

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 23 June 2011. The meeting will commence at 1.30pm.

Further information on possible timings can be obtained from the Committee Officer, Jane Hindhaugh, by telephoning Northallerton (01609) 767016 before 9.00 am on the day of the meeting.

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

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

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

Maurice Cann
Head of Regulatory Services

SITE VISIT CRITERIA

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

PLANNING COMMITTEE

23 JUNE 2011

Item No	Application Ref/ Officer	Proposal/Site Description
1	10/02373/OUT Mr J Saddington	<p>Outline application for a mixed use development comprising of 925 dwellings (C3), employment (B1, B2 & B8) , neighbourhood centre, comprising: shops (A1), financial and professional services (A2), restaurant(s) and cafe(s) (A3), drinking establishment(s) (A4), hot food takeaway(s) (A5), hotel (C1), extra-care facility (C2) and medical centre and other non-residential institutions (D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access). Phase I residential 108 dwellings & Phase I commercial (B1c) all details to be considered.</p> <p>at Land Off Topcliffe Road And Gravel Hole Lane Sowerby Thirsk North Yorkshire for Castlevale Group Ltd/Broadacres Services Ltd/Messrs Sowerby.</p> <p>RECOMMENDATION: DEFER</p>
2	11/00780/FUL Mr J E Howe	<p>Retrospective application for the change of use of an agricultural building and part of another agricultural building to form an ELV business (End of Life Vehicles).</p> <p>at Poplars Farm Londonderry North Yorkshire DL7 9NF for Mr M Swales.</p> <p>RECOMMENDATION: GRANTED</p>
3	11/00816/FUL Mr J Saddington	<p>Construction of 25 dwellings and associated works.</p> <p>at Land North Of Broughton Grange Farm High Street Great Broughton North Yorkshire for Lordstones Developments Ltd.</p> <p>RECOMMENDATION: DEFER</p>
4	11/00782/FUL Mrs B Robinson	<p>Revised application for the construction of a replacement dwelling with detached garage/store.</p> <p>at 23 Enterpen Hutton Rudby North Yorkshire TS15 0EL for Mr M Van Geffen.</p> <p>RECOMMENDATION: GRANTED</p>

5	11/00783/CON Mrs B Robinson	Revised application for Conservation Area Consent for demolition of existing bungalow and garage. at Treeform 23 Enterpen Hutton Rudby North Yorkshire for Mr M van Geffen. RECOMMENDATION: GRANTED
6	11/00890/FUL Mrs B Robinson	Revised application for the construction of five dwellings. at Land Off Deepdale Hutton Rudby North Yorkshire for Kebbell Homes. RECOMMENDATION: GRANTED
7	09/04149/FUL Mr J Saddington	Revised application for the construction of a replacement shop, tank room, 2 fuel stations and associated landscaping and parking areas as amended by plans and letter received by Hambleton District Council on 1 December 2010. at Exelby Services Ltd A19 Northbound Services Ingleby Arncliffe North Yorkshire for Exelby Services Limited. RECOMMENDATION: GRANTED
8	11/01127/FUL Mr A Cunningham	Revised application for proposed first floor and two storey extension to side of existing dwelling. at Stamford House 65 High Street Northallerton North Yorkshire for Mr John Prest. RECOMMENDATION: REFUSED
9	11/01100/FUL Mrs B Robinson	Revised application for proposed alterations and extensions to three existing dwellings. at 16 Cooper Lane Potto North Yorkshire DL6 3HQ for Mr M Whitfield. RECOMMENDATION: REFUSED
10	11/01090/FUL Mr J Saddington	Construction of a 9 unit supported housing scheme and creation of a new vehicular access. at Land Former Station House 4 Boroughbridge Road Northallerton North Yorkshire for Broadacres Housing Association. RECOMMENDATION: REFERRED TO SECRETARY OF STATE

11	11/00198/FUL Mrs B Robinson	Retrospective application for the change of use of land and the formation of hardstanding in conjunction with the storage of 5 fairground lorries. at Church Farmhouse Thornton Le Street North Yorkshire YO7 4DS for Mr & Mrs D Crow. RECOMMENDATION: GRANTED
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1.

10/02373/OUT

Outline application for a mixed use development comprising of 925 dwellings (C3), employment (B1, B2 & B8) , neighbourhood centre, comprising: shops (A1), financial and professional services (A2), restaurant(s) and cafe(s) (A3), drinking establishment(s) (A4), hot food takeaway(s) (A5), hotel (C1), extra-care facility (C2) and medical centre and other non-residential institutions (D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access). Phase I residential 108 dwellings & Phase I commercial (B1c) all details to be considered at Land off Topcliffe Road and Gravel Hole Lane, Sowerby, North Yorkshire for Castlevale Group, Broadacres & Messrs Sowerby

1.0 POLICY BACKGROUND

- 1.1 The application site is located within the limits to development of Sowerby and has been identified by the Council as a strategic site for mixed development within the Allocations Development Plan Document (DPD) - Policy TM2.
- 1.2 The recently adopted Allocations DPD stipulates that the South West Thirsk Area TM2 will be developed through a substantial comprehensive mixed use scheme, including housing; employment; a neighbourhood centre comprising retail, food establishments and social and health facilities; a new primary school; and other local amenities such as a community park including allotments and structural landscaping.
- 1.3 This is the main allocation proposed for the Thirsk Sub Area. A scheme of this size inevitably generates a number of development requirements that are described within the Allocations DPD. The developer will be required to make financial contributions towards the provision of essential infrastructure including: highway improvements, provision of additional school places and health care facilities.
- 1.4 With regard to phasing, the development of the housing areas will need to be aligned with the phasing requirements of the LDF in general and in particular the 3 housing phases (Phase 1: up to 2016; Phase 2: 2016 – 2021; and Phase 3: 2021- 2026). The 3 phases of dwelling completions (190; 350; 385) are likely to be controlled by planning conditions attached to any planning permission granted and will enable housing need as it arises during the plan period to 2026 to be matched by housing provision.

