

PLANNING COMMITTEE

Thursday 5th March 2015

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	13/02323/FUL Mr A J Cunningham Catton Page no. 9	Demolition of existing agricultural building, alterations and extensions to 3 agricultural buildings to form 6 dwellings and formation of a new vehicular access and associated works For: Robin Hall Associates At: Land Off Catton Village Street, Catton RECOMMENDATION: GRANT
2	14/02435/FUL Mrs C Davies Crakehall Page no. 21	Construction of 16no. dwellings as amended by plans received by Hambleton District Council on 19th February 2015 For: Mulgrave Properties LLP At: Land at Green Gate Lane, Little Crakehall RECOMMENDATION: GRANT
3	14/02612/FUL Mrs S Leeming Morton-on-Swale Page no. 33	Construction of 7 dwellings For: JR & S Pybus At: Morton Auto Services, Morton on Swale RECOMMENDATION: GRANT
4	14/00004/TPO2 Mrs S Leeming Northallerton North Page no. 41	Objection to making of TPO (Hambleton District Council (Northallerton) Tree Preservation Order 2014 No 4) For: Northallerton Tyre and Battery At: Rear of Northallerton Tyre and Battery, High Street, Northallerton RECOMMENDATION: CONFIRM
5	14/02375/FUL Mr J E Howe Sowerby-under- Cotcliffe Page no. 53	Construction of a building for the housing of pigs For: Mr Tim Charlton At: Sowerby Farm, Sowerby-under-Cotcliffe RECOMMENDATION: GRANT
6	14/02389/FUL Mrs H M Laws Stillington Page no. 58	Construction of 27 houses with associated garages and parking areas. Formation of 4 new means of access to South Back Lane, provision of underground gas tank, landscaping and enclosures For: Daniel Gath Homes Limited At: Land east of Soutersfield and south of South Back Lane, Stillington RECOMMENDATION: GRANT
7	14/02529/FUL Mrs H M Laws Sutton-on-the-Forest Page no. 72	Proposed industrial park development to include access, hard & soft landscaping & means of enclosure For: Sheriff Hutton Holdings At: Land at Carr Lane, Sutton on the Forest RECOMMENDATION: GRANT

8	15/00127/REM Mrs H M Laws Sutton-on-the-Forest Page no. 80	Reserved Matters application for the construction of a 3 bedroom detached dwellinghouse with integral single garage For: Mr P Gripton At: Rutland House, 4 The Gowans, Sutton on the Forest RECOMMENDATION: GRANT
9	14/02550/LBC Mrs B Robinson Stokesley Page no. 86	Listed Building Consent to replace a suspended timber floor with a solid floor. For: Broadacres Housing Association At: 25 College Square, Stokesley RECOMMENDATION: GRANT

Parish: Catton
Ward: Topcliffe

Committee Date: 5 March 2015
Officer dealing: Mr A J Cunningham
Target Date: 3 January 2014

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13/02323/FUL

**Demolition of existing agricultural building, alterations and extensions to 3 agricultural buildings to form 6 dwellings and formation of a new vehicular access and associated works
at Land off Catton Village Street, Catton, North Yorkshire
for Robin Hall Associates**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 This application is being brought back to Members following the Ministerial Statement of 28 November 2014. A resolution to grant permission was made at the 9 January 2014 Planning Committee meeting. Following the Ministerial Statement the affordable housing contribution which was originally proposed by the applicant can no longer be sought. The applicant recognises these national policy changes and requests that the scheme is brought back to Members to consider the planning balance without this contribution being made. The following report is unchanged from that which was brought to 9 January 2014 meeting save for the reference to the affordable housing contribution at paragraphs 1.9, 5.4, 5.7 and 5.8.
- 1.2 Full planning permission is sought for the demolition of an existing agricultural building, alterations and extensions to 3 agricultural buildings to form 6 dwellings and the formation of a vehicular access at land to the west of Catton Village Street, Catton.
- 1.3 Catton is a small village located approximately 6km to the south-west of the Thirsk and approximately 4km to the north-west of Topcliffe. The application site comprises a former working farmstead located in the centre of Catton village. The site is formed of relatively flat land which is sandwiched between the main village road and the River Swale positioned on lower land to the west. The site comprises three separate groups of traditional brick farm buildings and a modern steel open barn structure. The traditional buildings are thought to date from 1839.
- 1.4 The site is accessed by vehicles from its eastern periphery bordering the village street. A pedestrian access to the north of the site links the complex to a track which runs from the village to the river to the west.
- 1.5 For the purposes of identification the three groups of buildings will be labelled barns A, B and C. Barn A comprises the range of buildings nearest the village street. These are proposed to be divided into 2 dwellings with live-work units. Dwelling 1 will comprise 5 bedrooms and dwelling 2 will be formed of 4 bedrooms. New additions to barn A will include the addition of a single storey extension measuring 15m x 6.6m to the western elevation of the southern portion of dwelling 1.
- 1.6 Barn B will be divided into two dwellings, and to correspond with the submitted plans these are termed dwellings 5 and 6, each comprising 3 bedrooms. The eastern end of barn B is proposed to be demolished and would be replaced with an access way to the rear of dwelling 5. An attached garage area is to be formed to the northern elevation of this dwelling. The western collapsed portion of dwelling 6 is to be replaced with a detached garage measuring 8.4m x 5.8m.

- 1.7 An existing modern portal framed structure to the east of barn C is to be removed to permit the formation of the access track and detached garage associated with dwelling 3. Barn C is also divided to provide dwelling 4 which is proposed to have an attached garage measuring 6.7m x 6.1m added to the northern elevation.
- 1.8 An area of community amenity space is to be formed to the south-eastern corner of the site to the south of the vehicular access from the village street. Shared vehicle parking spaces for village use are proposed immediately to the north of the area of open space.
- 1.9 A commuted sum in lieu of the off-site provision of affordable housing was originally agreed as per the submitted Affordable Housing Form. A Unilateral Undertaking for the contribution of £150,000 was completed but the impact of the Ministerial Statement of 28 November 2014 must now be considered.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/84/027/0019 - Outline application for residential development; Refused 1984.
- 2.2 2/88/027/0019B - Construction of a detached dwellinghouse with domestic garage and conversion of existing agricultural buildings to 11 dwellings with domestic garages; Refused 1988.
- 2.3 2/88/027/0019C - Construction of 10 dwellings with domestic garages; Granted 1989.
- 2.4 2/93/027/0019D - Outline application for the construction of 5 dwellings with domestic garages and conversion of existing disused agricultural buildings to 7 dwellings with domestic garages and parking spaces to include the formation of a village green; Withdrawn 1993.
- 2.5 There is no relevant planning enforcement history.

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 CP3 - Community assets
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 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 CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP20 - Design and the reduction of crime
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 DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements

Development Policies DP12 - Delivering housing on "brownfield" land
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP18 - Support for small businesses/working from home
 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 DP36 - Waste
 Development Policies DP37 - Open space, sport and recreation
 Development Policies DP39 - Recreational links
 Development Policies DP43 - Flooding and floodplains
 Affordable Housing - Supplementary Planning Guidance - June 2008
 Supplementary Planning Document - Open Space, Sport and Recreation; Adopted 22 February 2011
 Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
 National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Catton Parish Meeting - Support proposal and note community support at meeting and efforts of community involvement event. Would wish to see the area of amenity area unfenced.
- 4.2 NYCC Highways - Conditions recommended regarding: discharge of surface water, private access/verge crossings, construction requirements, visibility splays, provision of approved 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 - Based on the information provided (private treatment and surface water to soakaway) YW have no comments.
- 4.4 Environmental Health - No objection in principle to the development having regard to the former agricultural uses of the land and buildings but concerns over the potential for the land to be contaminated and therefore recommend that land contamination conditions are attached if the application is approved.
- 4.5 Housing Services Manager - Support the provision of a commuted sum in this instance.
- 4.6 Swale and Ure Drainage Board - The site lies outside the Swale and Ure Drainage District and use of soakaway for disposal of surface water is supported as a sustainable solution and underpinned with infiltration test results. The site is close to if not within EA Flood Zone 2 and the question of flood risk has not been addressed by an appropriate flood risk assessment. The Swale and Ure Drainage Board cannot object on these grounds however since it is outside the district.
- 4.7 Neighbours notified and site notice posted; expired 05.12.2013 - Two responses received:
 - One objecting to the scheme on the following grounds: We are not in favour of leaving the space between our property and Catton House, which was an access for the farmer to his fields by the river, open to access from the proposed development, this never was a public footpath and on the earlier plans which we saw this was fenced off. Also we are not in favour of having the trees near the eastern boundary creating an "avenue" to this path or the trees to the northern boundary bordering Catton House as there are plenty of trees already depriving us of sunlight. For the same reason it would

be nice if the roof of Barn A which backs on to our property could be lowered slightly thus giving us a bit more sun in winter.

- One supporting the scheme on the following grounds: Catton farm is the cornerstone building of Catton village. It is one of the (relatively few) old properties in the village, it is centrally located and its origin is agricultural. The farm buildings display great character associated with the time of their construction (well over a century ago). Due to changes in agricultural practices over the decades the farm buildings have become redundant and decrepit. This proposal will guarantee that the buildings are maintained for decades (& hopefully beyond) in to the future thus retaining Catton's Heritage. Should the proposal be rejected I would expect the buildings to collapse soon and be lost forever.

5.0 OBSERVATIONS

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

- The principle of development;
- Local housing need and affordable housing;
- Design and visual impact;
- Impact on ecology;
- Drainage and flood risk;
- Public open space;
- Residential amenity; and
- Highway safety.

Principle of Development

- 5.2 Policy CP4 of the Local Development Framework (LDF) classifies Catton as outside of the settlement hierarchy and an 'other location' and states that development will only be supported where an exceptional case can be made for the proposals in terms of policies CP1 and CP2 and where as relevant: (ii) it is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance, (iii) it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy, (iv) it would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing. Policies CP1 and CP2 relate to sustainable development and minimising the need to travel.
- 5.3 The national policy context is set out in the National Planning Policy Framework (NPPF) at paragraph 55 which promotes sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of rural communities. For example where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as (as relevant): where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 5.4 The three exceptional criteria in policy CP4 are in part met by the proposal: (ii) the barns are so integral to the character and appearance of the village they could meet two of the criteria for assessing Non Designated Heritage Assets 1 (age) and 6 (group value), and whilst the buildings themselves are of little architectural merit, their group value does play a large part in the character and appearance of Catton. Criterion (ii) of CP4 also refers to improvements to the environment. The conversion and retention of these buildings would result in a definite improvement to the character and appearance of the village and street scene. Criterion (iii) refers to community facilities which would be delivered through the provision of the shared area of public open space, and based on the Parish Council

response there is a need identified by local residents. In regard to criterion (iv) whilst the buildings are largely capable of reuse without substantial reconstruction or alteration, there is no identified local need for affordable housing in Catton at this time. The commuted sum to provide affordable housing off-site can no longer be requested, nor is the applicant wishing to progress the scheme with the obligation to make this contribution as a result of the Ministerial Statement of 28 November 2014. In this statement, intended to support small-scale developers, the Government exempted schemes of 10 or fewer dwellings from including or making a financial contribution towards affordable housing and from tariff-style contributions collected by means of planning obligations. It is also noted that two of the dwellings proposed are live-work units which would partly help to support a sustainable rural economy.

- 5.5 In regard to the NPPF the proposal would lead to a significant enhancement of its immediate setting which is currently showing signs of neglect and is affecting the character and appearance of the centre of Catton village. This improvement is recognised in the response of the Parish Council in regard to resident thoughts on the existing state of the site and the proposed future use.
- 5.6 The proposal clearly accords with parts of the exceptional circumstances of policy CP4 and is best but not fully aligned with criteria (iv) due to the difficulty in providing a choice of means of travel to work, education, shops etc. Combining the supportive approach of paragraph 55 of the NPPF and the support from the LDF policies the principle of the proposed development is considered acceptable.

Local Housing Need and Affordable Housing

- 5.7 Previously the applicant recognised the need of the proposal to meet policy CP9 which requires developments of two or more dwellings in locations outside Service Centres to make a contribution towards affordable housing in accordance with the levels set for each Service Centre hinterland. This site is within the Thirsk hinterland with a threshold of 40% which is applicable to conversion schemes such as this. On this basis the affordable housing contribution for 6 units would have comprised two units provided on site and 40% of the value of the third unit made as an off-site contribution. The applicant advised that viability scoping work had been undertaken and that the project would not be viable based on the strict policy approach detailed above. The approach of policy CP9 also allows some flexibility on viability grounds. A detailed viability assessment had been forward to the Council and followed up with a meeting with the then Housing Manager at which it was agreed to defer further discussion until the Council had conducted a local study of need. At a subsequent meeting it was confirmed that there was no local need for affordable housing, and on this basis a commuted sum was agreed for the off-site provision of affordable housing. An Affordable Housing Form submitted with this application has demonstrated the initial agreement of the commuted sum. The Unilateral Undertaking to agree this contribution has been completed but it can no longer be progressed because of the Ministerial Statement of 28 November 2014.
- 5.8 The applicant is pursuing a Deed of Release to free them from the obligations set out in the completed Unilateral Undertaking.

Design and Visual Impact

- 5.9 The applicant advises that their design approach is based on maintaining the essential agricultural character and appearance by utilising existing openings and keeping the number of new openings to a minimum and where necessary and possible limiting these to less prominent positions. The scheme successfully complies with policies DP28 and DP32 of the LDF and the extent of new buildings are noted as sympathetic and subservient to the existing structures. Some title discrepancies between drawings M21-1-105-PLD and M21-1-106-PLD and reference to roof materials elsewhere in the scheme are currently being

raised with the applicant as is concern at the demolition of the existing archway to the eastern portion of dwelling 5. Further clarity is being sought with regard to the door and window openings of barn C, the drawing of barn A, the use of conservation style roof lights, and the cross section details of any replacement windows. Subject to the satisfactory resolution of these issues the design of the scheme would maintain the character and appearance of the buildings and would enhance their visual contribution to the Catton street scene. The comments of the Parish Council in regard to the public open space remaining unfenced are noted. The Council are in discussions with the applicants in this regard.

Impact on Ecology

- 5.10 Quants Environmental Ltd prepared a bat survey report of the buildings in September 2012. This has concluded that the property is a confirmed brown long-eared and common pipistrelle bat roost. The report recommends that the proposal can proceed without detriment to the favourable conservation status of bats provided a programme of appropriate mitigation measures is adopted. A condition will need to be attached to any permission granted requiring the submission of a mitigation statement, and the strict adherence to the measures recommended in this statement thereafter. The report also recommends that the applicant obtain a European Protected Species Mitigation Licence, and that Schedule 9 species (Himalayan balsam) exists on the site and must not be spread elsewhere. Both of these recommendations require action to accord with legislation outside of the planning process.

Drainage and Flood Risk

- 5.11 Policy DP43 of the Development Policies DPD 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.
- 5.12 The site is positioned within Flood Zone 1 and is considered at low risk of flooding. The site is not crossed by any watercourses; consequently there is low risk of fluvial flooding. The treatment of foul waste via a package treatment plant and the disposal of surface water to a soakaway are considered satisfactory.

