene. The scheme is therefore considered to meet the requirements of the LDF Policies CP17 and DP32.

Highway safety

- 5.5 The proposals seek to reuse the existing entrance to the site. Pedestrian footways would be provided to link from the entrance to the building to the existing footway on the north side of Stillington Road. Car parking space would be provided within the site at a rate established through survey work by the agents to be matched to the needs of the site. The provision of parking to match the needs is considered appropriate.
- 5.6 The traffic flows on Stillington Road and the incidence of parking on the side of the roads is noted to cause obstruction to visibility to residential accesses on the south side of Stillington Road and may on occasions limit the visibility at the entrance to the site. The circumstances are recorded as existing and there is no evidence of significant and insurmountable highway safety concerns or that the use of the land for an older persons housing would exacerbate any existing problems or create new problems. The Highway Authority has not objected to the proposal. Notwithstanding this, the applicant was asked to consider amending the site layout to achieve greater off-road parking and as noted in paragraph 5.10 below, the site appears sufficiently capacious to do so. A revised plan has been received showing 36 parking spaces, an additional 3 spaces.
- 5.7 Changes to the junction of Stillington Road and York Road have been identified to be necessary in response to proposals for a new food store on York Road and housing proposals on Stillington Road. The pedestrian or other traffic flows anticipated to result from the proposed development are considered not to be sufficient to require further works of improvements to Stillington Road or the footway network.

Drainage

- 5.8 The area around the site is noted to have presented significant drainage problems due to a combination of factors including a high water table. The development proposals would reduce the amount of impervious area. Subject to the conditions recommended by consultees to require approval for the details of the drainage scheme for surface water, foul sewage and ground water, that may require attenuation of flow, it is considered that matters of drainage are not a barrier to the development of the site.

Affordable housing, housing quality and viability

- 5.9 The scheme as submitted made no provision for affordable housing, either on site or in the form of a contribution towards provision elsewhere. The viability of the scheme has been calculated by the applicants and details provided using the Homes and Communities Agency "Development Appraisal Tool", commonly known as the DAT model. The Council's consultants Mouchel have reviewed the data. It is anticipated that by the date of the meeting of the Planning Committee the applicants and Mouchel will have concluded discussions and final advice on the viability of the site will be available. At the time of writing the applicant has identified that a sum of £105,757 can be assigned for affordable housing and any other planning contributions.
- 5.10 Local Development Framework policies CP19 and DP37 require the provision of infrastructure to meet the open space, sport and recreation needs of the population arising from a development. The proposal makes provision for amenity space for residents around the building. The development is proposed to provide 57 bedrooms and the applicant assumes that the resulting population would be 57 people. The required area as determined by reference to policy DP37 and the Council's open Space, Sport & Recreation Supplementary Planning Document (SPD) is 786 sqm for a population of 57. The assumed occupancy rate is accepted as reasonable. As the proposal is for housing for older people it is not necessary or appropriate to seek facilities to meet the needs of children, young people or teenagers and formal outdoor sports is also considered to not be required for the older person. The SPD advises that there is no shortfall of allotments in the Easingwold area. The private open space around the building is shown to be about 1,000 sqm. In acknowledgement of the viability information supplied and the amount of private open space to be provided on site that a contribution towards off-site open space should not be sought in this instance.
- 5.11 NYCC Head of Extra Care's objection is understood to be because the proposed older persons housing does not conform to NYCC's model for delivery of extra care housing. However, the housing would be offered on the market and this matter is not considered to be a justifiable reason for withholding planning permission.

6.0 RECOMMENDATION

- 6.1 That planning permission is **GRANTED** subject to (a) any outstanding consultations; (b) the completion of a Planning Obligation to secure an appropriate commuted sum toward the provision of affordable housing within Hambleton District; and (c) the following conditions.
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. No vehicles, equipment or materials may enter the site, and no construction work may commence on site until protective fencing has been erected around the trees to be retained on site. All existing trees shown on the plans hereby approved as being retained on site shall be protected by fencing in accordance with BS5837:1991 'Trees In Relation To Construction', in accordance with a scheme and specification which shall have been submitted to and approved in writing by the local planning authority. Within the protected area(s) there shall not be carried out or permitted, during the construction period, any

building or other operations, parking or passage of vehicles, or storage of building or other materials or any other object.

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. 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 validation report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

5. 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.

6. No construction work shall commence until the details of the access shall have been approved in writing by the Local Planning Authority. Before the occupation the existing access shall have been narrowed and constructed in accordance with drawing number 1971-01-02 and Standard Detail number A1 and tactile paving shall be provided in accordance with the current Government guidance. Thereafter the works shall be maintained in accordance with the approved scheme.

7. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road 'Stillington Road' from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

8. No part of the development shall be brought into use until the existing unused access on Stillington Road has been restored to full faced kerb and footway. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority. No new access shall be created without the written approval of the Local Planning Authority.

9. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 1971-01-02). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning

Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

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

12. No residential unit shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details shown on drawing 1971-01-02 RevB and Smeeden Foreman Drawing SF2282 LL01 or other detail that may be approved by the Local Planning Authority. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior approval of the Local Planning Authority.

13. 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.

14. 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.

15. 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 14 above.

16. No person shall occupy any part of the residential accommodation unless they are aged over 65 years or co-habit with a person over the age of 65 or have been shown to be in need of specialist housing and meets the eligibility criteria of the relevant Social Services Department for Type II accommodation.

17. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered ##TO BE UPDATED## received by Hambleton District Council on **** 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 trees on the site are protected during construction works in the interests of local amenity and in accordance with the Local Development Framework 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 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 CP21.
5. In accordance with Policy CP1 and DP4 and in the interests of highway safety.
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 and in accordance with the Local Development Framework Policies CP1 and DP4.
7. In accordance with Policy and in the interests of road 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 and in accordance with the Local Development Framework Policies CP1 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 Local Development Framework Policy CP1 and DP3.
10. In accordance with Policy CP1 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. In accordance with Policy CP1 and 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.
12. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
13. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with the Hambleton Local Development Framework Policies CP1, CP17, DP1 and DP32
14. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
15. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
16. The development provide specialist accommodation with a lower provision of parking space, no contribution for children, young person or youth sport or recreation facilities, makes no provision for education needs, to allow the property to be occupied by people of any age would therefore undermine the policy basis for the decision to approve this scheme in respect of the known needs for additional housing for the older person.
17. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, DP1, CP17 and DP32.

Parish: Pickhill
Ward: Tanfield

Committee Date: 11 December 2014
Officer dealing: Mrs J Forrest
Target date: 12 December 2014

6

14/02142/FUL

**Installation of a new window opening and two storey extension to rear of existing dwelling
At 15 Melltowns Green, Pickhill
For Mr & Mrs Waddington**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application seeks to substantially extend a detached dwelling with a two storey rear extension to form additional ancillary accommodation.

1.2 The proposed extension would be constructed of brick with a pantile roof. The original property is a brick structure with a pitched roof.

1.3 The neighbouring dwellings to the north (approximately 3 metres away) and south (approximately 5 metres away) are stepped in line with the curve of the street. There are also 1.8m boundary fences on each side.

1.4 The application is referred to the Committee at the request of Cllr Webster in order to allow closer examination of neighbour amenity issues.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 There is no relevant history.

3.0 NATIONAL AND LOCAL POLICY

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP32 - General design
Domestic Extensions Supplementary Planning Document – adopted December 2009
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council – Wish to see the application refused. Noting that the neighbours will be deprived entirely of sunlight if approved and that it would severely affect the quality of life of the neighbour. (Reference is also made to a loss in value of the neighbouring property. The Parish Council also note that they have only sought refusal of 4 applications in 14 years and that this is the 5th they request to be rejected.)

4.2 Site notice and neighbour notifications - Two neighbour responses have been received. Firstly, with concerns about reductions in sunlight into their garden and the potential for overlooking from the proposed first floor window. Secondly, with regard to setting a precedent for two storey extensions within the street.

5.0 OBSERVATIONS

5.1 The main issues to be considered in this case relate to the impact of the proposal on the character and appearance of the dwellinghouse, any impact on the street scene and the amenities of the nearby neighbours.

5.2 The proposed extension is significant in scale compared to the existing dwelling. However in relation to the size of the existing plot and garden space, the proposed extension is considered to be in proportion.

5.3 The plans have been amended to reduce the size of the extension in response to neighbour concerns and the proposed window is to be obscured to prevent overlooking. The Council's Domestic Extensions Supplementary Planning Document requires that two-storey rear extensions do not cross a line drawn at 45° from the centre of the nearest window serving a habitable room in the neighbouring dwelling. The proposed extension achieves this in respect of any of the three windows forming the rear of the conservatory on the neighbouring property to the north, which is the nearest neighbour.

5.3 The extension is of acceptable design and would be constructed of appropriately matching materials therefore the works should not have an adverse impact on the neighbours. It is felt that the proposed extensions would not have a harmful impact upon the character and appearance of the dwelling or the street scene.