2.0 THE PLANNING APPLICATION

- 2.1 This application is comprehensive in its submission and seeks outline planning permission for the development as described above but with Phase 1 of the development having no matters reserved and which comprises 108 residential dwellings and 4,412 sqm of light industrial/hybrid commercial development along with the requisite infrastructure including the new access roundabout on Topcliffe Road.
- 2.2 This application is supported by a comprehensive package of submission documents including: -
 - o Masterplan (S2251/08-01G)
 - o Design & Access Statement – Masterplan
 - o Application Design Stages Plan (S2251/08-02F)

- Movements Plan (S2251/08-03G)
- Phasing (S2251/08-04F)
- Parameter plan 1 - Land Use (S2251/08-05B)
- Parameter plan 2 - Movements plan (S2251/08-06B)
- Parameter plan 3 - Landscape Strategy (S2251/08-07B)
- Parameter plan 4 - Density (S2251/08-08B)

- Design & Access Statement for Phase 1 Residential
- Proposed Site Layout (3424/10 - F)
- Elevations / Housetypes (3424/PD/20 - 45)
- Streetscenes (3424/PD/46)
- Landscaping Plan (LL01:D)
- Boundary Details (LD01)

- Design & Access Statement for Phase 1 Commercial
- Proposed Layout (11207-001-D)
- Proposed Elevations / Floorplans (11207-004 – 009)
- Proposed Streetscenes (11207-002-A)
- Landscaping Plan (0532-1)

- General Arrangement – 3261-C-D9-04 rev C
- Phase 1 Infrastructure – 1:500 Eng Layout Sheet 1 (3261-C-D1-01D)
- Phase 1 Infrastructure – 1:500 Eng Layout Sheet 2 (3261-C-D1-02D)
- Detailed Topographical Survey (3261-C-D9-07)

- Affordable Housing Proforma
- Topographical Survey
- Statement of Community Involvement
- PPS4 Assessment (hotel and public house)
- Planning Policy Analysis
- Flood Risk Assessment (including Drainage Strategy)
- Geo-Environmental Report
- Phase 1 Habitat Survey and Protected Fauna Survey
- Transport Assessment
- Travel Plan
- Agricultural Land Survey
- Archaeological Desk Based Assessment
- Energy Statement
- Sustainability Appraisal
- Code for Sustainable Homes Report (for phase 1 residential)
- Draft Section 106 Agreement (Heads of Terms)

- Environmental Statement: Volume 1 Main Text and Figures.
- Environmental Statement: Volume 2 (a & b) Appendices;
- Environmental Statement: Non-Technical Summary; and
- Environmental Statement: Statement of Conformity.

- Addendums to ES and Planning Statement in response to changes to RSS.

Outline Proposal – Masterplan

- 2.3 The outline application is comprised of 925 residential dwellings, employment uses including B1 offices and light industrial, B2 general industrial and B8 storage and distribution uses, a neighbourhood centre – comprising: shops (A1), financial & professional services (A2), restaurant(s) & café(s) (A3), drinking establishment(s) (A4), hot food takeaway(s) (A5), hotel (C1), extra-care facility (C2) & medical centre and other non-residential institutions (D1), primary school (D1), community uses

including recreation playing pitches and allotments, car parking & means of access. All matters reserved apart from means of access.

2.4 The mix of development shown on the Masterplan is as follows:-

- 925 residential dwellings lying west of the existing residential edge of Sowerby, north west of Topcliffe Road and south of Green Lane.
- 15.88ha of employment development north of Milburn lane, east of the main east coast rail line and south of Green Lane. This breaks down into 8.05ha of commercial/office development with 7.83ha for industrial use.
- A Neighbourhood Centre to the east of Topcliffe Road (approximately 1.37ha) including retail, office (A2), hotel and pub uses.
- Education development (1.05ha) to the east of Topcliffe Road comprising a new primary school.
Community/care development facility (1.65ha) to the east of Topcliffe Road adjacent to Neighbourhood Centre to include a new surgery and care home,
- Sports facilities/pitches (9.70ha).
- Community Gardens (1.81ha).
- Recycling facility (0.42ha).

2.5 Housing (Site TM2A) is proposed to be at a density of an average of 40 dwellings per hectare across the Site, which is appropriate to the South West Thirsk Area location, on the edge of the town. However, it is likely that residential densities will vary across the site and particularly around the proposed Neighbourhood Centre where densities should be more than 40 dwellings per hectare. The proportion of affordable houses proposed will be 40% as required by Core Policy CP9. The proposed scheme will deliver a range of 2, 3, 4 and 5 bedroom houses and some flats in order to satisfy the diverse requirements of the local community.

2.6 Employment related development (15.88ha in total) will be located on the south western element of the site adjacent to Cocked Hat Farm with Milburn Lane to the south, the railway to the west and Green Lane to the north. The employment development is anticipated to be split between 7.83ha of industrial and storage distribution uses (B2 and B8), and 8.05ha offices and commercial uses (B1). The B2/B8 uses will be located alongside the heavily planted edge of the East Coast Main Line and separated from the housing areas by high quality landscaping and B1 office/commercial development.

2.7 A new neighbourhood centre will be developed comprising retail, leisure and social facilities, including a health centre, hotel and public house. In addition land to the north and east will be used for education and care uses (extra care facility and doctor's surgery). Pedestrian and cycle access will be included as part of the overall layout for the South West Thirsk Area as shown on the Masterplan. There will be parking and servicing facilities too, and a hard and soft landscaping scheme to provide an attractive neighbourhood facility.

2.8 The South West Thirsk Area will generate a need for more primary school places to the extent that a new seven classroom school will be required, to which the developers will be required to make a substantial financial contribution. Whilst a specific location has yet to be agreed a new primary school is shown to the north of the neighbourhood centre on the proposed Masterplan. It is envisaged that the new school will be operated by the local education authority.

2.9 The extra housing will necessitate additional open space provision. Provision will be made to the east of the Neighbourhood Centre (Site TM2E) for community uses, including playing fields, a recreation or community park and allotments/community gardens. This land will be transferred to the Council in Phase 1 (2010-2016).

- 2.10 Structural landscaping will be provided along the northern, western and southern peripheries of the development. A similar approach is required in order to reduce the visual impact for residents of properties in Gravel Hole Lane, Cocked Hat Park and Saxty Way. A 10m buffer (including Greenfield Lane) is shown on the phase 1 residential site layout. A network of 'green links' is intended, which is independent of but interlaced with both the main and residential road network. These 'green links' will facilitate easy navigation through the area on foot or by bike almost completely separate from roads other than the need for occasional crossings. These routes will all be landscaped using a mix of native woodland copse, hedgerows and species rich grassland.
- 2.11 Access is an unreserved matter and the application is therefore accompanied by details of the new access point which is in the form of a new roundabout on Topcliffe Road to serve the new employment zone and neighbourhood centre together with T-junctions to complete the loop road and serve the Phase 1 residential development.
- 2.12 A full multi-directional intersection between Topcliffe Road (B1448) and the A168 to the south of Thirsk will be provided at the appropriate phase, to be funded through developer contributions.
- 2.13 The key application plan is the Masterplan (dwg 2251/08-01G), to which any planning permission should be tied. This defines distinct areas of the site for development and shows the main access infrastructure and landscaping areas.