Public Open Space

- 5.13 Policy DP37 requires new housing developments, including conversions, to contribute towards the achievement of the local standards for public open space 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.
- 5.14 The proposed layout incorporates an area of public open space which is proportionate to the size of Catton, and is considered to fulfil the requirements for amenity green space provision within the local area. Normally the applicant is required to provide for the remaining off site facilities, specifically these relate to: children's play provision, teenage/young peoples' facilities enhancement, outdoor sports facilities provision, and allotment gardens provision. However in this instance the Council recognise the size of the amenity green space on offer, and that this would as a result of its size provide a range of flexible uses for the local community. It is recognised that the provision of this space would be of greater benefit to local need than the provision of financial contributions to meeting off-site need. It is considered that the objectives of policy DP37 have been met.

Residential 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 distances 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 (Design Guidance produced by CABE). Notwithstanding the usefulness of these documents, their standards should not be slavishly adhered to but judgement should be used on a case-by-case basis.
- 5.17 The nearest neighbouring properties are Catton House and 4 Catton Village Street to the north. The main rear (northern) elevation of barn B is positioned approximately 20m from the side (southern) elevation of Catton House which is the nearest part of this adjacent property. Two facing windows are positioned at the first floor level of the northern elevation of barn B and one additional roof light is proposed. One window serves a bedroom, and the other serves a corridor. The roof light serves a corridor and stairwell. The northern elevation of barn A is positioned approximately 8m from the facing elevation at 4 Catton Village Street. There are no facing windows in the northern elevation or roof slope of barn A. The relationship between the converted agricultural buildings and the adjacent dwellings would not give rise to a harmful impact on residential amenity.
- 5.18 The Wayside Pulpit to the south of the proposed public open space, and Swale Reach to the southern boundary are further from the built development site and would not experience an adverse impact on their residential amenity. The distance between the eastern elevation of barn A and the frontages of dwellings to the east of Catton Village Street is such that there would not be an adverse impact on residential amenity.
- 5.19 No other neighbouring properties would be directly affected by the development other than by the additional vehicle movements generated and increased residential activity in general. In terms of additional vehicle movement, at an average of 6 or 7 vehicle movements per dwelling per day, the proposed development would not result in constant or continuous traffic. The level of activity associated with an agricultural use of the land must also be taken in to account. Although the impact from the additional traffic may at times be noticeable by residents, it will not result in a level of impact such that there will be a perceptible loss of amenity for residents either from noise, pollution, inconvenience and disturbance.
- 5.20 Construction and its associated vehicles movements will result in some disturbance to local residents but this would not be sustained disturbance. Nonetheless, it would be reasonable to apply a condition controlling working hours.

Highway Safety

- 5.21 The Highway Authority does not object to the principle of the development but has requested various conditions to ensure the proposal does not harm highway safety and that the site is formed in a way which permits the smooth passage of pedestrian and vehicular traffic that contributes positively to its amenity, these conditions are considered to be appropriate and should be imposed.
- 5.22 The proposed development contains a total of 28 vehicle spaces which equates to four spaces per dwelling two of which are set out within the garage space associated with each dwelling and two within the domestic curtilage, plus 5 spaces for use by local residents. In

having regard to guidance contained within the NPPF, this level of provision is considered to be acceptable, in the interests of avoiding on-street car parking.

6.0 CONCLUSION

- 6.1 The proposed development presents an exceptional case for development outside Development Limits and is best but not fully aligned to criteria (iv) of policy CP4. Paragraph 55 of the NPPF provides full support to the development and the positive impact it will have to enhancing its immediate setting.
- 6.2 The proposed development is considered to be of good design in accordance with the principles of the LDF and the NPPF. The character and appearance of the agricultural buildings would be retained and enhanced and would meet modern living aspirations whilst providing sufficient car parking and private amenity space.
- 6.3 Following the Ministerial Statement of 28 November 2014 commuted sums or affordable housing provision cannot be made for schemes of this size. Balancing the three strands of sustainability, economic, social and environmental, the scheme is considered to be a sustainable form of development.

7.0 RECOMMENDATION

- 7.1 That the application is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered and received by Hambleton District Council as set out below unless otherwise approved in writing by the Local Planning Authority. Location plan received 1 November 2013 ; Proposed site plan number M21-1-101-PLA Rev B received 16 December 2013; Plans and elevations number M21-1-103 to M21-1-108 all suffix PLD Amend A and all received 16 December 2013
 3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. The development 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 its associated boundary walls, fences, hedgerows and other means of enclosure associated with it 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 written consent of the Local Planning Authority.
 6. 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.

7. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the first dwelling and thereafter maintained in accordance with the approved details.
8. No construction work, including groundworks, shall be carried out except between 0700 hours and 2100 hours Monday to Friday, 0700 hours to 1700 hours 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.
9. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the local planning authority 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 local planning authority. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the local planning authority 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.
10. 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.
11. 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: (ii) (b) The existing access shall be improved by reconstruction in accordance with the submitted drawing (Plan No. M21-1-101-PLA Rev. B) and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail

number A1; (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.

12. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 33 metres measured along both channel lines of the major road from a point measured 2.4 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.
13. 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 (Plan No. M21-1-101-PLA Rev. B. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
14. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. 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.
15. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
16. Prior to development commencing, an Ecological Management Plan and Mitigation Statement detailing measures to protect the existing bat habitats deliver biodiversity gain shall be 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. 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.

18. Prior to the commencement of the development hereby approved a written statement of works and annotated plan shall be submitted to and approved in writing by the Local Planning Authority. The written statement shall identify the extent and sequence of works of conversion and the annotated plan shall show all areas of underpinning, demolition, re-facing, replacement and reconstruction of foundations, walls and roofs that are necessary to implement the details of drawing no M21-1-103 to 108 PLD Amend A received by Hambleton District Council on 16 December 2013. Thereafter the scheme shall be implemented in complete accordance with the approved statement and plan.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, DP1, CP17 & DP32.
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 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 occupiers and 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 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.
7. To ensure that the development can be properly drained.
8. In order to protect the amenity of local residents in accordance with Policy DP1 of the adopted Development Policies DPD.
9. 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.
10. In the interests of highway safety.
11. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
12. In the interests of road safety.

13. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
14. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
15. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
16. In order to protect and enhance biodiversity in accordance with CP16 and DP31 of the Hambleton Local Development Framework.
17. 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 Policies CP1, DP1, CP17 and DP32.
18. To ensure that the works are undertaken as a conversion in order to maintain their intrinsic qualities and in accordance with the objectives of the Hambleton Local Development Framework Policies CP1, CP4, CP16, CP17, DP28 and DP30.

2

14/02435/FUL

**Construction of 16no. dwellings as amended by plans received by Hambleton District Council on 19th February 2015.
at Land At Green Gate Lane Little Crakehall North Yorkshire
for Mulgrave Properties LLP.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Full Planning permission was originally sought for the construction of 18 dwellings, associated roads, open space and landscaping. However, the resultant layout was considered cramped and the scheme has been revised. Permission is now sought for a total of 16 dwellings. The site is 0.68 ha in area including 0.585 ha for residential development and 0.095 ha of Public Open Space.
- 1.2 The revised proposal would deliver a development of approximately 27 dwellings per hectare. 6 of the dwellings (37.5%) are identified for affordable use, with the balance of 10 dwellings for private residential use. The affordable dwellings are distributed through the site and are designed to appear indistinguishable to the dwellings for private sale. A commuted sum of £39,000 has been offered to make up the shortfall in the affordable offer to the required 40%.
- 1.3 The proposed dwellings are predominantly two-storey in height providing a mix of 2, 3 and 4 bedroom dwellings. A bungalow has also been included.
- 1.4 Proposed architectural details include: entrance canopies/porches, a range of window types including square bays, sash windows, brick chimneys, decorative string and dentil courses. All dwellings would have private amenity space to the rear in the form of rear gardens and there would be space for refuse/recycling storage.
- 1.5 Two access roads are proposed from Hackforth Road. The northern most access would be a shared surface serving 7 properties. The southern access would serve 9 properties and would have a footway to the northern side, leading to the Public Open Space.
- 1.6 The site presently consists of grassland and boundaries are made up of a mixture of fencing, hedgerows and trees. Two mature trees on the northern boundary (oak and ash) have a high amenity value in the wider landscape.
- 1.7 The proposed development is located on the north eastern side of Little Crakehall, east of Hackforth Road and south of Green Gate Lane. The site forms part of the BH7 (East of Hackforth Road) Allocation. Policy BH7 states that the site (0.5 ha) is allocated for housing development subject to:
- i) Development being at a density of approximately 30 dwellings per hectare, resulting in capacity of around 15 dwellings of which a target of 40% should be affordable;
 - ii) Types and tenure of housing developed meeting latest evidence on local needs;
 - iii) Design and layout of the development respecting the character of the nearby Crakehall Conservation Area and the Listed Building Crakehall Mill House;
 - iv) Contributions from the developer towards providing improvements to local community facilities including Crakehall Village Hall; and

- v) Contributions to the developer towards the provision of additional school places and local health care facilities as necessary.

1.8 The application has been screened under the Environmental Assessment Regulations 2011 and in the opinion of the Local Planning Authority does not constitute EIA development.

1.9 the site lies approximately 40m north of the Crakehall Conservation Area and 60m north of the Grade II listed water mill.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

2.1 10/01305/FUL - Construction of 33 dwellings, associated landscaping, open space and infrastructure works; refused 19 August 2010.

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 CP5 - The scale of new housing
Core Strategy Policy CP5A - The scale of new housing by sub-area
Core Strategy Policy CP6 - Distribution of housing
Core Strategy Policy CP7 - Phasing of housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy 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 CP20 - Design and the reduction of crime
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP29 - Archaeology
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP36 - Waste
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council - Objects to the application. The soakaway will not be sufficient to cope with an already flooded field. The development should be sited so as to run parallel to the low cost housing. The proposal will open up the development of the remaining land.
- 4.2 Highway Authority - No objections in principle to the proposed layout with respect to the highway. Visibility from the two proposed roads leading into the housing development is acceptable. Further detailed comments will be provided in respect of the revised plans.
- 4.3 NYCC Education - The local school has capacity and no contributions are sought.
- 4.4 NYCC Historic Environment Team - The site has potential for archaeological deposits and a geophysical survey is required. Following the receipt of the geophysical report a condition is recommended to cover a scheme of archaeological mitigation and recording.
- 4.5 Natural England - The proposal is unlikely to affect any statutorily protected sites.
- 4.6 Yorkshire Wildlife - No response received.
- 4.7 Network Rail - No response received.
- 4.8 Environmental Health Scientific Officer - No objections.
- 4.9 Yorkshire Water - To be reported.
- 4.10 Bedale and Upper Swale Internal Drainage Board - Raises concerns. The site will drain into the Swale and Ure Drainage District and consent for the discharge will be required under the Board's Byelaws. The discharge rate will be calculated at 1.4l/s/ha newly developed area or a total of 5l/s maximum. The Board is concerned that the function and condition of the drain discharging to the mill race has not been proved to the satisfaction of the owner.
- 4.11 Housing and Planning Policy Manager - Initial concerns over the layout and lack of viability statement. A 70% social housing 30% intermediate tenure split should be agreed. Following revisions 6 affordable units have been supplied and they are now spread through the site. A commuted sum is requested for the outstanding 0.4 requirement to make the full 40% offer. A minimum of 70 sq. m and 90 sq. m floor space is required for the 2 bedroom and 3 bedroom affordable properties respectively.
- 4.12 Neighbourhood Policing Team - The submitted Design and Access Statement makes no reference to crime protection measures. The Public Open Space is not overlooked. The side elevation of Plot 12 has no defensible space. Boundary treatment should be considered. If the proposal is to be granted a condition should be imposed detailing how issues raised by 18th December 2014 report have been addressed.
- 4.13 Design and Maintenance Manager (Drainage) - The site is located in Flood Zone 1 so is an area of lowest flood risk. The geological assessment of the proposed site concludes that the ground is not suitable for surface water soakaway. Enquiries to Yorkshire Water indicate that there is no public sewer capacity to accept surface water discharge.
- 4.14 Publicity - The application was notified in the local press, by site notice and directly to neighbouring residents. 7 letters of objection have been received to the original proposals and they are summarised below:
- Existing bungalows on Hackforth Road will be overshadowed
 - No need for the development, the housing market is stagnant
 - Development would affect property values
 - Proposals would harm the Green Belt and countryside

- Development would be out of scale for a small village
- Proposals would harm the character of village
- New properties should be bungalows and set well back from the main road
- Local school will not be able to cope
- Overdevelopment of site
- Affordable housing not required in Crakehall
- Concerns over foul drainage and sewage overflow
- Concerns over surface water drainage proposals
- Concerns over road safety, Hackforth Road is very busy/dangerous
- Dangerous accesses to Hackforth Road
- No requirement for second access this will lead to further development
- Including POS outside area is contrary to Development Plan
- The POS is not overlooked, will suffer from crime) and not well located.
- Incorrect plans (elevations and site plan do not match)

4.15 The scheme has subsequently been revised to 16 dwellings and further consultation and notification carried out. Any further responses will be reported to the meeting.

5.0 OBSERVATIONS

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

- The location and mix of new housing
- Impact on the character and appearance of the Conservation Area and Listed Water Mill, to the south of the site.
- Design and density
- Highway matters and car parking
- Residential amenity
- Drainage and flood risk
- Sustainable construction
- Ecology
- Archaeology
- Public Open Space
- Affordable housing and viability
- Other contributions

Location and 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 on from this the Allocations DPD identifies sites to meet and deliver the targets and objectives set out within the Core Strategy.

5.3 The majority of the site relates to allocation site BH7 (East of Hackforth Road, Little Crakehall) and as such it is suitable for residential development, in principle, subject to provisions detailed within paragraph 1.7 of this report. The Public Open Space element of the scheme (and a small area of the residential gardens) project beyond the BH7 allocation boundary and falls outside the Development Limits. However, the incursion is limited and excludes buildings, so is considered acceptable in securing the delivery of the site.

5.4 The application proposes a mix of 2, 3 and 4 bedroom dwellings in detached, and semi-detached form. 11 would be a larger size having 3 and 4 bedrooms and 5 would have 2 bedrooms. A bungalow has also been included. The development would meet the need for the range of family homes required in the locality and includes a bungalow to meet the needs of older people.

- 5.5 In order to create an inclusive development the Council would not support the grouping of affordable units together. Affordable properties should be 'pepper potted' though the site amongst open market properties. An amended layout plan has been submitted which shows that the affordable dwellings would now be spread throughout the site. Confirmation has been sought as to whether the affordable properties would meet the minimum floor space requirement as set out by the Affordable Housing SPD and the application is considered on the basis that they would.

Impact on the Character, Appearance of the Crakehall Conservation Area and Setting of the Listed Water Mill

- 5.6 Policy DP28 of the adopted Development Policies DPD seeks to ensure that heritage assets will be preserved and enhanced. This includes Listed Buildings and their settings, Conservation Areas and features (built or landscape) which contribute to the heritage of the District.
- 5.7 The Crakehall Conservation Area and Listed Water Mill are located to the south of the site. It is considered that the lower scale of development now proposed (16 dwellings, no more than two-storey in height) with conditions on suitable landscape boundary treatment/enhancement would preserve the appearance of the adjacent Conservation Area and would not harm the setting of the Listed Building. The two mature amenity trees (oak and ash) on the northern boundary of the site are visually important within the wider area and following revisions to the scheme to provide a greater separation distance to these trees, and trees to the southern boundary, they would not be harmed as part of the development. The trees on site should be protected through the construction period by a suitable condition.