5.4 Taking all of the above into account it is considered that the proposal would not cause significant harm to the amenities of the neighbours or the appearance of the dwelling and surroundings. The application is therefore recommended for approval.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing numbered Plan MG01; received by Hambleton District Council on 15 October 2014; unless otherwise approved in writing by the Local Planning Authority.
3. The proposed upper-floor windows (shown in plan MG01 Rev A) located in the wall forming the side (north) elevation of the dwellinghouse shall be: (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The reasons for the above conditions are:

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

3. In order to protect the amenity of the neighbours and that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1 and DP1.

Parish: South Otterington
Ward: Thorntons

Committee Date: 11 December 2014
Officer dealing: Mr A J Cunningham
Target Date: 4 July 2014

7

14/01012/FUL

Revised application for alterations and extensions to existing agricultural buildings to form a residential annex at Whig Hall South Otterington North Yorkshire for Mr & Mrs C Parvin

1.0 SITE DESCRIPTION AND DISPOSAL

1.1 The site, Whig Hall, South Otterington, lies approximately 400m to the east of the secondary village of South Otterington. The area immediately to the west of the agricultural buildings the subject of this application comprises hardstanding. The area to the south comprises a garden area to the property. The buildings the subject of this application are sited to the west of the main dwelling. The agricultural buildings were previously in use as part of the dairy farm until the year 2000.

1.2 Planning permission was granted in December 2013 for an annexe for the applicant's mother who currently resides in the main dwelling. Initially it was decided that the applicant's mother would move in to the new accommodation and the applicant and his family would live in the main farmhouse. The proposal created accommodation which included shared entrance hall, kitchen, dining area, lounge, bathroom and bedroom. The proposed accommodation would be formed within the existing buildings with no enlargement of the structure.

1.3 The applicant's family circumstances have changed and now the applicant proposes to occupy the annexe with his family and the applicant's mother will stay in the main farmhouse. This application therefore seeks planning consent for revised alterations and extensions to the same agricultural buildings. The building will now be extended to the north and south and will accommodate a shared entrance hall, kitchen/dining room, lounge, two bathrooms and four bedrooms.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 13/01612/FUL - Alterations to existing agricultural buildings to form a residential annex; granted December 2013.

3.0 NATIONAL AND LOCAL POLICY:

3.1 The relevant policies are:

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council - Wishes to see approved.
- 4.2 Site notice posted - No response, expiry 18 June 2014.
- 4.3 Press Advert; Published: 31 October 2014; Expired 24 November 2014 – No response received.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework and the National Planning Policy Framework as set out above and relate, in this case, to the principle of the proposed annexe, the design and materials proposed for the alterations and any consequent visual impact on the surrounding area, together with the impact, if any, on adjacent residential amenity.

5.2 The proposed annexe is tantamount to a dwelling which would not normally be supported under current policy in this isolated location outside of development limits. Whilst described as an annexe it is by any normal description a dwelling. The applicant in responding to concerns regarding the increased scale of the structure (in comparison to the scheme approved in 13/01612/FUL) has highlighted as their 'fallback' position the permitted development rights which were afforded to agricultural buildings as part of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014. It is recognised that the applicant could seek to make use of the permitted development rights to convert the buildings to form a new dwelling and that they could apply for planning permission at a later date to extend the structure. Consideration has been given to this scenario and it appears to be a valid 'fallback' position. There is no significant difference in sustainability terms between the 'fallback' position of forming a dwelling within the footprint of the existing buildings with the potential later addition of extensions and what is being proposed as part of this scheme. There is however a benefit in design terms as the appearance of the building that could result from this application is considered by officers as superior to the appearance of the dwelling that could potentially be formed using the permitted development 'fallback' route.

5.3 An approval of a dwelling in this location can be interpreted to be a departure from the adopted policy of the Development Plan. The proposal has therefore been advertised as a departure. The 'planning balance' in this case falls in favour of the development proposal as it is noted that economic and social benefits arise from the submitted scheme and that the environmental benefit of the superior design of the proposed scheme is greater than the permitted development 'fallback' route.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations planning 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 and details received by Hambleton District Council on 9 May 2014 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. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order relating to 'permitted development', no extension or other alterations to the building hereby permitted shall be carried out without express permission on an application made under Part III of the Town and Country Planning Act 1990.

The reasons for the above conditions are:

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP17, DP1 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. The Local Planning Authority would wish to retain control over the alteration and/or extension of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Hambleton Local Development Framework policy DP1.