Phase 1 – Residential

- 2.14 The phase 1 residential development contains 108no dwellings in total together with associated parking, garaging, highways and 'green' spaces. This equates to a density of 31 dwellings per hectare gross and 43.48 dph net of land taken by public open space and highway.
- 2.15 10% of the phase 1 residential site area is dedicated to publicly accessible open space in a variety of forms – some hard and some soft. Some areas are to serve as informal amenity 'greening', some following footpaths and cycle routes; others will have more specific uses, such as casual parking, play or community interaction.
- 2.16 The proposed accommodation varies from a modest 2 bed duplex unit to a 4/5 bed detached property with double garage. It is proposed to deliver 40% affordable housing. The following schedules the proposed housing mix:-

Private

- 2no 2 bed 'duplex' unit over storage
- 5no 2 bed starter unit at first floor over garages
- 13no 3 bed 2 storey detached house
- 10no 3 bed 'room-in-roof' detached / semi-detached house
- 8no 3 bed 3 storey town-house
- 9no 4 bed detached 2 storey house with detached single garage
- 10no 4 bed detached 2 storey house with integral garage
- 3no 4 bed detached 2 storey house with detached double garage
- 3no 4 bed detached 2 storey house with detached double garage
- 2no 4 bed detached 2.5 / 3 storey house

TOTAL 65no

Affordable

- 17no 2 bed semi-detached / terraced 2 storey house
- 16no 3 bed detached / semi-detached / end terrace 2 storey house

- 10no 4 bed detached / semi-detached 2 storey house

TOTAL 43no

- 2.17 As identified above, the vast majority of the proposed dwellings are two-storey in height. However, 12no two and a half storey dwellings are scattered throughout the site whilst a grouping of 10no three-storey dwellings bound Topcliffe Road adjacent to the proposed neighbourhood centre.
- 2.18 It is proposed to construct the dwellings using a range of soft red and brown brickwork interspersed with off-site render to break up the street scene. Roofs will be a combination of natural clay pantiles and grey slate.
- 2.19 The proposed 'Renewable Energy Strategy' requires photovoltaic panels on the southerly aspect roofs. Flush fitting panels are proposed. The house types will also incorporate other design elements in order to meet the Code for Sustainable Homes Level 4 standards, such as the home office space, water butts etc.
- 2.20 The proposed boundary treatments will be broken down into different character areas with a combination of low native and evergreen hedgerows, estate railings, post and rail fences and more formal dwarf wall and railings to the 'Town Square' frontages.
- 2.21 All properties will have a minimum of two specifically allocated private parking spaces, at least one of which will be 3.3m wide or capable of enlargement in the future. Many of the larger units have lengthy drives and may have in excess of four spaces in certain instances. The total parking provision is comprised of 72 garage spaces, 228 parking spaces/drives/carports and 67 visitor bays.
- 2.22 All garages are sized to meet Code for Sustainable Homes criteria, providing sufficient space for the car, cycles and other household storage. Where garages are not provided, garden sheds will cater for the necessary secure storage space for cycles and garden equipment.
- 2.23 Many of the properties comprise detached or semi-detached houses and as such shared rear access paths have been avoided with most dwellings having their own private footpath access to the rear gardens. Where terrace type properties occur, access to the rear is generally gained via a private access court through separate gates.
- 2.24 The two mature hedgerows to the north eastern boundary and existing trees along Topcliffe Road are to be retained. An existing field hedge that dissects the smaller parcel of land is to be removed together with the hedge along Topcliffe Road but an extensive amount of new landscaping is to be incorporated within this first phase and the site as a whole.
- 2.25 Where possible the dwelling's private amenity spaces back onto other gardens or are screened from public areas by 1.8m high flat faced walls or vertically boarded fencing, with rails inboard or dense hedgerows with thorny varieties.
- 2.26 The eastern boundary planted is reinforced to create a solid green edge between the site and Cocked Hat Park with the existing track between to be used as a publicly accessible footpath and cycle route.
- 2.27 The two parcels of the phase 1 residential land are divided by a central spine road that is to serve the wider development. This has a central highway with cycle and footpath routes detached from the road by grass verges. There are no vehicular links to the dwellings from the spine road.

- 2.28 The vehicular access into the larger site is from Topcliffe Road, at the eastern corner, and from a secondary access road along the western edge into the smaller site. Both site's highways are designed as cul-de-sacs become shared pedestrian and vehicle surfaces and are proposed to be in contrasting tegular block paving to give a softer, more informal appearance.

Phase 1 – Commercial

- 2.29 The first phase of employment layout comprises 4,412 sqm of light industrial units. These will be in the form of 15no incubator/starter units which will create local employment and design and build opportunities.
- 2.30 The development has been designed with a linear feel. The location of the access road through the centre of site gives three distinct areas of development. The first is a pair of terraced units to the right and fronting the access road. The second is to the left of the access road. This area is generally square and provides a courtyard feel with two units set at 90 degrees to each other. The units face the main access road to maximise visibility.
- 2.31 The third at the rear of the site again enables a courtyard feel with the two units set at 90 degrees to each other.
- 2.32 The unit is principally single storey with a hierarchy of building ridge heights. The smaller units with a 7m ridge and the larger units with an 8m ridge. The development seeks to maintain a scale similar to the neighbouring agricultural buildings.
- 2.33 The scheme has been designed using a palette of modern materials. The development uses a mixture of cedar cladding, flat cladding and white render and architectural blockwork. The entrances are identified with a glazed screen. Flat cladding is used to define the unit sizes. The rear of the units will be predominately architectural blockwork with a render band at the upper section running around the building. All entrances features, fire exit and roller shutter service doors are to be matching merlin grey framing system.
- 2.34 The site is accessible to both vehicular, cycle and pedestrian access through the construction of the new access road to the north of the site. The access road links directly to Topcliffe Road, which gives access to Thirsk and the A168.
- 2.35 New disabled car parking provision has also been provided within close proximity to the building entrance.
- 2.36 Native hedgerows are used to provide short and medium distance screening. Internally these hedges will be maintained at a height of 1.2m to screen parked cars and low level storage. Boundary hedges will be maintained at 2m.
- 2.37 On the southern and eastern boundaries woodland blocks will be established to provide more continuous screening of the buildings particularly from views from the A168(T) and Topcliffe Road.