Design and 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 must seek to achieve creative, innovative and sustainable design that take into account local character and settings and promote local identity and distinctiveness.
- 5.9 A minimum density expectation is no longer set by national planning policy. Identification of the appropriate density for the site involves 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.
- 5.10 The application site covers an area of 0.68 ha including 0.585 ha for residential development of 16 no. dwellings, giving a density of 27 dwellings per hectare. This is consistent with the aims of the BH7 allocation which envisages some 15 dwellings at 30 dwellings per hectare.
- 5.11 The revised scheme achieves greater separation distances between properties which avoid problems of overlooking, overshadowing and introduces some permeability into the site. Greater separation distances to boundary trees would now be achieved. The revised layout is considered to be in keeping with the character and context of the local area. The revised drawings show defensible space around the properties and boundary treatment would be conditioned to address concerns about crime. The Public Open Space would be located to the east of the site and would be overlooked by the rear of the adjacent two-storey dwellings. A condition should be applied requiring the submission of details and implementation of crime prevention measures for the site.
- 5.12 The design of the house types (mainly two-storey) reflects the more traditional elements of Crakehall's built environment and the palette of materials would reflect the local vernacular

and the proposal would be acceptable in this respect. A condition can be imposed to ensure the approval of appropriate materials.

Highway Matters

- 5.13 The scheme proposes two accesses taken directly from Hackforth Road and objections have been raised by local residents with respect to the requirement for two accesses, their safety and highway safety in general.
- 5.14 The Highway Authority has been consulted and it is satisfied with the proposal in principle. It is considered that Hackforth Road is capable of accommodating the traffic arising from the 16 dwellings. The location of the accesses is considered to be acceptable and visibility splays accord with guidance issued in Manual for Streets. The two accesses have adequate room for both refuse vehicles and fire tenders to manoeuvre within as required by 'Building Regulations 2000 - Fire Safety'. It is noted that whilst local people would prefer only one access as part of the scheme, in the absence of objections from the Highway Authority to the access arrangements, this would be difficult to sustain.
- 5.15 In terms of amenity it is accepted that vehicle movements on Hackforth Road will increase, but it is not considered that they would increase to such a level that they would have a significant detrimental impact upon the amenity of neighbouring residents. As noted earlier, the allocation of the site envisaged approximately 15 dwellings being developed, so a very similar level of traffic generation was considered and found acceptable then.
- 5.16 With respect to parking, each property would have its own off street parking. Highway related conditions to be forwarded by the Highway Authority will be reported to the meeting.

Residential Amenity

- 5.17 Policy DP1 of the LDF requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.18 The Local Planning Authority applies indicative separation distances of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. This is based on standards contained within time expired supplementary Planning Guidance Note 3: Residential Infill. The guidance is time expired however, SPG3 continues to be a useful tool for assessing the likely impact of proposed development upon residential amenity. 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.
- 5.19 The amended proposals achieve an acceptable level of separation between the properties in line with the guidelines above and now shows all the properties with private amenity space (rear gardens).
- 5.20 The nearest neighbours are properties on Blacksmith Bank to the south of the site and the properties on the opposite side of Hackforth Road. Concern has been expressed by residents that the two storey properties would dominate the existing bungalows on Hackforth Road, however given separation distances of over 21m, it is not considered that adverse impacts would arise and there is no requirement to mirror single storey buildings, which are generally not in keeping with vernacular architecture. The new dwellings would be positioned so that adverse loss of privacy, or overlooking to existing neighbours would not arise.

Drainage & Flood Risk

- 5.21 A Drainage Statement produced by ARP Associates was submitted with the application. The statement confirms that the site is within Flood Zone 1 and as such the development should not suffer from river flooding.
- 5.22 In terms of surface water drainage the Drainage Statement outlines that the site is not suitable for the implementation of a soakaway and it is proposed that on site attenuation is provided with discharge to the Bedale and Upper Swale IDB asset (attenuated to a green field site run off rate) and then through the mill race. It is proposed that foul water drainage would be connected to the Yorkshire Water sewer.
- 5.23 An objection has been received from neighbours in respect of the drainage proposals. They state that their property has suffered from overflowing foul water inspection covers and raise concerns regarding the proposals in respect of both foul and surface water discharge. The IDB has also expressed concerns over the function and condition of the surface water drain discharging to the mill race. These concerns have been reported to the applicant and they propose to pay for repairs to the surface drain outwith their ownership. The applicant confirms that a management company would be set up to maintain non adopted drainage. It is recommended that conditions should be applied to ensure the design and implementation of suitable foul and surface water drainage systems.

Sustainable Construction

- 5.24 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues which will provide 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.25 It is noted that the government has adopted a “fabric first” approach which expects energy gains to be made through conservation and there is now no requirement to provide 10% on site renewable energy generation.
- 5.26 The applicant has confirmed a fabric first approach, however this would be secured through Building Regulations and therefore no firm proposals have been provided to the Council.

Ecology

- 5.27 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 givento the enhancement and increase in number of sites and habitats of nature conservation value”.
- 5.28 An Extended Phase 1 Field Survey was undertaken by Wold Ecology. The report notes that 2 badger paths cross the site and that there is evidence of foraging on site, but no setts. Recommendations are made to require a method statement required for construction period to protect badgers. The report makes further recommendations for environmental enhancement of the site.
- 5.29 In light of the findings of the Extended Phase 1 Field Survey a condition is recommended to secure the implementation of the ecological enhancements, tree protection and construction management proposed.

Archaeology

- 5.30 Policy DP29 states that the preservation or enhancement of archaeological remains and their settings will be supported, taking account of the significance of the remains.
- 5.31 An Archaeological Desk Based Assessment was submitted with the application which documents that remains of an early ridge and furrow system are present within the site. The

document states that previous excavations near to the site found earlier archaeological features, pre dating the ridge and furrow and raises the possibility that these remains extend onto the development site. To assess this NYCC Historic Environment Team requested a geophysical survey of the site. The geophysical survey has been submitted and the Historic Environment Team recommends that a scheme of archaeological mitigation recording is conditioned.

Public Open Space

- 5.32 Policy DP37 requires new housing developments to contribute to the achievement of 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. The Open Space Sport & Recreation SPD adopted in 2011 requires on site Public Open Space for amenity and purposes and which is equipped for childrens' play.
- 5.33 0.095 ha of public open space is to be provided to the east of the site for amenity purposes and this meets the requirements of SPD. The applicant has offered a commuted sum (£2,769.50) towards the improvement of the existing childrens' play area near the Village Hall instead of equipping POS and this would be an acceptable alternative. A contribution of £44,308 is offered towards sport and young people's provision and this would be secured through a planning obligation, giving a total of £47,077.50 which would be in accordance with the SPD. A management company would be set up by the applicant to maintain the POS and this would form part of the S106 agreement.

Affordable Housing and Viability

- 5.34 Policy CP9 seeks to ensure that affordable housing is provided which is accessible to those unable to compete in the general housing market. For Bedale and its hinterland a provision of 40% is sought. Policy BH7 reinforces this requirement subject to viability.
- 5.35 The applicant has proposed an affordable housing level of 37.5% (6 dwellings) and the affordable properties would now be spread throughout the site. A contribution of £39,000 has been agreed for the remainder of the 40% provision to equate to 0.4 of a dwelling. Progress on the agreement of the required tenure split (70% social housing and 30% intermediate) along with floor space standards will be reported to Committee.

Other Contributions

- 5.36 Policy BH7 identifies the need for contributions from the developer towards providing improvements to local community facilities including Crakehall Village Hall; and increased or improved access to local healthcare facilities. In 2009 a sum of £29,150 was offered to pay for an extension to the Village Hall, following negotiation from Community Link Officers. This is being discussed with the Parish Council and an update will be provided.
- 5.37 Policy BH7 seeks contributions to education and healthcare where necessary. NYCC Education has stated that the local schools have capacity and therefore no contribution is required.
- 5.38 Responsibilities for health care provision have recently been transferred to the Clinical Commissioning Group (CCG). The CCG is not yet in a position to respond to planning application consultations. The formulae for calculating the majority of planning benefits are drawn from policy and Council priorities and therefore these take precedence. However, the contribution required for the local health care facilities is not prescribed and therefore no sum has been sought.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to:
- (a) The satisfactory completion of a planning obligation to secure (i) six affordable dwellings within the development in accordance with the Council's Affordable housing SPD; (ii) a contribution of £39,000 towards local provision of affordable housing; (iii) a contribution of £47,077.50 towards local open space, sport and recreation provision; and (iv) appropriate management of on-site open space; and
 - (b) The following conditions:
 1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the 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, 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 development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
10. No 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
11. 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.
12. The development hereby approved shall not be commenced until details of the 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 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 in writing by the Local Planning Authority.
 - A) The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. Community involvement and/or outreach proposals
 3. The programme for post investigation assessment
 4. Provision to be made for analysis of the site investigation and recording
 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 6. Provision to be made for archive deposition of the analysis and records of the site investigation
 7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
 - C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
14. 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.

15. 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.
16. 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.

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 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. 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.
10. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.
11. In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43
12. In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43
13. In accordance with Section 12 of the NPPF as the site is of archaeological interest.
14. To preserve protected species and their habitat in accordance with policies CP16 and DP31 of the Hambleton Local Development Framework
15. In the interests of the visual amenities of the locality.
16. 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.

Parish: Morton-on-Swale
Ward: Leeming Bar

Committee Date: 5 March 2015
Officer dealing: Mrs S Leeming
Target Date: 12 March 2015

3

14/02612/FUL

Residential development for the construction of 7 dwellings at Morton Auto Services, Morton on Swale, North Yorkshire for JR & S Pybus.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application seeks permission for the construction of 7 dwelling houses on a site previously occupied by Morton Auto Services at Morton on Swale. The site is presently vacant and lies directly to the front of 2 dwellings (Hedgerow and Tall Trees).
- 1.2 The proposal is for the construction of 7 detached dwellings on the site. Four of the dwellings are along the roadside frontage with gardens and garages to the rear and the remaining 3 dwellings would be sited along the eastern side of the site with garages to the side. Vehicular access would be gained from 2 access points one at the east and one the west.
- 1.3 The dwellings are all proposed to be detached and 2 storey with a mix of 3 and 4 bedrooms. They are to be constructed of brickwork and concrete profiled roof tiles.

2.0 RELEVANT PLANNING HISTORY

- 2.1 05/02133/OUT - Outline application for the construction of 9 dwellings and associated garages; Withdrawn 23 November 2005.
- 2.2 06/01922/OUT - Revised outline application for the construction of 9 dwellings and associated garages; Granted 1 June 2007.
- 2.3 10/00419/REM - Reserved matters application; Granted 7 June 2010.

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 CP9 - Affordable housing
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP6 - Utilities and infrastructure
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
National Planning Policy Framework - published 27 March 2012
Supplementary Planning Document - Open Space, Sport and Recreation; Adopted 22 February 2011

4.0 CONSULTATIONS

- 4.1 Parish Council - comments submitted on their behalf state that "Concerns were made over the provision for good rain water drainage as the area has been known to flood in recent years. Also one comment was made regarding the amount of new builds being made in the area and was there need for so many new houses? Pleased that a long derelict site was finally being made use of."
- 4.2 Environmental Health Officer - notes that the proposed development will be exposed to high levels of traffic noise from the A684. A condition is therefore recommended to ensure that acoustic insulation is provided for the dwellings.
- 4.3 Environmental Health Senior Scientific Officer - notes that there is potentially contamination of the site due to its previous use as a petrol station and garage. A condition is therefore recommended.
- 4.4 Principal Engineer - response awaited.
- 4.5 Highway Authority - conditions recommended including relating to details of road and footway layout, their construction prior to occupation of dwellings, discharge of surface water, details and provision of access turning and parking, precautions to prevent mud on highway, details and provision of on-site parking and storage during construction and a survey of statutory undertakers apparatus across the frontage of the site.
- 4.6 Yorkshire Water - "The drainage details submitted on drawing 132:08102 revision K dated 23/12/2014 that has been prepared by KWJ Architectural Services are not acceptable to Yorkshire Water as currently shown." Further information is therefore requested relating to foul and surface water drainage and clarification of where surface water is discharging to.
- 4.7 Neighbours- 2 responses received. One has made comments that the surface water drainage system here "is not fit for purpose" and has resulted in localised flooding as such it now needs to be "re-evaluated". The other neighbour has raised some concerns and comments about land ownership issues (access to plot 7 crosses their drive) and about a lack of turning space. Further to this they have held a meeting with the Agent who has served notice on them as owners which they are happy about. In addition amendments have been made to the plans to realign their access and to provide them with additional parking and turning.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to (i) the principle of housing beyond Development Limits; (ii) access and highways issues; (iii) the layout, design and appearance of the development, including any impact upon the amenities of the neighbours; (iv) landscape issues; and (v) drainage.
- 5.2 It is also necessary to consider (vi) the case for inclusion of affordable housing, or a contribution toward the same, and for a contribution towards local open space, sport and recreation, as normally required by local policy, in light of the Ministerial Statement of 28 November 2014.

Development Limits

- 5.3 The application site and layout is generally the same as that previously approved in 2010 with the notable difference being reduction in the number of houses. This results in an open market dwelling (Plot 7) being proposed wholly outside Development Limits, which is normally only allowed for affordable housing under LDF Policy CP4. However in this case given the history of the site and the relationship of plot 7 to the rest of the site and its surroundings, and also the position taken by the NPPF on development in the countryside -

which only counsels against isolated new dwellings - it is considered that it would be unreasonable to refuse consent for this reason alone.

Access and highways issues

- 5.4 It is noted that the Highway Authority has no objection to the proposal to form two access points to serve this development. These would also serve the 2 existing dwellings at the rear of the site. Amendments have been made to allow for the provision of parking and turning areas for the existing dwellings and to amend the access to one. These 2 neighbours and the Highways Authority have been re-consulted and their views are awaited but it is noted that the Highways Authority had no objections to the original plans, subject to appropriate conditions.

Design and neighbour amenity

- 5.5 The proposed scheme is considered to be of good design and a mix of 3 different house types is proposed, which would break up the uniformity and is considered appropriate within this village setting. The layout is such that plots 1 - 4 would be sited along the frontage appropriately continuing the road frontage development that runs through the village. The dwellings are of a traditional design with brickwork and tiles which should respect satisfactorily their surroundings. A materials condition is recommended to ensure that they are an appropriate match. The layout is such that the dwellings are considered to be adequate distanced from the neighbouring dwellings and the main outlook from the proposed dwellings would not result in any direct overlooking of the neighbours.

Landscaping

- 5.6 The site contains a number of good specimen trees and a tree report has been submitted to clarify that the majority of these would be retained with the garages located away from the general tree protection area. This is considered acceptable.

Drainage

- 5.7 It is noted that some concerns have been raised about drainage in the area although it should be noted that this did not prevent applications 06/01922/OUT and 10/00419/REM for nine dwellings on the site being granted. As such, this is not considered to be an issue of principle that should prevent the development going ahead, but may require detailed control through the imposition of appropriate conditions. The Council's Principal Engineer has therefore been consulted and his views are awaited. In addition the concerns of Yorkshire Water have been passed on to the Agent and any further amended plans are awaited. Subject to these being acceptable the application is considered acceptable in this respect.