Parish: Sutton-on-the-Forest
Ward: Huby and Sutton

Committee Date: 11 December 2014
Officer dealing: Mrs H M Laws

8

Target Date: 4 August 2014

14/01198/REM

Reserved Matters application for the construction of a detached dwelling and garage as amended by plans received by Hambleton District Council on 15 July and 16 September 2014.

**at Rutland House, 4 The Gowans, Sutton on the Forest
for Mr Peter Gripton.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Members resolved to defer consideration of the application at the October Committee meeting to "seek to increase separation between the building [proposed dwelling] and the eastern boundary". The applicant has now confirmed that he does not wish to amend the application and comments submitted in support of the scheme are appended to this report.
- 1.2 Members have previously visited the site.
- 1.3 The site lies on the northern side of The Gowans approximately 50m west of the junction with Carr Lane. The site currently forms part of the side garden of Rutland House, a detached dwelling that lies at an angle on the corner of The Gowans with Harland Close. The garage, access and driveway of Rutland House lie within the application site boundary.
- 1.4 The site covers an area of approximately 400 sqm with a frontage onto The Gowans of approximately 23m and a maximum depth of 23m.
- 1.5 Outline planning permission, with all matters reserved, was granted on appeal in October 2012. The reserved matters, including appearance, layout, scale, access and landscaping, are now submitted for consideration. It is proposed to remove a garage and construct a two storey 4 bed roomed dwelling within the plot with a single garage attached to the side elevation. The dwelling would be sited 1m from the eastern boundary with the neighbouring property at Beech Lodge.
- 1.6 Amendments have been submitted showing that the bathroom window at first floor in the east elevation shall be obscure glazed and top opening. An amendment has also been received that reduces the size of the garage to allow a set-back of 6m from the rear of the footway.
- 1.7 Although the previous application was for outline consent with all matters reserved, additional detail was submitted at that time, illustrating the erection of a dwelling (without a garage) close to the boundary with the neighbouring property Beech Lodge. The footprint of the dwelling as now proposed is larger (it includes a garage).
- 1.8 It is proposed to remove 3 trees from the garden, one of which has already been cut back significantly and lies at the rear of the existing garage. The other 2 trees lie close to the boundary with Beech Lodge.
- 1.9 A tree report has been submitted, which assesses the potential impact of the proposed development on the tree roots of the trees within the garden of Beech Lodge that are close to the boundary. The trees comprise a mix of beech hedging, juniper shrubbery a cypress tree and a larch tree. Trial pits were excavated along the line of the proposed foundation and the roots within

the application site inspected by an arboriculturalist. The exposed roots were generally less than 25mm in diameter and lie within a sandy soil.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 12/00136/OUT - Outline application for the construction of a dwelling; refused 30 April 2012; appeal ALLOWED 4 October 2012.

2.2 13/01384/FUL - construction of a domestic double garage. Planning permission was granted to construct a new garage, access and driveway for Rutland House onto Harland Close on 22 October 2013. This has not yet been implemented.

3.0 NATIONAL AND LOCAL POLICY

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 CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP8 - Development Limits
- Development Policies DP10 - Form and character of settlements
- Development Policies DP32 - General design
- Development Policies DP33 - Landscaping
- National Planning Policy Framework - published 27 March 2012
- National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council - in principle have no objections to this proposal. They would however like to point out that during the build there should be some limitation on the parking of contractors' vehicles when the site is so close to the junction with Carr Lane which would be a safety issue and would also cause irritation to residents. The Parish Council are somewhat confused by this application, as the original permission contained an integral garage, the footprint for a property with an adjacent garage was too large. The Parish Council did not support the original application and not wish to see this application approved.

4.2 NYCC Highways - conditions recommended

4.3 Yorkshire Water - no comments are required from Yorkshire Water. Noted that no drainage proposals have been submitted, and previously indicated, foul water only can be drained to the public foul sewer network, with surface water previously stated as draining to soakaway.

4.4 Environmental Health Officer - no objections.

4.5 Site notice/local residents - objections have been received from the resident of Beech Lodge to the east of the application site whose concerns are summarised as follows:

- National Planning Inspectors Appeal Decision Clause 13: The need for "planning conditions" to protect the current screen of plantings and trees between the proposed application and ourselves at Beech Lodge. The suggested removal of the two trees and the closeness of the proposed building layout to this screening will significantly undermine, reduce it and indeed could make it unsafe. The conditions protecting this screening need to be given in this reserved matters application and stated on how they will be preserved and what professional arboricultural advice has been given on the matter.
- As foundations are always dug wider than the footprint of the property it supports, then in

the proposed layout, trenches would be dug virtually at the very foot of some of the taller and well established trees. The current screening can be preserved and not disrupted by siting of the property further away from the boundary with Beech Lodge.