Phasing

- 2.38 The residential development not included within Phase 1 will be developed out in accordance with the phased strategy of the Allocations DPD and is reflected on the Masterplan. The remainder of the employment allocation will be developed out in accordance with market demand.
- 2.39 It is anticipated the remaining elements will be delivered as follows:

- Community Gardens / Sports facilities – land will be transferred to Hambleton District Council in Phase 1 (2010-2016)
- The retail element of the neighbourhood centre together with ancillary offices at first floor, hotel and pub/restaurant will be delivered at Phase 1 (2010-2016)
- The new school would be delivered in Phase 2 (2016-2021)
- The health care / extra care facility would be delivered in Phase 3 (2021-2026)
- A168 junction improvements – details to be confirmed.

3.0 SITE DESCRIPTION

3.1 The South West Thirsk Area is open greenfield land on the south western edge of Sowerby, prominent on the approach towards the town from the A168. It is in arable use, containing two farmhouses with farm buildings. The area is bounded by residential areas to the east; Green Lane to the north; the East Coast Main Line railway to the west and Topcliffe Road (B1448) to the south, with further arable land beyond. The total site extends to 72.5ha.

3.2 The individual site components of this scheme are identified as follows:-

TM2A Westbourne Farm

3.3 This greenfield site, currently in agricultural use, is located to the south of Green Lane, to the south-west of the Saxty Way and Cocked Hat Park areas, and north of Topcliffe Road (B1448);

TM2B Cocked Hat Farm

3.4 This greenfield site, currently in agricultural use, is located to the south of Green Lane and adjoins the East Coast Main Line which forms the western boundary of the site. To the south is arable land running down to Topcliffe Road;

TM2C Neighbourhood Centre

3.5 This greenfield site, currently in agricultural use, is located to the south-west of Sowerby and north of Topcliffe Road (B1448);

TM2D East of Topcliffe Road

3.6 This greenfield site lies south west of Sowerby, with its western boundary formed by Topcliffe Road (B1448). To the north is the Gravel Hole Lane site and to the south is farm land stretching down to the A168;

TM2E Gravel Hole Lane

3.7 This greenfield area is located south west of Sowerby. Its western boundary is formed by Topcliffe Road (B1448); to the north lies Thirsk Secondary School and all-weather pitch; to the south west is the remaining portion of the South West Thirsk Area, East of Topcliffe Road. Part of TM2E is a former gravel working as the name suggests; later the working was tipped and restored to agriculture.

4.0 RELEVANT PLANNING HISTORY

4.1 None relevant.

5.0 RELEVANT PLANNING POLICIES

5.1 The relevant National, Regional and Local Planning Policies are as follows: -

National

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPS4 - Planning for Sustainable Economic Development
PPS5 - Planning for the Historic Environment
PPS9 - Biodiversity and Geological Conservation
PPG13 - Transport
PPG17 - Planning for Open Space, Sport & Recreation
PPS22 - Renewable Energy
PPS25 - Development and Flood Risk

Regional

Regional Spatial Strategy

- 5.2 The Yorkshire and Humber Plan is the current Regional Spatial Strategy (RSS) for the Yorkshire and Humber Region and was issued in May 2008. The Coalition Government has confirmed its intention to abolish RSS through the Localism Bill.
- 5.3 Supporting guidance to local authorities upon the revocation of RSS stated: "In the longer term the legal basis for Regional Strategies will be abolished through the 'Localism Bill' that we are introducing in the current Parliamentary session. New ways for local authorities to address strategic planning and infrastructure issues based on cooperation will be introduced."
- 5.4 RSS remains part of the development plan and should be given due weight in the context of the Government's intention to abolish the strategy. Those policies of particular relevance to this application are:

YH2 – Climate change and resource use
YH5 – Principal towns
YH7 – Location of development
VTL1 – Vales & Tees Links Sub-Area Policy
ENV1 – Development and flood risk
ENV5 – Energy
ENV6 – Forestry, trees and woodlands
ENV7 – Agricultural land
ENV8 - Biodiversity
ENV10 – Landscape
ENV11 – Health, recreation and sport
E1 – Creating a successful and competitive regional economy
E2 – Town centre and major facilities
H1 – Provision and distribution of housing
H2 – Managing and stepping up the supply and delivery of housing
H4 – The provision of affordable housing
H5 – Housing mix
T1 – Personal travel reduction and modal shift
T2 – Parking policy
T3 – Public transport

Local Development Framework

Core Strategy

CP1 - Sustainable development
CP2 - Access
CP3 - Community Assets
CP4 - Settlement hierarchy

CP7 - Phasing of housing
CP8 - Type, size and tenure of housing
CP9 - Affordable housing
CP12 - Priorities for employment development
CP14 - Retail and town centre development
CP16 - Protecting and enhancing natural and man-made assets
CP17 - Promoting high quality design
CP18 - Prudent use of natural resources
CP19 - Recreational facilities and amenity open space
CP21 - Safe response to natural and other forces

Development Policies DPD

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP5 - Community facilities
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP11 - Phasing of housing
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP16 - Specific measures to assist the economy and employment
DP18 - Support for small businesses/working from home
DP23 - Major out of town shopping proposals
DP24 - Other retail uses
DP29 - Archaeology
DP30 - Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP38 - Major outdoor recreation
DP39 - Recreational links
DP43 - Flooding and Floodplains

Allocation DPD – Policy TM2 – South West Thirsk Area

Supplementary Planning Documents (SPD)

Affordable Housing SPD
Open Space, Sport and Recreation SPD
Sustainable Development SPD

Other Relevant Documents

Statement of Community Involvement
Hambleton Biodiversity Action Plan
Corporate Plan
Sustainable Communities Strategy

6.0 CONSULTATIONS

Sowerby Parish Council

- 6.1 Comments awaited. Due to be received after the 7th July 2011 Parish Council meeting.

Carlton Miniott Parish Council

- 6.2 Too big. Concerned about the impact on Topcliffe Road in terms of safety and congestion. Concerned that infrastructure will not be delivered early enough. Why no secondary school? Sewerage system will not cope.

NYCC Highways

- 6.3 Various comments made on TA. Further clarification sought from applicant.

Economic Development Officer

- 6.4 Concerned about doubling available floorspace for B1 in a short space of time. Would like to see a phased approach delivery in order to avoid an oversupply.

Environment Agency

- 6.5 No objections subject to conditions

Environmental Health Officer

- 6.6 Has identified various noise sensitive locations. Indicates that mitigation will be necessary, prior to determination.

Environmental Protection Officer

- 6.7 Requires additional trial pitting to determine the variation in ground conditions. Prior to determination.