Affordable housing and developer contributions

- 5.8 The development permitted under 06/01922/OUT and 10/00419/REM included 4 affordable dwellings (40% of the total number). It made no contribution towards local open space, sport and recreation because the Open Space, Sport & Recreation Supplementary Planning Document was not adopted until 2011. The current application has been submitted with no provision for public open space or for affordable housing as a result of the Ministerial Statement issued on 28 November 2014 which removed the obligation from small-scale developers to make contributions on housing developments of 10 units or less. The aim of the Statement is to increase the number of small housing developments by reducing the financial burden on small housing developers. The overall aim is to increase the number of houses built and help to reduce the cost of such housing. The changes, which came into effect from 28 November 2014, have introduced a threshold beneath which affordable housing and other tariff style contributions should not be sought.

5.9 Whilst it is disappointing to lose the opportunity to provide much needed affordable housing and to ensure that local open space, sport and recreation infrastructure can support the increased demand that will arise from occupation of the development, the Ministerial Statement is an expression of Government policy post-dating the Council's policies and it therefore must be afforded considerable weight in the determination of this application, as it would in any subsequent appeal. It is therefore considered that neither affordable housing nor financial contributions can be secured from this development.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 132:08/04B, 05B, 11A, 02M received by Hambleton District Council on 24 December 2014 and 4 February 2015 unless otherwise approved in writing by the Local Planning Authority.
3. 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.
4. Prior to the commencement of the development a noise survey for the site together with proposals to provide acoustic insulation to the proposed dwellings to achieve the following noise levels shall be submitted to and approved in writing by the Local Planning Authority:

Daytime Noise (07:00 - 23:00) - Outdoor recreation areas and gardens : 50 LAeq, T, dB; Indoor living areas : 30 dB LAeq, T.

Night-time Noise (23:00 - 07:00) - In bedrooms : 30 dB LAeq, : 45 dB LAmax, fast.

The approved acoustic insulation measures for each dwelling shall be fully installed prior to first occupation of that dwelling and shall thereafter be retained without modification unless otherwise agreed in writing by the Local Planning Authority.

5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:
 - (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing: (a) the proposed highway layout including the highway boundary; (b) dimensions of any carriageway, cycleway, footway, and verges; (c) visibility splays; (d) the proposed buildings and site layout, including levels; (e) accesses and driveways; (f) drainage and

sewerage system; (g) lining and signing; (h) traffic calming measures; (i) all types of surfacing (including tactiles), kerbing and edging.

(2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing: (a) the existing ground level; (b) the proposed road channel and centre line levels; (c) full details of surface water drainage proposals.

(3) Full highway construction details including: (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths; (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels; (c) kerb and edging construction details; (d) typical drainage construction details.

(4) Details of the method and means of surface water disposal.

(5) Details of all proposed street lighting.

(6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

(7) Full working drawings for any structures which affect or form part of the highway network.

(8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority.

6. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.
7. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site 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, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority; and (iii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority. The required highway improvements shall include: a. Provision of tactile paving; b. Provision of a 2.0m wide footway across the frontage of the development adjacent to the A684 public highway carriageway in accordance with Standard Detail A1(footway)
9. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning

Authority: a. Provision of tactile paving b. Provision of a 2.0m wide footway across the frontage of the development adjacent to the A684 public highway carriageway in accordance with Standard Detail A1 (footway).

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (i) tactile paving; (ii) vehicular, cycle, and pedestrian accesses; (iii) vehicular and cycle parking; (iv) vehicular turning arrangements; (v) manoeuvring arrangements; and (vi) loading and unloading arrangements.
11. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 10 above have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 132:08/02M. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
13. 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.
14. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
15. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until a survey recording the locations of the existing Statutory Undertakers' apparatus across the frontage of the development adjacent to the A684 public highway has been carried out approved in writing by the Local Planning Authority. No development shall take place that compromises the accessibility of the existing Statutory Undertakers' apparatus.
16. 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.

17. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be the subject of any form of tree surgery other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
18. The development shall not be commenced until tree guards, comprising chestnut pale fencing, at least 1.5 metres high have been erected on the perimeter of the branch spread (or, in the case of a fastigiated tree such as a Lombardy Poplar, have been erected to enclose an area with a radius of 6 metres from the trunk) of all the trees shown as being retained. The guards shall be maintained in position and in good order during the whole period of works on site. Works, including the removal or deposit of earth or other materials shall not be carried out within the tree guards without the prior consent of the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP32.
3. 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 and Hambleton District Wide Local Plan Policy PH10.
4. In the interests of the amenities of residents having regard to the proximity of the site to a source of road traffic noise.
5. In accordance with Policy DP4 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
6. In accordance with Policy DP4 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
7. In accordance with Policy DP4 and in the interests of highway safety.
8. In accordance with the policy DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

9. In accordance with the policy DP4 and in the interests of the safety and convenience of highway users.
10. In accordance with Policy DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
11. In accordance with the policy DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
12. In accordance with Policy DP4 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
13. In accordance with Policy DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
14. In accordance with Policy DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
15. In the interests of protecting highway rights.
16. 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.
17. The trees are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.
18. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.

4

14/00004/TPO2

Rear of Northallerton Tyre and Battery, 55-56 High Street, Northallerton

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 This report considers the confirmation of Tree Preservation Order (TPO) 2014/4.
- 1.2 Whilst the location is described as to the rear of Northallerton Tyre and Battery the trees in question are actually behind the New Life Baptist Church, on land accessed from Goosecroft Lane. A total of 14 trees have been made the subject of a provisional TPO (10 Sycamore, 3 Ash and 1 Hawthorn). The trees are sited adjacent to the access to and within an area which is used for access and external tyre storage by Northallerton Tyre and Battery.

2.1 RELEVANT PLANNING HISTORY

- 2.2 In September 2014 the Council received formal notice of intended works to trees to the rear of Northallerton Tyre and Battery under reference 14/01699/CAT. The submission was made on the advice of planning officers because it was originally thought that trees within the Northallerton Conservation Area would be affected. Some trees were located on the boundary with the Conservation Area but it was established through communication with the owner that the trees they intended to fell or carry out other work on were all outside it. However, it was considered that the trees made a contribution to local amenity so the Council commissioned a tree survey to clarify their condition and to help assess whether any were suitable for a TPO.
- 2.3 The application proposed various works including some felling and regarding the trees within the tyre storage area, mostly a 20% crown reduction. Taking into account their amenity value and the advice of the tree survey commissioned by the Council, it was decided that 14 of the trees should be made the subject of a TPO. This included a group of 10 trees within the tyre storage area. The TPO was served on 9 October 2014.
- 2.4 An objection to the making of the TPO was submitted by McKenzie Town Planning on behalf of Northallerton Tyre and Battery which was supported by a tree survey and TPO Assessment received on 12 January 2015. A copy of this assessment is attached.
- 2.5 The objection relates primarily to Trees T5 – T14 which are located on the land used for tyre storage and makes it clear that the owners only now wish to retain trees T7, T8 and T9. Their objection is:

“The land is used constantly in connection with the business, mainly for the storage of used tyres. Due to changes in the frequency of collection of the tyres, more land is needed than before in order to ensure the tyres can be stored at a reasonable height. The trees that are preventing the proper use of the land at present are T5 – T14, as a result of which the tyres have to be stored much higher than normal. Also, if the issue of root compaction is to be avoided, an area of land much larger than what is sterilized at present will be taken out of use, which will have serious implications on the business itself. Whilst my clients make no secret of the fact that at some point in the future there may be a redevelopment opportunity on the land, their concerns at the moment are focused entirely on the impact of the operation of the business”.

The objection is based on the “limited amenity value” of the trees.

3.0 CONSIDERATION OF THE OBJECTON

3.1 “Amenity” is not defined in law but the Government’s online Planning Practice Guidance (Revision date 06 March 2014) Paragraph 007 states that:

- Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public; and
- Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

3.2 The planning agent representing the objector has used an assessment methodology they have derived from other authorities. It is not known whether any of these assessment methodologies pre- or post-date the Planning Practice Guidance. However, there is no requirement for a Local Planning Authority to develop its own methodology and in the absence of local assessment criteria, it is therefore appropriate to refer to nationally available best practice guidance.

3.3 The Planning Practice Guidance identifies the following criteria for assessing amenity value:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

3.4 The assessment of the amenity of the trees is therefore to be considered against these criteria.

Criterion 1: Visibility

3.5 The Agent (see attached assessment) has detailed that there are “glimpses” into the yard from several footpath locations but he concludes that “trees T5 to T14 are situated in a

predominantly enclosed yard in which there are very limited opportunities to be viewed in any context by the wider public and are therefore of limited visual amenity value”.

- 3.6 However, it is considered that the trees are, due to their height and location, clearly visible from the roadside at Goosecroft Lane and significantly visible from the highway at Goosecroft Gardens as well as from the public footpath links which lead onto High Street and off Goosecroft Gardens. From wider viewpoints the trees can also be seen from Quaker Lane and in some “limited” views, glimpses, from within the Northallerton Conservation Area on High Street.
- 3.7 The trees are clearly even more visible from within the back garden areas of the surrounding residential properties but this does not form a public view.
- 3.8 Having considered the representations, it is considered that the trees are sufficiently visible to the general public to warrant their protection through the TPO. Photographs demonstrating this will be displayed at the Committee meeting.

Criterion 2: Individual, collective and wider impact

- 3.9 The Agent quite correctly identifies that the trees are common species, predominantly Ash and Sycamore. The tree survey carried out for the Council and that commissioned by the Agent both identify that the trees are generally of good condition although they differ in that the Agent’s tree report states that these trees are “supressed” and the Council’s report clarifies that those made the subject of a TPO are “good specimens” although some works were recommended and permitted for some of the trees (largely a 20% crown reduction in some cases or a minor stem removal which is largely as initially identified by the owner). The Agent’s tree survey suggests that pollarding would be the best option.
- 3.10 It is also correctly noted by the Agent that the trees are not old enough to be of any historical significance.
- 3.11 The Agent considers that the storage of tyres on this site is already sufficiently screened by boundary fences. However, the presence of the trees on this site provides a wider benefit than screening alone, which softens the general appearance of the site and has a positive visual impact of benefit to the neighbouring residential area and which contributes to longer views, including from within the Conservation Area. Trees can form an important contribution to townscape by providing a soft contrast to buildings and thereby can introduce interest and variety in addition to their own aesthetic merit. It is considered that the group of trees in question performs this wider function. This is particularly so in views from Goosecroft Lane, where the trees stand in front of and therefore partly screen a fly tower at the rear of the Baptist Church. The fly tower is a large structure of functional design that does not relate well to surrounding buildings in terms of scale or design. The trees therefore perform a valuable function in softening its impact on the surrounding area.
- 3.12 It must be noted that there was extensive notification of the neighbours with all residents of Goosecroft Gardens being notified of the making of the TPO. Four responses were received as a result of this. Two of these wrote in support of pruning of tree T4 and one in support of pruning T2, T3, T4, T9, T10, T11 and T12 as the writer considered the trees to be in need of maintenance. The fourth expressed agreement with the making of the Order as “the trees greatly enhance the appearance of the area and mask the ugly appearance of the stored tyres and the dilapidated state of this land” and states that “The area’s appearance would be greatly damaged by the loss of these trees and it is vital that they be preserved”.
- 3.13 In addition, prior to the making of the TPO and during consideration of the owner’s intended tree works, observations were received from neighbours including three who expressed concern about any felling of the trees as “they currently act as an effective screen to the

yard for the people living in the area” and “they screen out a very unsightly screen [sic]” and also they act as “valuable audio and visual shelter from this traffic and noise for all residents on my road.” It is considered that the trees cause no harm to neighbours’ amenity. It is therefore clear that these trees do provide benefit to the area through screening and this benefit may be more important in future as it is apparent that the owner intends to increase tyre storage on the land. The retention of the trees is compatible with the current use of the land for open air tyre storage on land between the trees and there is no evidence that, subject to appropriate management, the tree and the land use would become incompatible in future.

- 3.14 There are few other trees of any significance within the immediate area. This therefore increases the significance of these trees in terms of their amenity value.
- 3.15 It must be noted that the proposal submitted under reference 14/01699/CAT did not include felling all the trees that were subsequently made the subject of the provisional TPO (it was proposed to reduce the crowns of six trees and to fell one, a Sycamore). The Agent has let it be known that his client may in the future wish to consider redevelopment of this area of land. However, the presence of a TPO does not prevent any development of the land but would need to be taken into consideration should a planning application be submitted. It would not be appropriate to take account of any possible future planning application in considering whether to confirm the TPO; any application would allow the trees to be reviewed in the context of the merits of the proposed development.

Criterion 3: Other factors

- 3.16 The trees are not considered to be particularly important to nature conservation or to have any climate change implications.

4.0 CONCLUSION AND RECOMMENDATION

- 4.1 The trees contribute significantly to the amenity of the area when considered against the relevant planning criteria and result in a reasonable degree of public benefit. The Council's and the owner's arboricultural advisors agree that they are generally healthy specimens. Their retention would not preclude future proposals, which would be considered on their merits.
- 4.2 It is therefore recommended that TPO 2014/4 is confirmed.

M|T|P TREE PRESERVATION ORDER ASSESSMENT

This assessment has been carried out in order to assess the merits of a Tree Preservation Order as part of a duly made objection to that Order. The Tree Preservation Order in question is TPO 2014 No4 dated 9 October 2014, which relates to trees on land situated to the rear of Northallerton Tyre and Battery.