- As roots on our side of the property extend and can be shown to be seen up to 5 metres from our boundary, we would request that planning conditions would ensure no digging would occur on the other side of our boundary with a distance (as given by a suitably qualified arboriculturalist) so as not to cause further environmental damage and loss of even more trees.
- In the National Planning Inspectors appeal decision Clause 11 states: "However, as a matter of principle, I agree that a condition to withdraw certain rights to permitted development is needed, in the interests of preserving the character and appearance of the local street scene. Such rights would include enlargements of the house and the erection of buildings and such like within the curtilage. The plan refused by the local development authority and subsequently successfully appealed, did not include an external garage, or the other additions now shown in the layout. The request for these new enlargements and extra buildings now in the reserved matters application should not be included as it clearly goes against the National Planning Inspectors guidance, and also the guidance given by the council on dealing with reserved matters applications.
- Reserved Matters Application Footprint (an overall increase of 18%), possibly more, difficult to tell with no dimensions on the layout
- The only other issue with the layout we have is obviously the proposal of the bathroom window on the upper floor which would directly overlook our back garden from height and would be reasonable to consider this forms a serious invasion of privacy. Again setting back of the property and protecting the current screening with planning conditions would help allay this problem. Although the window could be made of frosted glass the need for ventilation to open them, or a subsequent change of window format later on in life would be highly invasive because of its situation, it also immediately sets a bad precedent for the future by having it there and so close to the boundary. In addition our nearest inhabitable room is in fact only 10 meters from the boundary, well within the minimum distance guideline (Measurement C) recommended of 14 metres.
- The property as was originally proposed with the internal garage in the Appeal and sited a reasonable distance from the boundary with Beech Lodge offers a good compromise that should be acceptable to all parties. The application had been agreed already by Mr Gripton before the Appeal stage, so surprised that its now grown by over 20% since then. This is why we did not appeal against the National Planning Inspectors decision, it was a very reasonable compromise that gave a good solution all round, and which all reasonable parties we understood were happy with.
- Having read the additional information letter and its limited understanding of this serious issue we feel it is very important now please to have planning conditions placed upon the well-established, mature, tall and healthy trees and hedging that comprise the screen between our house and the proposed new development. (Including the substantial tree that was proposed to be removed). These trees are not low value but have high amenity in the screening of the new development and for their environmental wildlife benefit. The trees are in very good health, mature, tall and have been established for around 30 years, they have not until now been highlighted as a problem to anyone. The Appeal inspector strongly intimated that planning conditions should be used to ensure both now and in future the visual impact of a very high wall across our back garden should be lessened.
- The damage to the roots and soil structure that the proposed siting would have is confirmed in Mr and Mrs Gripton's letter. The suggestion to keep digging and see if the trees fall over is not serious and shows it has not been properly considered even after all this time and discussion. To dig so close to these trees is dangerous to both property and person on either side of the boundary. A professionally qualified arboriculturalist should be consulted by the applicant. There is no statement in the reserved matters application as to the effect of digging so very close to the base of the trees. As a start can we suggest Mr and Mrs Gripton along with their architect consult BS5837: 2012 Trees in relation to Design, demolition and Construction which recommends an area of at minimum 12 times the diameter of the tree trunk as being protected from digging.

- To have the original outline application be modified by the planning department and the applicant, following numerous concerns and observations from residents, parish council and the planning committee on spacing. To have this substantially reduced application granted on appeal and then for Mr and Mrs Gripton to reverse back to the original but much larger proposal and which was never approved at the outline application or the appeal stage seems to us an abuse of the planning process. Indeed the planning inspector was so concerned about the spacing and impact on the street scene etc that he recommended removing permitted rights development. These new additions should follow a proper planning procedure and not come up at reserved stage. A 20% increase in the size of the development is very significant and conflicts with guidance given on the reserved matters application guidelines we have seen on the national planning portal.
- Reserved Matters we had understood should be in line with the outline planning application that was approved. Substantial new additions which cumulatively this has, should be treated as part of a new planning application not at a reserved matters stage.
- The additional information proposes use of frosted glass and one of the windows being fixed. However it is directly above our back garden, sited close to the boundary, and is directly opposite our young son's bedroom window. It would also be several metres less than the recommended distance C of 14 metres from our main dining room window which is 10 metres from the boundary we would quite naturally feel constantly overlooked. Frosted window although of some help, it is not a permanent solution and can be changed over time and altered to a different level of glazing and to different opening formats. Level of frosting can be reduced. Opening a window in summer (unless the condition is any opening needs to be 1.7m above floor level) means that our garden would then be overlooked with a significant loss of privacy that this entails. To avoid future conflict it would be simpler to not have a window directly overlooking our back garden as one of the detailed conditions.