Highways Agency

- 6.8 Have issued a TR110 holding direction covering a period of 6 months (This prevents the Council from granted planning permission until further notice from the Highways Agency).
- 6.9 Don't intend on re-issuing the TR110 that is in place to the LPA due to expire in October 2011, as the changes to the application and re-submission are obviously not material enough to have warranted a new application number being generated by the LPA.
- 6.10 As such in regards to application number 10/02373/OUT, the extant TR110 issued on 19/04/2011 is still in place post the resolution of all outstanding matters. As a fair warning, it has previously been discussed that any permission would be dependant upon an agreed Road Safety Audit Stage 1(RSA1) to full DMRB HD19/03 standards – to date I am not aware that the applicant has decided which layout they are proposing as access for the development, in order that the consent be made the RSA will need to have been completed and a Stage 1 drawing will form part of the conditions issued on behalf of the SoST. I assume the applicant is/has already instructed this work to be undertaken? This is a lengthy process in itself.

Police Architectural Liaison Officer

- 6.11 Paragraph 2.5.14 of the Phase I Residential Development Scheme states the development ‘...will have allocated parking spaces well overlooked.’ This is simply not the case. Being well overlooked in Secured By Design terms means from ‘active rooms.’
- 6.12 The statement from the DAS above clearly shows that the security of estate is taking a second place before the ‘Street Scene,’ and this should not be the case.
- 6.13 Paragraph 2.5.6 states “*Ensuring all spaces have active frontages is also very important in the creation of robust and interesting streets and desirable residential environments. Due to the site constraints set by the master plan, a large proportion of the site will have to be ‘dual aspect’ in order to provide frontage development to the new peripheral access roads and to the existing Topcliffe Road, in order to successfully integrate the scheme with the wider context, whilst also ensuring that the internal environments also have their own sense of place and enclosure. Our proposed use of dual aspect houses will ensure that all parts of the development are ‘active’ and well overlooked providing good natural surveillance, particularly to the public spaces.*”
- 6.14 The above quote from the application is not true in that this estate has reduced ‘active frontages.’ Because of the rear courtyard parking this allows the vehicle’s occupants to access their houses from the rear, not the front of their homes. Thus reducing the active frontage and people on the street.
- 6.15 Secondly, it does not provide active and well overlooked good natural surveillance as explained by ‘active rooms’ argument above.
- 6.16 Wherever cars are parked there should be good surveillance onto them and also have lighting to BS 5489 – 1:2003.
- 6.17 On this site of 108 houses, 44 houses have rear courtyard parking. That equates to 41% of those houses having rear courtyard parking. Forty one percent is a significant figure to be able to mitigate against and is too high a figure for me to ignore. (Site A & A1 provide 367 car parking spaces of which 72 will be garages – 24%).
- 6.18 With rear courtyard parking this allows access into the rear garden of the house via a garden gate. The majority of house burglaries are via the rear of the premises and therefore the rear perimeter fencing should be paramount and intrinsic. This is not the case here and rear courtyard parking has caused this dilemma!
- 6.19 *Recommendation 1* - the rear courtyard parking be greatly reduced and to include parking to within the curtilage of the house.
- 6.20 Should this not be the case I would be unable to issue a Secured By Design certification for Phase 1 of this site for the aforesaid reasons.
- 6.21 *Recommendation 2* - that houses be constructed to obtain Secured By Design certification.
- 6.22 *Recommendation 3* - that cycle routes and mountain bike trails are so designed to eliminate the use of them by moped and motor cycles.
- 6.23 *Recommendation 4* - that lighting to BS5489 -1:2003 be provided to any rear courtyard car parking areas that are left and to footpaths and cycle ways.
- 6.24 *Recommendation 5* - that garages meet the Secured By Design standard.

- 6.25 *Recommendation 6* - that Phase 1 site perimeter has fencing around it of a minimum 1.8m to protect the houses within it, before the next phase begins.
- 6.26 *Recommendation 7* - this project will take many years to complete. Theft from the site during construction will be a problem during those years.
- 6.27 I would recommend that site security during this period be given the priority it deserves to minimise crime.

Ministry of Defence

- 6.28 No objections to the additional information / amended plans of May 2011.

Natural England

- 6.29 The following paragraphs contain preliminary comments on an informal basis, in order to provide an opportunity for further clarification, before submitting our formal comments on the application: -

Chapter 6 Ecology

- 6.30 1. The assessment is based on the findings the Extended Phase 1 Survey by Whitcher Wildlife Ltd. The date of the survey is 7 December 2009. Carrying out ecological surveys at this time of year is far from ideal, so we need to know why the survey was conducted then and not during the spring/summer months.
- 6.31 2. In paragraph 5 the reference to The Habitats Regulations is incorrect. In April 2010 the Government replaced The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), in England and Wales, with The Conservation of Habitats and Species Regulations 2010 (SI 2010 No 490).
- 6.32 The new regulations update the legislation and consolidate all the many amendments which have been made to the Regulations since they were first made in 1994.
- 6.33 3. Mitigation – The mitigation measures set out in the ES must be reflected in longer term management proposals for the areas of public open space, if the full benefits for biodiversity are to be retained in the long term. It is unclear how this will be achieved and whether appropriate planning obligations will be used to secure the necessary resources for management activity.
- 6.34 4. Paragraph 128 refers to the preparation of a Landscape Management Plan, but no further detail is given as to when the plan will be produced. Our view is that this plan should be approved and in place before any work is started on the site, as the plan will influence the management of the green space/POS in the phase 1 residential and commercial/industrial areas.
- 6.35 5. Paragraph 131 refers to building in biodiversity features, which we welcome in principle. However no details are given on where these features are to be located throughout the development, and in particular within the phase 1 development areas. Without this detail it is not possible to ascertain just how beneficial these features will be, for example will they be concentrated in areas adjacent to existing or proposed green spaces/corridors or are they spread randomly throughout the development?
- 6.36 6. Paragraph 134 refers to a detailed Wildlife Enhancement Plan, which should help to address issues and provide the detail on matters such as the those covered in point 5, above. Such a plan should be approved and in place, alongside the Landscape Management Plan, before any work starts on site.

- 6.37 7. I have not been able to find reference to the provision of a Construction Environment Management Plan. Our view is that before the start of any development work, a Construction Environmental Management Plan should be submitted to and approved by the Local Planning Authority. This plan should incorporate the mitigation measures referred to in the ES, for example the use of stand-off zones to protect trees and hedges, as well as providing the framework and details to guide the protection of wildlife within the site during construction activities.

Chapter 12 Artificial lighting

- 6.38 8. Paragraph 58 refers to ecological receptors, and concludes that these can be scoped out of this section of the ES. However, in our view the lighting assessment needs to take into account the proposed ecological mitigation measures that seek to enhance the site for species such as bats and birds. This could result in increased foraging and nesting/roosting activity. So design of external lighting should consider appropriate mitigation proposals to ensure that the impacts of the lighting on ecological receptors are minimised.