ASSESSMENT HEADING	EXPLANATION OF HEADING	ASSESSMENT & CONCLUSIONS
<i>CATEGORY 1 – VISIBILITY AND VISUAL IMPACT</i>		
EXTENT OF VISIBILITY	To what extent are the trees clearly visible to the wider public?	<p>Plan 1 is critical to this assessment. The trees that the landowners primarily object to are T5 to T14 as shown on the TPO Plan, which are situated within the red ringed area. As can be seen, these trees are located within an enclosed working yard. The extent of built development around the yard is highlighted in yellow.</p> <p>The enclosure is created by a number of built components, which include the rear of properties fronting onto the High Street to the west, from which the site is entirely screened. These include primarily the New Life Baptist Church and the buildings used by Northallerton Tyre and Battery. The yard is predominantly screened to the north and east by the rear of properties fronting Goosecroft Lane, which comprise a number of semi-detached houses (No's 26 to 40) and a block of terraced housing (No's 42 to 48) where there are glimpses into the yard from some of the spaces separating these properties. The site is screened to the south by the frontages of terraced properties fronting Goosecroft Gardens (No's 1 to 16).</p> <p>Whilst it is accepted that the trees can be seen from the occupiers of these residential properties, visibility to the wider public is restricted to the glimpses between properties by the public who chose to access the High</p>

ASSESSMENT HEADING	EXPLANATION OF HEADING	ASSESSMENT & CONCLUSIONS
		<p>Street on foot from Quaker Lane and visa versa (See Link A - blue) and those who choose to access the High Street and/or Quaker Lane and visa versa from the footpath link from Friarage Gardens, which joins Goosecroft Lane at the point where it merges into Goosecroft Gardens (See Link B - red).</p> <p>From Link A there are 4 locations at which there are glimpses into the yard. These are identified as 1 - 4 on the attached plan with red directional arrows. At Point 1, due to the configuration of properties and footpath alignment, the glimpse into the yard can only be obtained when travelling in a easterly direction from the High Street when precisely in this location. There are glimpses into the site from Points 2, 3 and 4, but limited views from Point 4.</p> <p>From Link B, the yard comes into view as the footpath joins Goosecroft Lane. However, due to the position of T4, which is a mature tree with a large crown spread, coupled with a mature hedge at ground level (highlighted in orange), any views of the other trees are largely screened. Once on Goosecroft Lane there are two locations providing glimpses into the yard. These are identified as 5 and 6 on the attached plan, also with red directional arrows. Point 5 represents the private access into the yard from Goosecroft Lane. Apart from Trees T1, T2, T3 and T4 located along the southern boundary, the remainder of the trees, (T5 to T14), are more difficult to view from this location, particularly when travelling south. Point 4 also provides a glimpse into the site, but with limited views travelling north.</p>

ASSESSMENT HEADING	EXPLANATION OF HEADING	ASSESSMENT & CONCLUSIONS
		<p>Views taken from Goosecroft Gardens are depicted by a green zig-zag line. However, as this is a cul-de-sac with no direct link to the High Street, it is not used by the general public, and as such, the trees are only viewed by a small number of private residents.</p> <p>To conclude, trees T5 to T14 are situated in a predominantly enclosed yard in which there are very limited opportunities to be viewed in any context by the wider public and are therefore of limited visual amenity value.</p>
FREQUENCY OF VIEWING	How many people are likely to see the trees from public vantage points?	Opportunities to glimpse some of the trees from the locations highlighted in Plan 1 will be restricted primarily to pedestrians on foot following the routes depicted by Links A and B, which are not main thoroughfares and as such would not be seen by a significant number of people. However, it is difficult to define a precise number.
IMPORTANCE TO THE VIEWERS	To what extent are viewers likely to be conscious of the trees presence?	Due to the limited viewing opportunities from public vantage points, some of which can only be obtained in a certain direction of travel, the majority of pedestrians would unlikely be conscious of the presence of these trees.
EXTENT OF RESTRICTED PUBLIC VISIBILITY	How visible are the trees from properties not considered to be public space?	The trees are visible from the private residential properties that either back onto the yard on Goosecroft Lane or front it on Goosecroft Gardens. These properties effectively enclose the yard on three sides.

ASSESSMENT HEADING	EXPLANATION OF HEADING	ASSESSMENT & CONCLUSIONS
AESTHETIC MERITS IN CLOSE PROXIMITY	Do the trees have a striking or unusual form that make them exceptional specimens appreciated close up?	The trees comprise predominantly Sycamore species with some Ash and one Hawthorne. Whilst their general health is not in dispute, none of them can be regarded as particularly fine specimens with any particular visual merits or features that make them special. With the exception of the properties that back onto the yard, none of the trees can be viewed in close proximity.
AESTHETIC MERITS AT A DISTANCE	Can the overall shape of the tree be seen at a distance?	The majority of these trees, and in particular, trees T5 to T14 cannot be viewed in any context from a distance. Whilst the very tops of the trees can be seen above the housing from a number of locations, the overall shape of the trees are not appreciated.
IMPORTANCE TO THE LANDSCAPE	If the trees were removed, would it harm the wider landscape?	The trees do not form a significant feature in the landscape, which is partly due to the limited views that can be obtained of these trees in a proper landscape setting. As a result of this, their removal would have very little impact on the landscape.
<i>CATEGORY 2 – SIZE, FORM & FUTURE POTENTIAL</i>		
SIZE	Is the size of the trees a significant factor in this location?	The trees are at various heights ranging between 7m and 14m, which takes the majority of them within the early mature category. As such, none of them are of any height that would merit any special consideration as a stand out or dominant feature in the landscape or street scene.

ASSESSMENT HEADING	EXPLANATION OF HEADING	ASSESSMENT & CONCLUSIONS
FORM	Are any of the trees specimen species with unusual shapes making them of special amenity value?	The trees are common species None of these trees can be regarded as of specimen value or possess any striking attributes that make them of special amenity value. In fact, due to their close proximity, the competition for light has created a deformed and unbalanced appearance in many.
AMENITY POTENTIAL	Will the trees give added amenity value in future?	Due to the restricted opportunity for wider public appreciation, there is no scope for further amenity value. Also, due to issues of root stability, an ongoing 3 year pollarding program is required to keep the trees safe, which will restrict the natural growth of the trees.
<i>CATEGORY 3 – SPECIAL FACTORS</i>		
HABITAT VALUE	Do the trees provide important wildlife habitat?	All trees offer some wildlife benefit. However, as they are situated in a fully operational yard in which the ground surface is frequently disturbed, it is suspected that the biodiversity value is limited.
RARITY OF SPECIES	Are the trees rare or endangered generally or within the locality?	The trees in question are common species, which cannot be regarded as rare or endangered.
CHARACTER OF AREA	Are the trees a characteristic feature of the landscape?	The majority of these trees have a limited opportunity to make an effective contribution to the character of the local landscape.
SPECIAL DESIGNATIONS	Are there any special landscape designations?	There are no special landscape designations in this area.
HISTORICAL SIGNIFICANCE	Do the trees have any connections with humans in the past or have any connection with the town?	The trees are not considered to be old enough to be of any historical significance.

ASSESSMENT HEADING	EXPLANATION OF HEADING	ASSESSMENT & CONCLUSIONS
CONTRIBUTION TO AIR QUALITY	Is there an air quality issue in the area to which the trees are helping to combat?	There are no known air quality issues in this location.
SHADING VALUE	Are the trees having a positive shading effect?	The shading effect is not known. However, the trees could potentially block out light to the rear gardens of properties backing onto the yard facing south.
SCREENING VALUE	Are the trees providing an important screening function?	Whilst it is understood that some residents in close proximity to the site feel that the trees help screen activities on site, such screening is not necessary. The owners of the land, despite having a legitimate right to run their business, are extremely considerate to their neighbours. The principle use of the land, which is the storage of used tyres, is run in a way to ensure the storage does not exceed a height of 1.5m, which ensures storage is kept at a height that is well below the 2m high common boundary fences with these properties. As such, it means that the tyres are not seen from the main habitable room windows of these properties. Activities are also restricted to standard working hours and do not involve noisy practices on the land. A new 2m high close-boarded fence has recently been constructed along the southern boundary of the yard to offer the residents of Goosecroft Gardens the same screening benefits.

ASSESSMENT HEADING	EXPLANATION OF HEADING	ASSESSMENT & CONCLUSIONS
		Equally, the trees are not required to ensure any loss of privacy between the backs of properties on Goosecroft Lane and the fronts of properties on Goosecroft Gardens, which are over 60m apart (building to building) at the narrowest point, which is almost three times the accepted minimum separation distance in new developments.
CONTRIBUTION TO A CONSERVATION AREA	Do the trees contribute to the character of the area?	The trees are not situated within the conservation area, which is located to the west. Nor is it considered that the trees make a contribution to the setting of the conservation area. This is primarily due to the restricted views into the yard, and in particular, the angle at which key glimpses are afforded, the most significant of which (Points 1, 2 and 3, and Goosecroft Gardens) take views away from the conservation area, and thus provide very little spatial or amenity context or setting.
<i>CATEGORY 4 – HEALTH AND SAFETY</i>		
HEALTH OF THE TREES	Are the trees in a healthy condition, or can be made healthy with some management?	With the exception of T3, which the Arbtech Tree Condition Survey identifies as having structural issues, the health of the trees is not contested.
FUTURE RISKS	Are there any issues that are likely to cause problems in the future?	The Arbtech Tree Condition Survey highlights a significant cause for concern related to exposed surface roots on trees T5 to T14. The surveyor considers that the level of exposed primary roots at the base of each tree is excessive and that this is due to a hostile growing environment, creating a restricted root plate, which could affect the stability of the trees, particularly as they get older.

ASSESSMENT HEADING	EXPLANATION OF HEADING	ASSESSMENT & CONCLUSIONS
		<p>It is also noted that the danger of root compaction from mechanical activity and storage associated with the working nature of the yard will compound the harm.</p> <p>To help reduce the risks related to this such as wind throw, Arbtech recommend that Trees T5 to T14 undergo an immediate 20% crown reduction (by volume) and thereafter adhere to a 3 year pollarding cycle management plan.</p>

5

Target Date: 16 January 2015

14/02375/FUL

Construction of an agricultural building for the housing of livestock. at Sowerby House Farm Sowerby Under Cotcliffe North Yorkshire DL6 3QR for Mr Tim Charlton.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application is for the construction of an agricultural building for the housing of pigs at Sowerby House Farm which lies 1km south-west of Kirkby Sigston. The farm steading is located in excess of 1km from the C-class road to Bullamoor (to the west) and in excess of 450m from residential properties to the north and north-east. Former intensive farm buildings (some now derelict) also lie immediately to the north fronting the road from Bullamoor to Kirkby Sigston.

1.2 The proposed building would be 18.3m wide x 49m long x 3.7m high to the eaves and 6m to the pitched ridge. It would lie directly to the west of the existing steading and be a steel-framed portal building with concrete panels to the lower walls and green profiled sheeting to the upper walls with an anthracite-coloured fibre cement sheeted roof, similar to other buildings within the farm complex.

1.3 The current farm enterprise comprises a mixed arable/pig business of approximately 170 acres (70ha). There are at present just under 2,000 pigs on the site which are housed on a straw-based system with the resulting manure spread on fields at Sowerby House Farm. The new building would house some 1,040 pigs which would be brought in at around 10 weeks (40/50kg) and fattened to around 120kg at 10/12 weeks and then moved on. There would then be a washing/preparation period of a week which gives a turn-around of 4/5 cycles per year.

1.4 The new building would be slurry based with sealed under-storage although the existing operation will remain straw-based. Some slurry may be exported to other farms. The site is not within a designated Nitrate Vulnerable Zone (NVZ) although the increase in stock to over 2,000 in total will require the applicant to apply for an IPCC Environmental Permit from The Environment Agency which will cover not only the new operation but all other activities on the farm. Details of the precise coverage of this control are set out in Section 4 below.

1.5 The applicant has indicated that an earth mound with associated tree planting would be formed immediately to the north and west of the proposed site.

1.6 Although the new element of the business would be managed mainly by existing workers on the farm it is indicated that an additional part-time worker would be employed.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 AN2/03/140/0009A: Prior notification for the construction of an agricultural storage building; Approved 17 October 2003.

2.2 07/00076/FUL: Agricultural livestock building; Granted 23 February 2007.

2.3 07/00077/FUL: Agricultural livestock building; Granted 23 February 2007.

3.0 NATIONAL AND LOCAL POLICY

3.1 The relevant policies are:

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policy DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP17 - Promoting high quality design
Development Policy DP32 - General design
Core Strategy Policy CP15 - Rural Regeneration
Development Policy DP26 - Agricultural issues
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Sowerby-under-Cotcliffe Parish Council: No objections to the proposal or its location. A solid waste system is preferred to slurry.

4.2 Highway Authority: No objections.

4.3 Environment Agency: Confirmed no objections to the proposal and also indicated that an Environmental Permit from the Agency is required as follows: "The proposed pig operation will require a permit under the Environmental Permitting Regulations 2010. We will be including the following key areas of potential harm when making an assessment for the Permit:

- i) Management: including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery.
- ii) Operations: including permitted activities and operating techniques (including the use of feed, housing design and management, slurry spreading and manure management planning).
- iii) Emissions: to water, air and land including to groundwater and diffuse emissions, transfers off site, odour, noise and vibration, monitoring.
- iv) Information: records, reporting and notifications.

The Agency and applicant have both indicated that discussions have already taken place regarding the submission of details for an appropriate Permit.

4.4 Yorkshire Water: No response received.

4.5 The application was advertised by site notice at the entrance to the site and the three closest residential properties were notified. It would appear that due to a confusion over local addresses one adjacent resident was not receive formal notification by post although subsequent e-mails and conversations have allowed views to be put forward. Representations have been received from five households directly with one of the respondents also instructing an agent to make comments on their behalf. Although the original period for the receipt of representations expired on 10th December and the eight week period for the determination of the application expired on 16th January, in view of the further investigation into the precise nature of the scheme and the wish to ensure that all local comments were received and properly considered, the date of determination at this meeting of the Committee is considered to be such that no residents/neighbours have been disadvantaged.

4.6 The representations which have been received object to the proposal on the grounds of odours, the risk to health, disease, pollution, increase in animal gases, flies, animal welfare and impact on human rights together with comments relating to the lack of direct neighbour consultation and the potential disadvantage to local residents of a proper consideration of their

views and comments due to timescales involved.

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 scale, design and materials proposed (Policies CP17 and DP32) together with the impact, if any, on local visual amenity and landscape character (Policies CP16 and DP30), local residential amenity (Policy DP1), the pollution of the local environment (Policy CP21 and DP42) and the benefits to the viability of the farm enterprise (Policies CP15 and DP26). The contents of the National Planning Policy Framework (NPPF) are also relevant in this case.

5.2 The proposed building is a purpose designed structure similar in form and scale to existing buildings within the existing steading and is designed to meet its functional requirements. The discreet site location, together with the proposed earth mounding and associated tree planting proposed, means that there would be no adverse visual impact locally.

5.3 The comments received from, and on behalf of, neighbouring residents have been set out above. These have been discussed in detail with both the Council's Environmental Health Officers and the Environment Agency. Reference is made in Policy DP1 to the need for all development proposals to "adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, odours and daylight." The question of the potential impact, specifically odours and flies has been made by respondents in this case. It should be noted that, notwithstanding the scale of the overall agricultural operation, the proposed new activity is entirely confined within the building with the exception of short periods of clearing out and cleaning four/five times per year. It has been further noted above that the number of animals which the current proposal will involve on the farm holding means that, not only the new pig element, but all existing animal activities on the holding will require compliance with an Environmental Permit to be issued by the Environment Agency. The detailed scope of such a permit and the matters requiring compliance is set out in paragraph 4.3 above. It is considered that these elements, together with the condition to be imposed at the request of the Environmental Health Officer will potentially mean that there will not only be no additional adverse impact due to flies or odours, but that compliance with such a Permit could improve the existing situation on the farm. These comments apply equally to the representations made in respect of any ground or water pollution resulting from the development.

5.4 Comments received in response to consultation also referred to animal welfare aspects of the development. The applicant has responded that he has carried out a full assessment of the unit, combined with the operation of the existing sites and has confirmed that this will be in accordance with DEFRA and Farm Assurance standards and requirements.

5.5 The reference to the adverse impact on human rights has been referred to amongst the comments received. The specific comments quote a document from 2013 prepared by MPs William Hague and Vince Cable entitled: "The Guiding Principles on Business and Human Rights within the EU." It is stated by the respondent that the document indicates:

"States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication."

"Section 2 states: States should set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operation."

5.6 These comments are noted although it is considered that the scope and detail included within the Environment Agency's IPCC Permit procedures are specifically designed to control such impacts and were themselves generated by concurrent European legislation.

5.7 The final element of comments received from respondents relates to the consultation process undertaken with neighbours. It would appear that one local resident did not receive a notification letter initially and, consequently, did not have a full 21 day period in which to respond. However, subsequent telephone conversations and e-mail correspondence have subsequently permitted in excess of 2 months for the receipt of comments which have now been received and will be given appropriate consideration prior to the determination of the application. It is understood that a representative of the respondents wishes to attend the Committee and speak on the application.