5.0 OBSERVATIONS

5.1 The principle of the development has been accepted with the approval of the outline consent in 2012. All matters were reserved at the outline stage. The scheme submitted with the outline application was indicative only and was not approved as part of that application, however the details were presented to the Inspector and he states that he took this information "into account, while recognising that the details to be provided in the reserved matters are for consideration at a later date", it is reasonable to conclude that the details will have influenced the Inspector's decision.

5.2 The issues to be considered with this reserved matters application include the layout, scale and appearance of the dwelling, landscaping and access with regard to the impact on the character and appearance of the surrounding area, the effect on residential amenity and highway safety. It is considered important that the layout (including the access to the site), scale, design and materials of the proposed development are in keeping with the character and appearance of its surroundings.

5.3 The indicative details that were submitted at the outline application stage illustrated how a dwelling could be achieved on the site. The initial indicative plans at outline stage were considered too large and, at the request of officers, were reduced in size. As determined by the appeal inspector this illustrative detail demonstrated that a dwelling could satisfactorily be achieved on this site. A proposal for a larger dwelling, submitted at this reserved matters stage, does not contravene the 'in principle approval' given in the appeal decision.

5.4 The dwelling is relatively large in relation to its plot and extends across almost the full width. This is reflective of other dwellings in the immediate vicinity, particularly the newer part of The Gowans at the western end of the residential estate where the density is higher with dwellings positioned closer together. Adequate space would remain between Rutland House and the new dwelling. The relationship between the proposed dwelling and the neighbours was recognised by the Inspector when the conclusion was reached that the provision of an additional dwelling was acceptable. The circumstances on the site and in the surroundings have not changed significantly.

The appeal decision is a material consideration and the conclusion is reached that a two storey detached dwelling would not detract from the character of the street scene or appear unduly cramped. The amount of amenity space available to the new dwelling would be less when compared to other plot sizes in the vicinity but not to the detriment of future occupants as there would be sufficient area for sitting out and drying washing as well as the parking of cars and providing a setting to the dwelling.

5.5 The Inspector in his decision letter considers that although "the side wall (of the proposed dwelling) would be close to the boundary with Beech Lodge, there would still be a significant space between the new building and the neighbour's garage and the house beyond it" and does not consider the sense of spaciousness would be materially harmed. The Inspector attached a condition to the outline consent that removed permitted development rights and therefore was aware of the importance of controlling any future development on the plot. The dwelling as proposed is larger than as shown on the previously submitted illustrative scheme but must be considered on its own merits. The proposed dwelling would lie close to the boundary (1m), which is the same as the illustrative scheme submitted at outline stage. It is considered that the position of the new dwelling would not detract from the appearance of the street scene in respect of spaciousness and its relationship with adjacent dwellings to such an extent that it would warrant refusal of this proposal.

5.6 The Inspector also made reference to the existing vegetation that lies along the boundary between the application site and Beech Lodge, most of which is within the garden of Beech Lodge and therefore outside the control of the applicant. The Local Planning Authority would not be able to impose a condition requiring its retention as it falls outside the scope of the planning application.

5.7 One of the 3 trees to be removed within the application site is of no merit in respect of its appearance or screening benefits and therefore there are no objections to its removal. The two trees adjacent to the boundary are of greater merit but lie to the rear of the proposed dwelling and would not therefore provide any useful screening between the properties. The most appropriate screening is that which lies within the neighbouring garden and, although conditions cannot be imposed to directly require its retention, conditions can be imposed to reduce the damage caused as a result of the construction of a new dwelling. The submitted tree report (prepared for the applicant by Ryland Horticulture Ltd) examines trial pits that have been dug within the application site to inspect the rooting pattern of the adjacent trees. The tree report notes that the development will cause damage to the root systems and reaches the conclusion that the excavations resulting from the development would have "moderate effect on the neighbouring trees, yet will not cause any long term damage as long as all works are undertaken with care to minimize any tree root damage".

5.8 It is considered inappropriate to impose a Tree Preservation Order (TPO) on the trees that lie within the curtilage of Beech Lodge, as they do not meet the test for making a TPO that "their removal would have a significant negative impact on the local environment and its enjoyment by the public". (Planning Practice Guidance) Furthermore the Ryland Horticulture Ltd report notes that none of the trees are individually of merit but have value as a screen. This view is supported by the commentary of the Inspector where reference is made to the value of screening but nothing more. (Appeal decision paragraph 13).