Chapter 13 Socio Economic Impacts

- 6.39 9. The section on *Agriculture* (p. 19) deals with soils and agricultural land classification. This highlights that the majority of the site is best and most versatile land. Paragraphs 104 to 106 deal with the loss of the land, mitigation and residual impacts. However, it is important that soils from the site are conserved for re-use within the site for the creation of the habitat/POS areas and that a soil management plan is drawn up to show how this will be achieved.
- 6.40 Defra has published Construction Code of Practice for the Sustainable Use of Soils on Construction Sites which is a practical guide to assist anyone involved in the construction industry to protect the soil resources with which they work.
- 6.41 We recommend that this guidance is followed for the use, management and movement of soil on this site together with an agreed Soil Management Plan, to be approved before any development works starts on the site.

Masterplan/green infrastructure/Design and Access Statements

- 6.42 10. The Masterplan shows that there will be a range of open space provided within the development including sports areas, community gardens and public open space (POS). However, it is unclear whether the proposals meet the standards set out in Policy DP37 and the Open Space SPD.
- 6.43 11. The Masterplan indicates that there will be a network of multi-use green corridors through the site; the primary purpose of these appears to be for cycling and pedestrian access, which we welcome in principle.
- 6.44 12. We also note from details in the Design and Access Statements that one of the drivers includes the enhancement of wildlife value within the green space network. However given the scale/size of the corridors it is not clear whether the gains in wildlife value will be achieved as there seems to be some incompatibility between the proposals for the creation of wildlife friendly “meadow” areas, other uses and a maintenance regime that will keep these areas “well groomed”.
- 6.45 13. As presented, with the current proposals, it may be unrealistic to expect these areas to be of significant value for biodiversity and wildlife.
- 6.46 14. The Design and Access Statement for the proposed industrial development says that it aims to create a robust native landscape scheme to the development which contributes to the biodiversity of the local landscape. We would encourage the

developers to draw inspiration for their habitat creation schemes from the Local Biodiversity Action Plan for the district.

- 6.47 15. Further clarification is also required to understand how the perimeter hedgerows are to be treated. While the intention is to preserve these features for their wildlife and biodiversity interest, if they incorporated as garden boundary features of individual dwellings then they will have only limited protection, as householders may choose to replace them in the future, with the resultant long term loss to biodiversity on the site.
- 6.48 16. Retention of these existing features is also important in terms of their use by bats and birds for foraging, roosting and nesting. As such they could form part of a green buffer zone around the edge of the site.
- 6.49 17. The western edge of the site, adjoining the railway line, is also a potential wildlife corridor. It would be helpful to have some indication of the types of employment use that is proposed for this area in order to identify at an early stage if these would have any adverse effects on wildlife that uses this area.

Sustainability

- 6.50 18. We note that a Renewable Energy Assessment has been undertaken and this ruled out most technologies, apart from solar/PV, as unfeasible on this site. However it is not clear whether passive solar design measures have been considered in terms of siting and layout of the housing units.
- 6.51 19. We would also like to know whether green/brown roof options have been considered for the community and industrial buildings. The use of green/brown roofs could be part a site-wide sustainable drainage system that would also contribute to biodiversity and wildlife enhancement.
- 6.52 I would like to reiterate that the above comments are made in order to provide the applicant the opportunity to clarify various matters arising from the proposals and if necessary provide further information, to help determine the application.

Network Rail

- 6.53 No objection in principle but request various forms of mitigation to protect operation of railway.

NYCC Children & Young People's Service (Education)

- 6.54 No comment with regard to the detailed application for the 108 phase 1 dwellings or the phase 1 commercial development.
- 6.55 The proposed location for a primary school, within the development area to the east of Topcliffe Road, is broadly what has been discussed. However we expected a location further south, away from the junction of Topcliffe Road and Gravel Hole Lane, as previously identified in the LDF documentation as TM2D.
- 6.56 The proposed location gives rise to an access concern as the nearest connection with the established road network is onto Gravel Hole Lane close to one of the vehicular entrances to Thirsk School and Sixth Form College. This entrance is used by the school bus service and Gravel Hole Lane is already busy with traffic at the beginning and end of the school day. A new primary school would mainly serve the new Sowerby Gateway dwellings but not exclusively. Therefore we can expect the majority of parents and pupils would access by foot but undoubtedly there would be some impact on local traffic.

- 6.57 Recognise there is limited space available on the site to the east of Topcliffe Road in which to accommodate a retail centre, an extra care housing scheme and a primary school.
- 6.58 The Extra Care Team is supportive in principle of the provision of an extra care housing scheme within this Masterplan proposal. This is a subject to funding being achieved to develop the extra care housing scheme.

NYCC Heritage (Archaeology)

- 6.59 This office advised Hambleton DC on their housing allocation proposals that archaeological evaluation would be required prior to the determination on a planning application.
- 6.60 I note that your client is committed to undertaking the evaluation and their intention to commence the evaluation of Phase 1 shortly.
- 6.61 We would wish to see all archaeological evaluation undertaken in advance of a planning decision being taken, as per PPS5 Policy HE6. The evaluation results will enable an assessment of the archaeological impact of the development proposals. An informed and reasonable planning decision can then be taken as to whether the development should be permitted in its present form. If so, this information will assist in identifying options for minimising, avoiding damage to, and/or recording any archaeological remains.
- 6.62 The aim of requesting additional information and archaeological evaluation at the pre-determination stage is to ensure that the precise impacts of the development upon the archaeological resource have been assessed and to minimise the risk of unnecessary adverse impact upon archaeological remains. There are strong arguments against the granting of permission subject to a condition to secure the implementation of a later programme of archaeological evaluation:
- This is against local and national planning policy
 - where evaluation does not take place until after a planning application has been determined, the possibility of archaeological issues being fully taken into account is lost.
 - securing archaeological evaluation work through a planning condition could, because the extent and nature of any further mitigation is unknown, incur the developer in unexpected and unquantified archaeological and related costs at the mitigation stage.
- 6.63 A condition should be used to secure mitigation not to obtain further information required to enable an informed decision as to whether the application should be permitted.
- 6.64 This approach is consistent with similar large scale proposals across the county.
- 6.65 I trust you find this explanation helpful. If you have any further queries, I would be grateful if you could direct these to the case officer at Hambleton DC as per the post April 2009 service as I have reiterated my original advice. I would still be happy to comment on any further reports produced.

Yorkshire Forward

- 6.66 Generally supportive.