5.8 The NPPF states in paragraph 28 ("Supporting a prosperous rural economy") that in order to promote a strong rural economy local authorities should support the 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, particularly where this promotes the development and diversification of agricultural and other land-based rural businesses. It is considered that the current proposal meets these criteria and will assist the future viability of the farm enterprise with a modest increase in employment.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to the bringing into use of the proposed building the applicant shall submit a waste and fly management plan to be agreed in writing by the Local Planning Authority, detailing how waste from the site will be managed, stored and managed off site to prevent fly infestation. The agreed scheme shall be implemented and maintained in accordance with the approved details for the duration of the planning permission.
3. The development shall not be commenced until a detailed landscaping scheme indicating the location and form of an earth mound, the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing (Ref Scale 1:200 Floor Plan and Elevations) attached to planning application 14/02375/FUL received by Hambleton District Council on 20th November 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. In the interest of local residential amenity and the prevention of the pollution of the local environment in accordance with Policies DP1, CP21 and DP42.

3. In order to assimilate the development into the local landscape and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policies DP1, CP16 and DP30.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP16 and DP30.

Parish: Stillington
Ward: Stillington

Committee Date: 5 March 2015
Officer dealing: Mrs H M Laws
Target Date: 31 March 2015

6

14/02389/FUL

Construction of 27 houses with associated garages and parking areas. Formation of 4 new means of access to South Back Lane, provision of underground gas tank, landscaping and enclosures at Land East of Soutersfield and South of South Back Lane, Stillington, North Yorkshire for Daniel Gath Homes Limited

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This planning application seeks permission to develop agricultural land on the south side of South Back Lane and to the east of Soutersfield, Stillington for 27 dwellings and associated works. The application site covers an area of 1.03 hectares.
- 1.2 The application is supported by a range of documents including a Topographical Survey, a Habitat Survey and a Planning Statement which includes a Design and Access Statement.
- 1.3 The proposed housing mix is 8 x 2 bedroom houses, 11 x 3 bedroom houses and 8 x 4 bedroom houses all of two-storey height with transverse gable roofs. There are seven different house types, which would be mixed across the site. The site would be dissected by four separate access roads, each taken off South Back Lane and terminating within the site; there is no vehicular or pedestrian through route proposed to link these four roads.
- 1.4 The submitted plans suggests that on-site soft landscaping comprising hedging and tree planting as well as hard landscaping, comprising block paving and gravel for example, would be included within the development, although no formal schedule of landscaping has been provided. The Planning Statement accompanying the application identifies that the existing hedgerow to South Back Lane is to be removed to facilitate road widening, however, a replacement hedge (and fence in part) would be provided.
- 1.5 Each dwelling would also be provided with car parking in the form of garages or allocated off-street parking within the site boundary.
- 1.6 The site is situated within a rural location adjacent to South Back Lane, to the south of the village of Stillington. It is currently used for agricultural grazing and contains several brick buildings. Land to the south and south east of the site is farm land and open countryside, while land to the west and north is developed with relatively new housing of a style similar to that proposed in this application, notably one to two storey buildings in brick and tile with gabled roofs.
- 1.7 The surrounding landscape is dominated by pastoral agriculture, primarily sheep and cattle grazing; small parcels of arable land also occur within the region. The application site is situated in a flat, exposed location and appears to be relatively well drained.
- 1.8 The village itself is generally linear in its development with most properties located on High Street and there being limited ribbon development.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 The site is allocated for housing development within the Council's Local Development Framework and the requirements are as follows:

EH6 South Back Lane, Stillington (1.0ha)

This site is allocated for housing, for release in Phase 3 (2021 - 2026) subject to:

- i. Development being at a density of approximately 30 dwellings per hectare, resulting in a capacity of around 30 dwellings (of which a target of 50% should be affordable);
 - ii. Housing types meeting the latest evidence of local needs;
 - iii. Provision of highway improvements on South Back Lane and traffic calming measures on the link between South Back Lane and High Street;
 - iv. Contributions from the developer towards the provision of additional school places and local health care facilities as necessary;
 - v. Provision of landscaping along the southern boundary.
- 2.2 The Council has recently relaxed the phasing policy for housing release, therefore the site can now be considered.
- 2.3 There are no other planning or enforcement records relating to the site.

2.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP5 - The scale of new housing
Core Strategy Policy CP7 - Phasing of housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy 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 CP20 - Design and the reduction of crime
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP8 - Development Limits
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP36 - Waste
Development Policies DP37 - Open space, sport and recreation
Development Policies DP39 - Recreational links
Development Policies DP43 - Flooding and floodplains

4.0 CONSULTATIONS

4.1 Stillington Parish Council - make the following comments:

- The development contained a wide variety of building sizes, all were pleased that low cost and more expensive houses were mixed together although it was thought it was still zoned to some degree
- The houses were of similar design style and it was thought adding some features to the houses would enhance the development's appeal and add to the aesthetics of individual buildings. E.g. through use of bricks, set in or sent out of the brick line, different glazing bar styles
- It was noted that there was no bungalows or three bed roomed low cost housing in the proposed development
- We would like to see swift & bat boxes (bricks) used on the buildings
- We would like to see local bricks used throughout the development
- Different roofing tile styles and materials would add to this differentiation of houses and add to the development's appeal
- We would like to see the proposed layout and style of the street lighting and ideally, lighting would be kept to a minimum to avoid as much light pollution as possible. We would like to see the layout of lighting for the development and did not want this development to add to light pollution locally
- Concerns were expressed about the sewerage and grey water arrangements and how this development could overload the current and what appears to be very poor arrangement down South Back Lane. We have experienced many problems with water both foul and grey over the last two years and these must be ironed out and not added to by this development
- We would like to see some SUDS (Sustainable urban drainage scheme) used within this scheme - using the undeveloped land south of this development
- We would like to see additional landscaping carried out on the land on the southern boundary as per the local policy plan
- we would like to see the exploration of a footpath link between South Back Lane (at the junction) and the sports centre; this could be incorporated in the additional landscaping
- We would like to see a garden shed provided for the low cost housing as well as wood burning stoves
- We welcome the air source heat pumps in the low cost housing.
- Some concern was expressed about the 6ft walls and fences around the housing and in particular the fencing, it might be better if it was not as tall, perhaps with the exception of fencing within about first 15ft of each house (as it is in Soutersfield).
- We would like to see a restrictive covenant retaining the parkland fencing for all the houses, the Parish Council being the beneficiary of the covenant.
- Major concern was expressed about the traffic flows between South Back Lane and Main Street. The link is very narrow and will not take two-way-traffic. The development could add to this highway problem. Although traffic calming is mentioned in the developer's brief, it will not solve traffic flows on this link road.
- Local concerns were expressed regarding reliability of electricity supply infrastructure in this part of the village and we hoped that any issues would be resolved by the developer and the electricity supply company.
- Concern was expressed about the gas safety of gas situation and that each house being tied into one supplier, although we accept that the latter is probably not a planning issue.

4.2 Highway Authority - Several conditions are recommended and these are noted at the end of this report. Informatives are suggested in respect of landscaping, which should be positioned and maintained such that it does not encroach on or over the adjacent highway. A Section 278 Agreement is required between the developer and the Highway Authority

and there must be no works in the existing highway until this Agreement has been entered into.

- 4.3 Further comments have been received as follows to address a suggestion made by the Parish Council and the applicant regarding the north-south link route between the Main Street and South Back Lane: "Whilst I have not included a one-way route for this as part of my recommendation, I have no objection in principle to pursuing such an order. I assume from the comment that the preferred route would be travelling south from Main Street into South Back Lane. I do have a concern about this route and that is if a driver travels easterly along South Back Lane not realising there is no through road, turning is somewhat limited at that part of the lane. It would perhaps be better to have the one-way flow leading to Main Street. There is also a concern with any one-way system that vehicle speed can increase because there is no opposing traffic. A one-way order would require the support of all the residents living within that section of road who would be directly affected".
- 4.4 NYCC Education - no developer contribution is sought. Evidence has been provided that the local Stillington Primary School has a net capacity of 55 children and that as of October 2014 only 41 pupils were on the roll, therefore a surplus of places is available.
- 4.5 Environmental Health Officer - the application does not have any information regarding the potential for land contamination. I would recommend the applicant carry out a preliminary risk assessment to identify any potential risks from contamination that could adversely affect the end user.
- 4.6 North Yorkshire Police Architectural Liaison Unit - the only issue I have with these "Private Drives" is that the two centre ones are not overlooked at all from the dwellings they serve. This could be rectified by the installation of a window in the side elevation of properties at ground floor level, from an "active room". I would suggest that the entrances to these "Private Drives" should have symbolic demarcation by having a change in road surface colour and material to that of the public highway.
- 4.7 All Plots have areas of defensible space; however there are a number of areas of ambiguous space, which have no clear ownership. This can lead to a lack of maintenance and conflict between residents. In general most Plots have suitable boundary protection.
- 4.8 There are a number of issues with the suggested parking provision. The first and most concerning is that for Plots 2 to 5, as this is at the rear of the properties and there is no natural surveillance possible from within the dwellings due to the boundary protection to the rear gardens. There also appears to be a lack of boundary protection between the parking area and Soutersfield.
- 4.9 Should this application be granted I would ask that a planning condition be placed on it requiring that prior to the commencement of any works, that the applicant provides full details of how the issues raised in the Police Designing Out Crime Officers report dated 4 December 2014 are to be addressed. These measures should be agreed in writing by the Local Authority in consultation with North Yorkshire Police. The details should provide rationale and mitigation in relation to any suggestions made in this report that are not to be incorporated.
- 4.10 Housing Officer - Stillington lies within the hinterland of Easingwold, where there is a 50% affordable housing target. In the case of this proposal for 27 units, this would equate to 13.5 homes. The applicant is offering 13 homes, pepper potted across the site in two clusters, one of 5 and the other of 8 units.
- 4.11 The applicant was given advice on minimum size requirements and the Council's transfer prices prior to submission of the application. He attended consultation on the Draft Revised Affordable Housing SPD and therefore has an understanding of the Council's requirements

and approaches for such schemes. The applicant has also been in regular dialogue with the Council's Rural Housing Enabler who has also offered advice and guidance on the proposal.

- 4.12 Whilst the proposed percentage, mix and distribution of affordable housing is supported, Housing is concerned about the size of the properties that are being offered:
- 8 x two bedroom homes at a proposed size 63.17 sq. m - this does not meet the Council's minimum internal size standard of 70 sq. m, which is set out in the Affordable Housing SPD revision of 1 April 2013.
 - 5 x three bedroom homes at a proposed size 75 sq. m - this does not meet the Council's minimum internal size standard of 90 sq. m, which is set out in the Affordable Housing SPD revision of 1 April 2014.
- 4.13 On the advice of the Rural Housing Enabler, the applicant has provided floor plans including furniture layouts but is not willing to increase the size of the affordable homes to accord with the Council's minimum standards. In view of the above, Housing cannot offer its full support for this scheme.
- 4.14 Network Rail - no comment
- 4.15 Members of the Public - A total of 29 neighbours were notified by letter on 3 December 2014 and a site notice was posted. The expiry date for comments was 10 January 2015. To date the Council has received comments from 25 residents none of whom are supportive of the development although some letters indicate that there are no objections in principle. The objections relate to the following issues, which will be addressed in section 5:
- Too many dwellings; too dense a development.
 - There are no bungalows, which the village needs for the elderly
 - Affordable houses do not meet minimum space standards with Council SPD; not pepper-potted through the development
 - Removal of existing hedge
 - The density and layout would be out of character with rest of the village.
 - The rural unspoilt setting of the village will be destroyed.
 - Too many access points; widening of South Back Lane would be unsafe; traffic calming is required; streetlighting would have adverse impact.
 - The single track road direct from Main Street would be a bottleneck
 - Alternative access directly onto York Road to the south of Soutersfield
 - Traffic calming would be out of keeping with the village and would create a noise nuisance
 - The proposal would generate too much traffic in the village.
 - History of drainage issues on South Back Lane
 - The proposal will remove the countryside views from some nearby properties.
 - Impact on residential amenity - overlooking
 - Proposed parking too far from dwellings
 - There would be huge disruption to wildlife habitat if the hedge is removed
 - Proximity to existing dwellings
 - Direct footpath access should be provided between the site and the Sports and Social Club
 - Safety aspects of gas tank

5.0 OBSERVATIONS

- 5.1 The principle of development for housing is established by the allocation of the site in the Allocations Development Plan Document. The main planning issues to take into account when considering this application relate to the following:

- Affordable Housing Provision
- Impact on the Character, Appearance and Visual Amenity of the area
- Impact on Neighbour Amenity
- Highway Matters
- Impact on Protected Species
- Public Open Space Contributions
- Education and Health Provision Contributions
- Sustainable Energy
- Contamination
- Community Engagement

Affordable Housing Provision

- 5.2 Policy EH6 states that the site is allocated for housing subject to development being at a density of approximately 30 dwellings per hectare (dph), resulting in a capacity of around 30 dwellings. The Policy also states a target of 50% provision of affordable housing.
- 5.3 The Council's Housing Policy Officer welcomed the provision of affordable housing but had concerns regarding the size of the 13 affordable units originally proposed, which did not meet the requirements of the Council's SPD. The Government, through the Department for Communities and Local Government, has issued a consultation on the implementation of the housing standards review and in particular the technical standards. The recommended standard within that document for a 2 bed unit is 70 sq. m, which is the same as the SPD's standard. For a 3 bed unit, between 84 sq. m (4 person) and 93 sq. m (5 person); the SPD requires 90 sq. m. The proposed 2 bed unit is 63.2 sq. m and the 3 bed unit is 74 sq. m and therefore both fall short.
- 5.4 The applicant has submitted information favourably comparing the size of the proposed affordable units with affordable units approved for other developments in the District such as Redrow Homes and Persimmon Homes at Easingwold.
- 5.5 It must be appreciated that there is affordable housing need across the district and the Easingwold sub-area is not precluded. As an alternative to the proposed scheme the applicant has suggested that the number of affordable houses within the application site be reduced by 3 (and therefore the overall number of houses proposed within the application as a whole be reduced from 27 to 24). The size of all 10 of the affordable houses would be increased to comply with the Council's SPD. This amendment would result in affordable housing provision of 42% compared to the 50% required by Policy EH6.
- 5.6 A report on a basic viability assessment has been undertaken on behalf of the Council by Mouchel, which suggests that the scheme appears not to be viable if more than 10 of the 24 dwellings were provided as affordable units. This is due to a particularly abnormal cost to implement the widening of the road for a length of 217m along the site frontage. The applicant has suggested that the difference of even just 1 additional unit is the amount required for margin and for the provision of highway widening works and cannot be afforded.
- 5.7 Policy DP13 also requires developers to work collaboratively with the Council, and to take into account the view of other housing partners in determining the appropriate mix and type of housing and any local housing needs information, for example relating to elderly people or special needs. The Strategic Housing Market Assessment of November 2011 demonstrates a need in Easingwold for 1 and 2 bedroom properties, recommending the delivery of 2 bedroom properties to best meet this need (SHMA Nov 2011, p.136). This did not specifically refer to a need for bungalows.