5.9 It is suggested that a scheme of works could be agreed prior to the commencement of the development to protect the trees and their roots. A condition could also be imposed to prevent the pruning of the trees on the boundary without prior permission from the Local Planning Authority. As the trees are not worthy of a TPO it is considered that a method statement at the pre-commencement stage is appropriate and that the details is not required prior to determination of the application. The Tree Report records that with appropriate methods of construction that the trees can be retained and the methodology can therefore be controlled by condition. Issues regarding the safety of the trees should they be undermined by foundations, is not a matter to be taken into account as part of the planning process but would be addressed by Building Regulations.

5.10 There is significant concern raised regarding the potential impact of the proposed development on the amenity of the surrounding properties. The proposed siting of the dwelling is in close proximity to the boundary with Beech Lodge. The dwelling at Beech Lodge lies at an angle on its plot and straddles The Gowans and Carr Lane, in a similar way to Rutland House straddling the other street corner. Neither the side nor rear elevations of Beech Lodge therefore look directly onto the boundary with Rutland House. There is a distance of approximately 9m between the boundary and the garage of Beech Lodge and a distance of approximately 17m between the boundary and the closest part of the rear elevation of the two storey part of Beech Lodge. The side elevation of the proposed dwelling would not therefore result in an unacceptable degree of overshadowing or a sense of enclosure from inside Beech Lodge due to the separation distance.

5.11 The proposed first floor bathroom window in the side elevation of the proposed dwelling facing onto Beech Lodge lies at a distance of approximately 18m from the existing dwelling at first floor and approximately 11m to a window at ground floor serving a recently constructed dining room. The dining room window of Beech Lodge is 10 metres from the boundary. The proposed bathroom window would be obscure glazed and open-able at the top. A condition can be imposed to ensure the window is obscure glazed and non-open-able unless the parts of the window that can be opened are more than 1.7m above the floor of the room in which the window is installed, which is in accordance with normal permitted development rights.

5.12 It is not considered that the construction of a dwelling on the site will have an adverse impact on the residential amenity of neighbouring properties and is therefore in accordance with LDF Policy DP1.

5.13 The Highway Authority has no objections subject to several conditions.

5.14 All of the concerns raised by neighbours have been given consideration in the preparation of the recommendation of the application. The proposed development as amended achieves the requirements set out in the decision on the outline application and is found in the light of the Development Plan policies to be acceptable; approval of the application is recommended.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall begin no later than two years from the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no development shall take place pursuant to Classes A, B or E of Part 1 of Schedule 2 of the Order.
4. Any window above ground floor in the east elevation hereby approved shall be (i) obscure glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

5. Prior to the commencement of development a scheme of works to protect the trees and their roots along the eastern boundary of the application site (within the application site boundary only) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be undertaken in accordance with the approved scheme.
6. No lopping or pruning of the trees on the eastern boundary of the application site (within the application site boundary only) shall be undertaken without prior written permission of the Local Planning Authority.
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 Block Plan 2281-1a). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. The garage hereby approved shall be kept available at all times for parking of domestic vehicles ancillary to the occupation of the dwelling.
9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of an on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved area shall be kept available for its intended use at all times that construction works are in operation.
11. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 2281-1a, 2281-2a, 2281-3a and 2281-4 received by Hambleton District Council on 9 June and 15 July 2014 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. The Local Planning Authority would wish to retain control over the extension of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with LDF Policies CP1, CP17, DP1 and DP32.
4. To protect the amenities of residential property nearby in accordance with LDF Policy DP1.

5. To protect the amenities of residential property nearby in accordance with LDF Policy DP1.
6. To protect the amenities of residential property nearby in accordance with LDF Policy 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 the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development in accordance with LDF Policies CP2 and DP4.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
10. To provide for appropriate on-site vehicle storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
11. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Appendix: Applicant's submission to Planning Committee on Reserved Matters

After giving some thought to the various options available, I have decided to re-submit the latest set of plans that are with the committee.

These consist of the original footprint as used for obtaining outline permission with an added bay window on the ground floor in the kitchen and the addition of a small single garage on the western gable end.

I am quite aware that this layout may not meet the approval of the committee and that permission may not be granted. In that eventuality I will appeal because there are a number of issues which need to be resolved once and for all and I feel that the Planning Inspector is in a better position to fully address this task.