Yorkshire Water

- 6.67 No objections subject to conditions
- 6.68 The development of the site should take place with separate systems for foul and surface water drainage.
- 6.69 Domestic foul water should discharge to the 525mm diameter public foul sewer recorded in Sandholmes Lane (The World's End), at a point approximately 310 metres from the site.
- 6.70 From the information supplied, it is not possible to determine if the whole site will drain by gravity to the public sewer network. If the site, or part of it, will not drain by gravity, then it is likely that a sewage pumping station will be required to facilitate connection to the public sewer network. If sewage pumping is required domestic foul water discharge must not exceed 30 (thirty) litres per second.
- 6.71 The local public sewer network does **not** have capacity to accept any discharge of surface water from the proposal site.

Yorkshire Wildlife Trust

- 6.72 Original comments - Insufficient information contained within the ES to ensure that there will be no loss of biodiversity. Development may harm Hambleton BAP species.
- 6.73 8th March 2011 – Unfortunately the survey does not provide sufficient information to enable the Trust to withdraw our holding objection to this application.
- 6.74 The survey has numerous flaws and would not be adequate should the application be taken to a public inquiry. The survey has the following problems: -
- There is no historical information on the hedgerows surveyed.
 - There is insufficient information to determine if the hedgerows are “important” under the Hedgerow Regulations.
 - The hedgerows were surveyed in January 2011 when many plant species associated with the hedgerows would not be evident.
 - No details are given of hedgerow height, conditions or management.
 - The qualifications of the surveyor and membership of professional bodies is not given.
 - The bird surveys do not give any indication of how long they took and what the weather conditions were. Was the survey based on one visit to the site on one occasion or on a number of visits? What viewpoints did the surveyor use to check the fields? Was a particular methodology used? Such details would enable an assessment of how much weight to give the findings. A walk along the hedgerows on one day is unlikely to give a true picture of the value of the site for birds.
 - In order for the winter bird survey to be of use it needs to be combined with a breeding bird survey carried out between April and July so that the value of the site over the whole year can be assessed.
 - The survey gives no conclusions and recommendations which can be used to design mitigation and compensation for the development.
- 6.75 The bird survey states that the “Wildlife Trust requested that a winter bird survey be undertaken”. This is incorrect, in my letter of 19th October 2010 I said “A minimum to ensure that farmland birds are not affected by the proposal would be a wintering bird survey and a breeding bird survey and a mitigation plan based on this information.” A wintering bird survey would be part of the information required but by itself is not sufficient.

- 6.76 Both the hedgerow and bird surveys will be inadequate to determine the value of the site or to design mitigation and compensation. In my previous letter I also said that “The Trust would recommend that the authority arranges for a more detail examination of the application by an ecologist on behalf of the authority, so that greater value for wildlife can be designed into the proposal.” The Trust would still recommend that this action should be taken.
- 6.77 The developers now have time to carry out more surveys to show the value of the site and design more appropriate mitigation. Surveys of hedgerows and vegetation carried out in spring and summer will provide information not available for the surveys carried out in December 2009 and January 2011.
- 6.78 It would also be appropriate for the S106 document to include information on how habitat creation and management plan will be developed and financed. At present there appears to be no mention within the S106 document of how a biodiversity management plan will be funded to create habitat and manage the site. It is necessary to ensure that mitigation, compensation and enhancement of biodiversity is carried out so that the authority’s responsibilities as required in PPS9 are carried out.

Publicity

- 6.79 The application was advertised within local press, by site notice and directly to the neighbouring residents. A petition carrying 139 signatures and 114 individual objections have been received which are summarised as follows:-

Principle of Development

- 1) This development has not arisen from a property developer application but from the council’s own planning department. Where is the mandate from the rate payers or the electorate? What is the motive for the council to make things so easy for the developers?
- 2) Originally within the LDF for the Thirsk Area the Station Road site (South of Station Road – opposite the racecourse) was the preferred option. The Coked Hat Farm site was the non-preferred option. Because of the number of objections received these options were reversed. It is unfortunate that nobody would normally be considering the need to object to a non-preferred selection but due to a lack of consultation it was not pointed out to the residents of Sowerby that the site was non-preferred.
- 3) Surely, all the concerns that made Coked Hat Park a non-preferred site originally are still relevant today and what has happened is you have chosen our village as an easy, but wholly unsuitable compromise – hardly strategic, long term planning by Hambleton Council’s management team.
- 4) A whole array of new thinking on welfare, education, housing, planning, the economy etc is awaited from the Coalition Government as are more details on the “Big Society”. Shouldn’t we therefore wait to see what is produced and needed before putting in train a scheme which will change Sowerby and ultimately Thirsk forever?
- 5) The requirement to develop on this scale was a Labour Government imposed plan. The new Coalition Government has rescinded the ‘Regional Spatial Strategy’ which required Hambleton District Council to build some 5,000 new homes, and the relevant Minister has announced it is a matter for local decision. Now that they have the opportunity to do so, it would seem eminently sensible for Council Members to revisit the issue.

- 6) The last 15 years has brought sensible extension and infill to the village. The next 15 years should be planned in similar fashion.
- 7) Expansion and housing are needed in the Thirsk area but it should be in a nurtured, sympathetic and controlled way taking into account the integration of so many people living in one place.
- 8) The area does not require this size of the development and would lead to the possibility of unoccupied houses both on the new development and the area in general.
- 9) Why does one village out of 130 plus in the District have to bear the brunt of nearly two thirds of the housing allocation?
- 10) Any green field residential development should only commence once all brownfield, infill and sites already allocation have been built out and occupied.
- 11) The development is far too large for a village like Sowerby.
- 12) The proposal would permanently change the community of Sowerby destroying the village atmosphere.
- 13) A much smaller development would be more in keeping with the existing village.
- 14) It offers nothing to the existing population and benefits no one but the developers, builders and land owners.
- 15) The development is so huge that it may as well be called Sowerby New Town.
- 16) To destroy this landscape in favour of this development would be an abomination.
- 17) There is plenty of land in Thirsk which already has planning approval and which must be developed before any new projects.
- 18) There seems to be many smaller brown site opportunities in and around Thirsk that could deliver the required housing without significantly impacting the character and potentially even improving the look of the town
- 19) This development will create a separate community.
- 20) Given that the local economy is heavily influenced by the activities at Dishforth Airfield and Allenbrooke barracks it seems highly likely that there will be a reduction in demand for housing locally and may well be ex-military housing coming on the market.
- 21) The original reason that the Council did not consider the Sowerby Gateway development in the first instance as a preferred option still holds true i.e. that it was considered to be too remote i.e. on the edge of the existing Sowerby boundary.
- 22) A housing scheme of this size will impact of the deliverability of other housing schemes elsewhere in the district by taking up all available demand for the duration of this permission, if granted, thereby reducing choice of housing location for residents.
- 23) What steps is the Council going to take to avoid the developer encouraging inward migration from neighbouring districts whose councils have decided to restrict the planning allocation for new houses in their area following the demise of the Regional Spatial Strategy?