- 5.8 In order to secure the affordable housing provision adequate provisions need to be put in place via a Section 106 Agreement to ensure that the affordable housing will meet local housing need

Impact on the Character, Appearance and Visual Amenity of the area

- 5.9 There have been numerous objections to the proposal on character grounds, with objectors contending that the density and layout would be out of character with the rest of the village and that the rural unspoilt setting of the village would be destroyed. As noted in section 2, the site is allocated for housing development, with around 30 dwellings, and this limits the weight that can be attached to objections that relate to the principle of development.
- 5.10 The application site is bounded on three sides by the village and therefore, although currently agricultural in use, character and appearance, it relates well to the setting of the existing residential areas of the village. The existing dwellings along the northern side of South Back Lane have developed piecemeal over the years and include a mix of two storey and single storey properties of differing styles and designs. The character is very different to the more traditional character of the older part of the village along the Main Street. The development of Soutersfield to the west is a more recent development of two storey properties, which has the appearance of a terrace, although broken into blocks of two and three houses. This reflects the linear form of the older properties on the western side of York Road.
- 5.11 It has been suggested by local residents that the new development would be more appropriate on the land to the south of Soutersfield extending the village further beyond its centre and also to provide access onto York Road directly from the application site. These options would extend the village further into the adjoining countryside and would also result in a less integrated development for the residents of the new development. However, the application relates to a site that was selected through the plan-making process during which various options for meeting housing need were examined and the adoption of the DPD gives legitimacy to the principle of development of the application site for housing.
- 5.12 A major characteristic of the development is the provision of frontage development along the southern boundary of South Back Lane. The allocation density of 30 dwellings would not allow this to be the entire development and housing also needs to be provided in depth, to the rear. The lower density of the frontage development and the provision of access points provide gaps between the houses allowing views through the site to the rural landscape beyond. The spacing between the properties reflects the existing character of the northern side of South Back Lane and the varying sizes and building lines of those houses.
- 5.13 The proposed scheme proposes two-storey houses throughout the site and includes a mix of terraced properties (of no more than 3), semi-detached and detached ranging from 2 bedroom to 4 bedroom. Local vernacular features included within scheme are to be found within the Stillington Conservation Area such as brick headers. All of the dwellings would be finished in brickwork and roof tiles. Red brick and pantiles are predominant in this part of the village. Otherwise, the proposed detailing is simple and reflects local characteristics. Most of the village lies within the Stillington Conservation Area but has been developed with varying degrees of styles and designs over the years and therefore has no single built form period. The proposed cul-de-sac layout is not a traditional feature of Stillington but there are later examples such as Parkfield and also Hill View, off North Back Lane. The character of the application site is different to the Conservation Area as firstly, it is undeveloped and secondly, it would be adjacent to more modern properties that are less traditional in character. The development of the site as proposed is therefore unlikely to adversely affect the Conservation Area.

- 5.14 The proposed scheme is therefore considered to be in accordance with the design principles set out in LDF Policies CP17 and DP32 and so would result in an appropriately high standard of development.

Impact on neighbour amenity

- 5.15 Consideration has been given to the existing layout and the proximity of existing dwellings on South Back Lane and Soutersfield. The front of the dwellings along the northern side of the application site would lie at a distance of at least 20m from the front elevation of the dwellings opposite. These existing dwellings lie at a higher ground level and therefore the amenity of their occupiers would not be adversely affected. The rear elevations of the dwellings at Soutersfield overlook the application site and therefore the outlook from these properties would be affected. The existing dwellings lie at a distance of more than 21m from the application site and there would be no adverse impact on residential amenity as a result of overshadowing or loss of privacy.
- 5.16 Several objections have highlighted that the proposal will alter or remove countryside views from nearby properties. There is no doubt that for dwellings in close proximity to the site that the proposal could alter their outlook; however private views are not protected by planning and it is important to note that nowhere within planning policy at a national or local level does it state that there should be zero impact from a development, rather that the impact should be managed and kept within reasonable limits. Indeed, it is considered that it would be almost impossible to develop anywhere in an urban or semi-urban setting if the test were to avoid any impact. On the basis that the site has been identified as a potential housing site for many years and allocated as such since 2010 and thus a change on the site has been anticipated for some time, it is not feasible to refuse the proposal based on an objection relating to loss of outlook. There are adequate separation distances between the dwellings proposed within the application site to satisfy the requirements of LDF Policy DP1.

Highway Matters

- 5.17 Many of the objections to this proposal relate to highway matters, specifically that the proposal would generate too much traffic along South Back Lane and that the four new accesses onto Back Lane would be dangerous for other users of that road. It must be highlighted that the access arrangement would have been a factor in the assessment of suitable sites from when the site was first put forward in 2005 to the adoption of the Allocations DPD in 2010 with an expectation of 30 dwellings. Information from the Highway Authority indicates that the proposed level of development should not cause problems with road capacity. Consequently there would be no reason on highway safety grounds to refuse the application.
- 5.18 The suggestion that the link route between the Main Street and South Back Lane becomes one way is commented upon by the Highway Authority, which has no objections in principle should the developer wish to pursue a Traffic Regulation Order to that effect. The support of local residents would be required before this proposal could be pursued but as the Highway Authority does not object to two-way traffic the absence of such an Order does not preclude the grant of permission for the development as proposed.
- 5.19 There have been several suggestions regarding a footpath link between the application site and the Stillington Sports and Social Club. Although such a link could be provided within the application site itself, the developer cannot be expected to create a footpath on land that falls outside the application site. The current route, albeit via York Road, has a footway for most of the route and is lit by streetlights thereby arguably providing a safer environment. The applicant has however agreed to retain a protected area within the easternmost cul de sac to allow a footpath route to be developed in the future should land to the south become available for this purpose.

Impact on Protected Species

- 5.20 Policy DP31 of the Development Policies DPD 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".
- 5.21 The scheme requires the removal of the existing boundary hedge along the northern side of the application site and which currently forms the southern boundary of South Back Lane. This has always been a requirement of the allocation due to the need for highway improvements including the widening the road.
- 5.22 While there have been objections received which suggest that the loss of the hedgerow would adversely affect local wildlife, the qualified habitat survey submitted with the application concludes that an ecological appraisal and Phase 1 Habitat Survey has been carried out and that no notable habitats were found and that the agricultural building had no signs of breeding bird or barn owl activity or bats or potential bat roost habitat. However, it was noted that removal of the hedgerow would result in the loss of bird nesting habitat and there is a risk of disturbance to nesting birds if work is carried out during the breeding season. This could be avoided by an appropriately worded condition.
- 5.23 In the event that the Council is minded to grant planning permission, suitably worded conditions can be imposed to secure the implementation of these mitigation measures.

Public Open Space Contributions

- 5.24 LDF 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. Policy DP37 also requires a financial contribution towards improving off-site provision elsewhere within Easingwold. A contribution of £89,310.60 is required under the policy and the Recreation Action plan for Stillington indicates that it could be used towards young peoples' facilities and outdoor sports facilities to address acknowledged deficiencies in the area and ensure that the growth in population can be accommodated. The applicant has agreed to the full payment of this contribution.

Education and Health Provision Contributions

- 5.25 Planning Policy EH6 requires contributions from the developer towards the provision of additional school places and local health care facilities as necessary. The proposal was referred to NYCC Education Department who advised that the local school has a net capacity of 55 children and that as of October 2014 only 41 pupils were on the roll, As a result a surplus of places is available and therefore no financial contribution is deemed necessary.
- 5.26 Responsibilities for health care provision have recently been transferred to the Clinical Commissioning Group (CCG). The CCG is not yet in a position to respond to planning application consultations. The formulae for calculating the majority of planning benefits are drawn from policy and Council priorities and therefore these take precedence. However, the contribution required for the local health care facilities is not prescribed and therefore no sum has been sought.

Sustainable Energy

- 5.27 A sustainability and energy statement has not been included with the application. 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.

- 5.28 In the event that the Council is minded to grant planning permission, a suitably worded condition could be imposed to secure a scheme for suitable design improvements and/or the installation of suitable renewable energy technologies. However, the Government has announced that energy efficiency in new developments will be addressed through a “fabric first” approach, secured through the Building Regulations, so the scope to secure additional energy gains through the planning decision is now limited.

Contamination

- 5.29 A risk assessment has not been submitted to establish whether there is a likelihood of potential contamination within the application site. However, this can be considered under the terms of the condition recommended by the Environmental Health Officer.

Community Engagement

- 5.30 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, which 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.
- 5.31 In October 2014 a local information event was held in the Village Hall in Stillington. The applicant received 18 responses. The responses received were similar to those received by the Council and noted in Section 4.15 above.
- 5.32 It is considered that the applicant has approached community consultation in accordance with the Council's SCI.

6.0 SUMMARY

- 6.1 The surveys and consultations carried out by the applicant show that the site is capable of development and no substantive objections have been raised by statutory consultees to the development of the site. The site is allocated for development in the LDF Allocations Document and the submitted scheme is in accordance with Policy EH6 of that document in all respects and the applicant has agreed to the provision of 50% affordable housing.
- 6.2 The public objections that have been received have been addressed in the body of this report and are considered to relate to matters, notably highways, being surmounted by technical guidance and overriding planning policy requirements.
- 6.3 It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the housing development, would have no adverse impact on landscape character, residential amenity and highway safety.

7.0 RECOMMENDATION

7.1 That Planning Permission is **GRANTED** subject to (a) the satisfactory completion of a planning obligation to secure a contribution of £89,310.60 towards local provision of open space, sport and recreation and (b) the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The 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.
4. All areas of hard surfacing within the curtilages of the dwellings hereby approved shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
5. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels 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.
6. 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.
7. 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 identified shall be submitted and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
8. 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.

9. No part of the development shall be brought into use until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road (South Back Lane) from a point measured 2.4 metres down the centre line of each access. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the accesses to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- a. The details of the temporary access required for the construction works shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority and the temporary access shall be constructed in accordance with the approved details.
 - b. The crossings of the highway footway shall be constructed in accordance with the approved details and Standard Detail number A1;
 - c. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway;
 - d. That part of the accesses extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15; and
 - e. The final surfacing of any private access and parking area shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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

11. 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:
- a. The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority;
 - b. A programme for the completion of the proposed works has been submitted. The required highway improvements shall include:
 - c. Widening of the existing carriageway of South Back Lane on the site's frontage to give a minimum width of 5.5 metres.
 - d. The provision of a 2.0 metre footway on the site's frontage to include street lighting. The submitted details shall include proposals to minimise disturbance to breeding birds nesting in the hedgerow on South Back Lane to be removed for the road widening.
12. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 10:
- a. Widening of the existing carriageway of South Back Lane on the site's frontage to give a minimum width of 5.5 metres.
 - b. The provision of a 2.0 metre footway on the site's frontage to include street lighting.

13. 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 3637/10 REV B). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
14. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garages shall be kept available at all times for the parking of domestic vehicles ancillary to the occupation of the associated dwelling.
15. 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.
16. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
 - a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
17. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing numbers 3637/10B and 11 received by Hambleton District Council on 21 November 2014.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP30.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
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 ensure that the development takes account of the need to reduce opportunities for crime and fear of crime, in accordance with Policy CP20 of the adopted Local Development Framework.
7. 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.
8. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
9. In accordance with LDF Policies CP2 and DP4 and in the interests of road safety.
10. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
11. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users in accordance with LDF Policies CP2 and DP4.
12. In the interests of the safety and convenience of highway users in accordance with LDF Policies CP2 and DP4.
13. 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.
14. 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.
15. 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.
16. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
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 Hambleton Local Development Framework Policies.

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

Committee Date: 5 March 2015
Officer dealing: Mrs H M Laws
Target Date: 20 March 2015

7

14/02529/FUL

**Proposed industrial park development to include access, hard & soft landscaping & means of enclosure.
at Land at Cleveland Industrial Estate, Carr Lane, Sutton-on-the-Forest
for Sheriff Hutton Holdings**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This site is located on Cleveland Industrial Estate to the south of Sutton-on-the-Forest. It is located to the west of Carr Lane and to the north of the entrance to the Industrial Estate and covers an area of 0.94 hectares.
- 1.2 The site is vacant but has previously been used in connection with Class B2 General Industrial and Class B8 Storage and Distribution uses. There is a small number of buildings on the site, mostly in poor condition, and some shipping containers. Part of the site is concreted and partly grass with a variety of boundary treatments throughout including concrete post and wire fencing and timber close boarded fencing. A number of protected trees lie along the eastern boundary. Trees also lie to the west and north; an arboricultural report has been submitted and a scheme of works proposed. Several mature trees towards the northern part of the site would be removed. A landscaping scheme is proposed within the site.
- 1.3 Access to the site is from Carr Lane and also serves other buildings and compounds to the south of the application site from which three existing businesses currently operate. It is proposed to increase the width of the access. The road layout within the site includes a turning head and a footway and allows for potential future access to the site to the north. Parking is proposed at each unit, providing a total of 42 spaces, including 14 disability spaces.
- 1.4 It is proposed to clear the site of all existing development and construct a total of 14 identical industrial units in four blocks. Each unit would have a floor space of 193.75 sq. m with a ridge height of 6.1m. The total floor space would be over 2,700 sq. m.
- 1.5 The walls of the blocks would be finished in brickwork up to 2.1m with plastisol coated panels above and to the roof.
- 1.6 It is proposed to drain the development to a package treatment plant.
- 1.7 The proposed uses are those that fall within Class B1 (Business) and Class B8 (Storage and Distribution). Specific users of the units are not yet established.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 Planning permission has been granted in the past on this site, in 1993 for a workshop extension (93/0985/FUL) and in 1995 for 2 new industrial units (94/51379/P).
- 2.2 The trees on the eastern boundary are subject to Tree Preservation Order No. 1963/26.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP21 – Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP25 - Rural employment
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP43 – Flooding and floodplains
The National Planning Policy Framework – March 2012

4.0 CONSULTATIONS

- 4.1 Sutton-on-the-Forest Parish Council - no reply received (expiry date for representations 2/2/2015).
- 4.2 Highway Authority - no objections subject to conditions.
- 4.3 Yorkshire Water - This proposal is in an area not served by the public sewerage network. 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. A condition is recommended requiring the submission of additional details.
- 4.4 HDC Environmental Health Officer - The Desk Study report submitted in support of the application reference 14/02529/FUL is satisfactory and makes recommendations for further investigation due to potential risks from contamination. In order to secure this information I would recommend a condition. I would also recommend a condition to safeguard against any unexploded ordnance given the close proximity of the former World War Two airfield.
- 4.5 Site notice/adjacent properties - no comments received (expiry date for representations 16/2/2015).

5.0 OBSERVATIONS

- 5.1 The issues to be considered include the (i) principle of an industrial estate development in this location; (ii) design, including the impact on the character and appearance of the surrounding rural landscape and energy efficiency; (iii) the effect on trees in the vicinity; (iv) the impact on residential amenity; and (v) highway matters.

Principle of development

- 5.2 The site lies outside the Development Limits of Sutton-on-the-Forest and therefore an exceptional case must be made for development in this location. LDF Policy CP4 states

that development outside of Development Limits will not be supported unless an exception can be demonstrated.