A major reason for choosing this route is the fact that Hambleton Planning Department feel that such a proposal is worthy of merit and have used their professional judgement to recommend that permission be granted. In such circumstances it would be commonsense to see the proposal through to a final decision.

It is appreciated that this extends the planning process, particularly if the Inspector's report is negative, but at least I will have the satisfaction of clarifying one position and then a re-design can take place in the safe knowledge that an alternative avenue has been fully explored.

I am also aware that the Inspector may not give clear ideas of what constitutes an appropriate scale.

If I understand correctly, the two major issues concerning the committee are the distance of the gable end of the proposed property from the boundary of Beech House and the general scale of the present proposal. Both issues are interlinked.

Boundary

The wedge shaped nature of the plot and the limitations on where the property can be located means that placing the eastern gable end a minimum of one metre from the boundary fence is vital. Any increase in this distance would result in the house having to be reduced in size with a detrimental effect on the habitable areas.

I have spoken to Building Control and the nature of design means that the one metre is acceptable to them.

Both the Mr King and the Inspector are keen to see the boundary hedge and trees on Beech Lodge remain as they are so as to provide a suitable screen for the easterly gable end of the proposed property.

I agree with their views and am happy to comply as much as I can without excessive compromise. As requested, a tree survey was commissioned, which included, unlike most surveys, the additional digging of sample trenches to foundation depth, on the brick line of the gable end. The survey indicated no long term damage to the vegetation. Roots that had penetrated into the plot were minimal in number and of small size. The soil, being very sandy, has resulted in the roots going deep rather than spreading out close to the surface. Photographs of the contents of the trenches are available if required.

I think I am correct in saying that the consensus of the Committee is that the quality of the hedge and trees is poor grade evergreen. The hedge currently overhangs by some distance into the plot and will need to be cut back to the boundary line. This may affect the depth of the vegetation, but will not affect the height.

I believe that I have done all that can possibly be undertaken to accommodate the wishes of both Mr King and the Inspector and I hope that this will be considered sympathetically by the committee.

I should add that at the last committee meeting, unless I misheard, only one member raised the issue of the boundary line. He requested that the foundations be hand dug, presumably to minimise damage to roots and that, in his opinion, the pegged out boundary viewed during his visit was only thirty inches from the fence. I can assure the member that the peg line is one metre from the fence and remains in situ should he ever wish to visit the plot again.

Scale

The committee deferred making a decision as they felt that the scale of the development is too large for the plot. This presents some concern as I have been unable to find any information on what constitutes an appropriate scale.

The fact that much of the plot is currently covered by a double garage and laundry room is probably detrimental to visually appreciating the total size and scope of the plot.

I should add that at the first planning committee meeting I attended, the first member to speak on the proposal said "in the past we have put bigger buildings on smaller plots". If that is true, and I have no reason to think otherwise, has there been a change in such policy to which I can refer?

Contrary to the views of others, the basic footprint of the house has remained the same from first outline submissions. If there was going to be a garage, and that was not a foregone conclusion, it would be a single one, integral within the property. This was not my first choice as I prefer space to be used for living in rather than housing a car or acting as a storage space. I therefore modified the plans by adding a small single garage and a ground floor kitchen bay window.

The word "scale" implies a sense of proportion between objects and such a difference can be quantified.

The dimensions of the plot and the house are as follows;

Plot size:	365m ²	
Rutland House size:	147m ²	(Beech Lodge, with two extensions is 195 m ²)
Original design:	92.9m ²	
Scale to Rutland House:	66%	
Scale to plot:	25%	
Modified design with garage:	112m ²	(increase of 21% over original design)
Scale to Rutland House:	76%	
Scale to plot:	31%	

Beech Lodge, which is virtually the same size as Rutland House, has been extended by both a conservatory and a kitchen extension. I would estimate that this adds 48m² to the footprint, making the total footprint some 195m². This means that the scale of the modified plan is only 57% of the size of this property.

There is no doubt that the houses in the original development in The Gowans and Harland Close are built on plots whose size is not typical of current developments in house design. This trend can be observed in the new development in The Gowans which commenced in 1990.

However, though the plots may be large, they are quite narrow and many of the properties are closer together than that of the proposed building compared with both Rutland House and Beech Lodge. As has been already noted by the inspector, those properties opposite the plot are close together and this distance has decreased by recent extensions.

Working to the modified design, having a house which only occupies 31% of the plot seems very small compared with modern design. When this is taken with a scale size of being only 76% and 57% of the properties either side of it, this would surely meet the requirements of the committee.

On other matters of scale the house is the same height as the surrounding houses; it will be of very similar appearance and use windows and bricks of the same colour.