- 5.3 Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas, in order to create jobs. It states that Local Plans should support the sustainable growth and expansion of all types of business or enterprise in rural area. The consideration of the Local Planning Authority would be to determine whether this location is sustainable and/or if an exceptional case exists.
- 5.4 An Economic Study carried out for the Council by GVA (February 2014) shows that, with the loss of the key employment site in Easingwold (EM1), the sub area now has an undersupply of employment land. The Functional Economic Area for Easingwold includes Sutton-on-the-Forest and a re-development of this site to provide additional employment may help to meet some of that identified shortfall. The proposal would have a positive employment impact, and therefore address the economic role of sustainable development defined within the NPPF.
- 5.5 The application site lies approximately 1km to the south of Sutton-on-the-Forest. Had the site been within or on the edge of the village the sustainability of the site would not have been in doubt; it may not however have been considered appropriate in respect of visual impact on the character and appearance of the village or in respect of potential noise and disturbance to local residents. The advantage of a site outwith the village is that there are no such impacts.
- 5.6 There is no footway leading to the application site from any settlement but it is within easy cycling distance of Sutton-on-the-Forest and other nearby settlements including Easingwold, Huby, Crayke and Stillington. There is a bus route with regular buses to and from Easingwold and York. There are therefore sustainable means of travel that are an alternative to the private car.
- 5.7 One of the criteria of LDF Policy CP4 requires development to be "(ii) necessary to secure a significant improvement to the environment". The existing site is quite well screened from Carr Lane and the countryside beyond by the existing trees and landscaping but the site is poor in terms of its visual appearance. The proposed development would upgrade and formalise the area and, as a result, improve the appearance of the site. The development would be more visible and more prominent in the landscape but would be viewed against the existing adjacent development and the existing development on the western side of Carr Lane. The proposed development is therefore considered to be an improvement of the local environment. Criterion vi of CP4 provides stronger support as it permits exceptions to the normal control of development where a proposal would support the social and economic regeneration of rural areas.
- 5.8 On balance it is considered that the economic, social and environmental benefits identified in line with national and local policy justify the use of this site outside the Development Limits of the village and the principle of the development is therefore acceptable.

Design

- 5.9 The proposed layout is a simple J-shape with two blocks of four units and two blocks of three units, all of which would be the same size, design and materials. A buffer is proposed between the units and the existing trees along the west boundary of the site. Seven of the units would have photovoltaic systems installed on the south facing roofs. The design of the units is acceptable and is of a high standard appropriate for the application site and in accordance with LDF Policy CP17.
- 5.10 Policy DP34 requires all developments above 1,000 sqm to show that they have addressed sustainable energy issues, by reference to accredited assessment schemes

and in the case of commercial developments must undertake an energy assessment and consider the feasibility of incorporating CHP schemes. Additionally there is a requirement that at least 10% of their energy requirements are from onsite renewable energy generation or otherwise demonstrate similar energy savings through design measures. The application does not contain a proposal for sustainable construction and therefore it is recommended that a suitably worded condition be applied in order to ensure that a suitable scheme is implemented.

Trees

- 5.11 The arboricultural report comments that the trees on site collectively provide an excellent visual amenity to the surrounding area although many of the specimens have such a dense covering of ivy that a detailed inspection was not possible. The trees surveyed range in age from semi-mature to mature; the predominant species include poplar, hazel and oak.
- 5.12 Further information is awaited to clarify the number of trees required to be removed to allow the proposed development and whether these are of high amenity value. A scheme of works is recommended to ensure the long-term health of the remaining trees and root protection measures are recommended along with an Arboricultural Method Statement (AMS) detailing the specific protection measures necessary for each tree. A condition should be applied to ensure that recommendations of the JCA Ltd 'Arboricultural Report' are carried out in full.

Residential amenity

- 5.13 The proposed uses for B1 and B8 purposes are unlikely to give rise to noise, smells or pollution that would have an adverse impact on the local community, particularly when the distance from the village is considered. Additional vehicle movements are likely to occur as a result of the development but it is unlikely that a significant number would travel through the village. It is not anticipated that the proposed use would have an adverse impact on the amenity of local residents.

Highway matters

- 5.14 The Highway Authority has no objections to the use of the site for 14 units and has no objections to the proposed access improvements, which require the additional culverting of the watercourse that drains under the existing access crossing. Several conditions are recommended.
- 5.15 Policy DP3 requires all proposals for new development to include provision for sustainable forms of transport to access the site. Given the site's relative distance from Sutton-on-the-Forest and other nearby villages it would be appropriate to make provision for cyclists. The application does not make specific provision for cycle parking and shelters. Nevertheless, suitable on-site cycling facilities can be secured by a planning condition.
- 5.16 It is considered that the proposed development would be acceptable in this location and approval of the application is therefore recommended.

6.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.

2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on drawing number 3645-PD-03 received by Hambleton District Council on 12 December 2014 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.
4. No development shall take place until the works recommended within the Arboricultural Report prepared by JCA Limited, received by Hambleton District Council, has been implemented.
5. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the Local Planning Authority. A scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
6. If unexploded ordnance (UXO) is found or suspected at any time during development all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further works shall be undertaken or the development occupied until a risk assessment carried out by an unexploded ordnance (UXO) risk assessment specialist has been submitted to and approved in writing by the Local Planning Authority. Where risk mitigation is necessary a scheme for the mitigation of the UXO shall be submitted and approved by the Local Planning Authority before any further development occurs. The development shall not be occupied until the approved risk mitigation scheme has been implemented and a verification report and clearance certificate has been submitted to and approved in writing by the local planning authority.

Advisory Note: A CIRIA publication entitled "Unexploded ordnance (UXO) A guide for the construction industry, report C681" was published in 2009 and provides good practice guidance for the management of risks presented by UXO to the construction industry. The applicant is advised to refer to this guide if UXO is suspected or encountered.

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. Thereafter the approved details shall be implemented and retained.
8. Prior to first use of the development hereby approved a minimum of 28 covered cycle parking spaces shall be constructed on-site. Thereafter these facilities shall be maintained and kept clear for their intended purpose at all times.

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. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: c. The existing access shall be improved with 15 metre radius kerbs, to give a minimum carriageway width of 7.3 metres, and that part of the access road extending 15 metres back from the carriageway of the existing highway shall be constructed in accordance with Standard Detail number A2; e. 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. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
11. 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 215metres measured along both channel lines of the major road Carr Lane 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 0.6metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. There shall be no access or egress by any vehicles between the highway and the application site until: (i) full technical details relating to the bridging/culverting of the watercourse adjacent to the site have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority; and (ii) the watercourse has been piped in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.
13. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing 3645-PD-03 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
14. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. 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.
15. 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; (iii) On-site materials storage area capable of accommodating all materials required for the operation of the site. The

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

16. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 3645-PD-01, 03, 04A, 05A, 06A and 07A received by Hambleton District Council on 12 and 15 December 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. In order to soften the visual appearance of the development in accordance with LDF Policies CP16 and DP33.
4. To protect the character and appearance of the existing trees, which are of high amenity value, in accordance with LDF Policies CP16 and DP33.
5. 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.
6. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.
7. In the interest of satisfactory drainage and to avoid pollution of the water environment in accordance with LDF Policies CP21 and DP43.
8. To promote sustainable travel patterns in accordance with LDF Policies CP2 and DP3.
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 ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
11. In the interests of road safety in accordance with LDF Policies CP2 and DP4.
12. To ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area in accordance with LDF Policies CP2 and DP4.
13. To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.

14. 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.
15. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
16. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

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

Committee Date: 5 March 2015
Officer dealing: Mrs H M Laws
Target Date: 17 March 2015

8

15/00127/REM

**Reserved Matters application for the construction of a 3 bedroom detached dwellinghouse with integral single garage.
at Rutland House, 4 The Gowans, Sutton on the Forest, North Yorkshire
for Mr P Gripton.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Members have previously had an opportunity to inspect the site, which 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.
- 1.2 The site covers an area of approximately 400 sq. m with a frontage onto The Gowans of approximately 23m and a maximum depth of 23m.
- 1.3 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 the subject of a revised planning application. It is proposed to remove the existing garage and construct a two-storey 3 bedroomed dwelling within the plot with a single garage attached to the side elevation. The dwelling would be sited between 2.25m and 3m from the eastern boundary with the neighbouring property at Beech Lodge. The closest point of the dwelling to the front boundary hedge would be 5m; the closest point from the proposed new boundary with Rutland House and the proposed dwelling would be 1m.
- 1.4 No windows are proposed within the side (east) elevation at either ground or first floor level; a ground floor window is proposed in the west elevation to serve the garage.
- 1.5 Although the original 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 has been moved further from that boundary.
- 1.6 The footprint of the dwelling is now approximately 90 sq. m. The refused scheme was approximately 115 sq. m; the proposed scheme is a 27% reduction in footprint.
- 1.7 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.
- 1.8 Planning permission was granted to construct a new garage, access and driveway for Rutland House onto Harland Close in October 2013. This has not yet been implemented.

2.0 PLANNING AND ENFORCEMENT HISTORY

- 2.1 12/00136/OUT - Outline application for the construction of a dwelling; refused 30 April 2012 for the following reason:

The proposed development is contrary to Local Development Framework Policies CP17 and DP32 which require development to be of a high quality of design, respect the local context and contribute positively to the townscape, whilst respecting the scale of spaces and buildings in the area. Notwithstanding the illustrative details, it is considered that the proposed dwelling would be an overdevelopment of a relatively small plot and appear cramped, thereby adversely affecting the street scene.

Planning permission was granted on appeal on 4 October 2012.

2.2 13/01384/FUL - construction of a domestic double garage; Granted 22 October 2013.

2.3 14/01198/REM - reserved matters application for the construction of a detached dwelling and garage; Refused 12 December 2014 for the following reason:

The proposed development is contrary to Local Development Framework Policies CP17 and DP32 which require development to be of a high quality of design, respect the local context and contribute positively to the townscape, whilst respecting the scale of spaces and buildings in the area. The proposal is contrary to the NPPF Paragraph 56 that places great importance on the design of the built environment and requires that development should contribute positively to making places better for people. The proposed dwelling would be too large for the size of the plot of land and result in overdevelopment. The resulting dwelling would appear cramped and prominent, be close to the boundaries of the site result in a loss of spaciousness and harm the character and appearance of the residential area.

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 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
The National Planning Policy Framework – March 2012

4.0 CONSULTATIONS

4.1 Parish Council - considered the above application and would like to see it supported

4.2 Highway Authority - 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 - comments have been received from two local residents, summarised as follows:

1. No specific objections provided damage to existing trees and shrubs is kept to the minimum

2. We would ask you to note please that the BS5837:2012 trees survey we carried out asked for proper Tree protection to be put in place during any development - fencing, boards
3. The national planning inspector also requested that permitted rights development should be withheld because of the cramped nature of the development and which was included in the previous officers' report.

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.
- 5.4 The dwelling, compared to the details refused planning permission in December 2014, has been reduced in overall size. The property is now proposed as a three bedroomed rather than a four bedroomed dwelling, with an integral single garage. The design of the dwelling includes a break in the roofline, which would reduce the dominance of the structure within the street scene. The garage and first floor above the garage would be set back from the main building line, which would further reduce the visual impact.
- 5.5 The proposed dwelling would be positioned further from the front and side (east) boundaries, which would increase the sense of spaciousness within the street scene and would provide an adequate area of amenity space for the occupants of the proposed dwelling.
- 5.6 The Inspector in his decision letter considered 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 did 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 would lie further from the eastern boundary by more than 1m at its nearest point than 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.
- 5.7 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 application site.

- 5.8 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 have any significant public benefit. The most appropriate screening between the proposed and existing dwellings is that which lies within the neighbouring garden and conditions cannot be imposed to directly require its retention. The proposed dwelling would now be sited further from this landscaping and in order to ensure that any potential for damage is minimised it is recommended that a condition be imposed requiring the submission of a scheme of works to protect the trees and their roots during construction.
- 5.9 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). 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 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 adequate distance between the proposed dwelling and the closest part of the rear elevation of the two storey part of Beech Lodge for there to be a minimal impact on amenity. The side elevation of the proposed dwelling would not result in an unacceptable degree of overshadowing or a sense of enclosure from inside Beech Lodge due to the separation distance.
- 5.11 It is not considered that the construction of a dwelling on the site would have an adverse impact on the residential amenity of neighbouring properties and is therefore in accordance with LDF Policy DP1.
- 5.12 The Highway Authority has no objections subject to several conditions.
- 5.13 The concerns raised by neighbours have been given consideration in the preparation of the recommendation of the application. The proposed development 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, reserved matters are **APPROVED** 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. 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) during site preparation and construction 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.
5. 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 2281-1b). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
6. The garage hereby approved shall be kept available at all times for parking of domestic vehicles ancillary to the occupation of the dwelling.
7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. 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.
8. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of 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.
9. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 2281-1b, 2281-2b and 2281-3b received by Hambleton District Council on 20 January 2015 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 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.
6. 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.
7. 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.
8. 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.
9. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

Parish: Stokesley
Ward: Stokesley

Committee Date: 5 March 2015
Officer dealing: Mrs B Robinson
Target Date: 12 February 2015

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14/02550/LBC

Listed Building Consent to replace a suspended timber floor with a solid floor at Woodville, 25 College Square, Stokesley for Broadacres Housing Association

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The site is within a two storey brick house, with full height bows to each side of a central door. The building fronts part of College Square. It is Listed Grade II.
- 1.2 The proposal is to replace the suspended timber floors across the front of the building. The application is accompanied by a structural report setting out the condition of the existing floor.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/77/142/0173A - Alterations to existing dwelling; Granted 30 June 1977. This application included a note of works to install concrete floors in the rear rooms.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 – Conservation
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Stokesley Parish Council - No objection
- 4.2 Neighbours and site notice and press notice - last expiry 16.02.2015. No observations have been received.
- 4.3 Planning Policy & Conservation Officer - The reasons why a concrete floor is proposed is appreciated and is supported by the structural report. Would prefer to see Limecrete used, for breathability and to avoid trapping moisture and protecting from any secondary effects on brickwork.

5.0 OBSERVATIONS

- 5.1 The floor to be removed is a feature of historic importance and the main issue to assess are whether its removal is justified, and whether the proposed concrete floor is appropriate, to preserve the historic character of the building.
- 5.2 The Structural Engineer's report submitted with the application notes that:
 - The existing floor is rotting due to contact with the underlying ground and lack of ventilation due to the concrete floors at the rear of the building.

- The joists are not original and were installed during works undertaken circa 1970.
- The floor shows significant spring, deflection and unevenness and would become a health and safety risk if not rectified.

The report concludes that replacement with a solid floor is appropriate, taking account of the significant disruption of the original fabric that would be necessary to provide the adequate sub-floor ventilation that would be necessary for a timber floor.

- 5.3 Based on the submitted report the replacement of the existing timber floor with a solid floor is considered acceptable, particularly as the floor is not considered to be original.
- 5.4 To minimise the potential for future harm to brickwork that might arise from the use of concrete, it has been suggested that a breathable 'Limecrete' floor be used, and this can be secured by a materials condition.
- 5.5 Considering the above and due to its age and condition it is appropriate to remove the existing floor and the proposed replacement is justified, in accordance with the above policies.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations consent is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 11 November 2014 unless otherwise agreed in writing by the Local Planning Authority.
 3. Notwithstanding the submitted details, the solid floor hereby approved shall not be constructed other than of materials previously approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of the Listed Building in accordance with the Development Plan Policies CP16 and DP28.
3. To provide for the materials best suited to maintain the historic fabric of the Listed Building, in accordance with Local Development Framework Policies CP16 and DP28.