- 24) In granting planning permission for this large number in one application the Council is losing its ability to control not just the number but also the future location of housing development in the district.
- 25) The proposal is a new village in its own right and therefore could be transported to anywhere in the District and be totally sustainable. To be visionary this is what HDC should do.
- 26) The whole development is described as "Somewhere to live, work, play and enjoy for years to come". So what we have in essence is a very North American concept of a self contained dormitory town that is going to be tacked on to Thirsk and Sowerby

Design & Density

- 27) The first 108 houses fronting Topcliffe Road are said to be designed to create an impression of elegance, spaciousness and privacy with "defensive features" and boundary greenery. This is not borne out when one looks at the plan in more detail. In reality this first stage is a facade - in the later stages, the character of the housing becomes denser as houses are packed into limited space.
- 28) The aesthetics of the buildings suggested (eg: hotel/ commercial units etc) would completely detract from the area.
- 29) Will distort the shape of Thirsk and Sowerby as well as change in the shape of a market town which has responded to the demand for housing via 'infilling' and use of 'brown field' sites which has largely improved the appearance of the town.
- 30) The scale of proposed development has more in common with an urban extension such as Ingleby Barwick adjacent Stockton-on-Tees.
- 31) The first phase development off Topcliffe Road seems to stick out like a sore thumb and assuming this becomes the only phase to be built out during the plan period it will look very odd indeed. Far better to concentrate initial development within the fields off Gravel Hole Lane which would then fit in better within the built up area.

Highway Considerations

- 32) The current highway network is inadequate to accommodate all the extra domestic and commercial traffic that will be generated.
- 33) Thirsk and Sowerby can't cope with the current traffic levels. There is no way that the present road system would be able to cope with the increased traffic another 925 houses would produce.
- 34) The section between the B1448 (Topcliffe Road) and the Limes/Memorial Park known also as Blue Row can only be considered as a single carriageway for most of the working day, and severely restricted during the rest of the day. This is due to the parking regime brought in by HDC. This often causes traffic build up tailing back to the Westgate/Topcliffe Road/Station Road roundabout. This also causes delays with impatient drivers not allowing right of way to traffic coming from Front Street.
- 35) Front Street to Blakey Close/The Pines entrance is restricted to 2 car widths by a high wall to the right and houses to the left, it would be possible to widen the roadway to the left in front by 3-4 feet. The section from the Blakey Close entrance to Blakey Bridge is less than 2 car widths (impossible for 2 cars to pass each other). This section has been reduced since the building of the Pines by at least 18 inches so could be improved by moving the kerb back. There is a wider area just before the bridge where cars can pass each other, however if impatient drivers crossing the

bridge are stupid traffic chaos ensues. Beyond the bridge the road is just wide enough for 2 cars with caution up to the underpass of the A168.

- 36) There are a couple of problems, some farmers trailers are slightly wider than a car but not too wide to negotiate the bridge the other being drivers of large commercial vehicles coming from York road past Auction Mart who cannot read the warnings. This problem with large vehicles does not seem to be as much a problem coming from Front Street even although there is not as much in the way of warning signs.
- 37) There has been an increase in car parking along the land and in some cases bad parking with cars parked on both side requiring vehicles to dog leg slowly to pass. This carriageway is only 2 cars width in the afternoon at school leaving time the road from the Topcliffe Road end and the entrance to Kings Meadows is restricted to a single carriageway because of parked cars. Then with cars pulling out to leave, buses arriving, buses leaving and more cars arriving often chaos ensues with complete lockdown, sometimes with up to 20 minutes block.
- 38) Apart from the traffic flow calculations based on assumptions, there seem to be some major omissions regarding the Mouchel drawing 760455/FIG4A – Traffic Distribution. This drawing mainly concerns traffic flow from the site entrance from the housing.
- 39) This identifies the site entrance as a single point nominally two thirds of the way to the West, South East along the B1448 from the Gravel Hole Lane junction towards Milburn lane.
- 40) This does not conform to the Planning Application which has 3 entrances to the site two south of Gravel Hole Lane and a 4-way roundabout just north of Milburn Lane – this totally negates any traffic flow calculations to and from the development.
- 41) Route 1 (23.4%) identifies traffic from York, the A19, along Blakey Lane across Front Street the Gravel Hole Lane with a left turn along the B1448 to the development. The assumption is the reverse but where Blakey Lane meets the A19 it is necessary for vehicles to turn left, go up to the roundabout, go completely round and then carry on down the A19. This increases traffic flow around the roundabout which only occurs in Southbound journeys.
- 42) Route 2 (6.1%) traffic to/from Northallerton is shown as directed through the centre of Thirsk which is not the most ideal route, but alternative could end crossing Blakey Bridge which could be worse.
- 43) Route 3 (0.7%) this is not valid comment as there would not be this amount of traffic from the site just into Carlton Miniott but possibly to the A1 or Ripon. However, once the site is more developed there would be more travel to work at the industrial areas off Station Road. Of course there would be traffic to Tesco and Lidl which is not quite Carlton Miniott.
- 44) Route 4 (38.3% or 39.3%) Harrogate, Knaresborough and Wetherby yes but Darlington no way.
- 45) Route 5 (24.0%) not ideal to be directed through directed through Thirsk town centre as this traffic would be better continuing along the A19 and the A168 to reach the site via the new 4 way interchange trumpet onto the B1448.
- 46) Route 6 (6.5%) not marked but is on the low side not withstanding no account of forward flows when the site is more fully developed.
- 47) Route 7 (1.0%) another no brainer to separately identify from other flows as per Route 4, unless of course this the discrepancy identified above.

- 48) The above route information requires investigation if the development needs this to justify proceeding with the application.
- 49) There is no traffic calculation for the delivery and collection vehicles to the industrial/commercial units. This will involve the employees travelling to and from the site which will not necessarily be local to the site. In addition the commercial traffic will depend on the type of business operating on the site but could be substantial.
- 50) Traffic to the community area is not specifically identified in the overall traffic studies in the HDC documents LCD 161/LCD 162/LCD 163/LCD and LCD204.
- 51) There are 450+ parking spaces on drawing 2251/08-06B as part of the outline part of the planning application this would seem to attract considerable traffic. None of this traffic is identified in any of the hypothetical flows. This traffic would be at different times to the peak morning and evening travel to work and would also differ seasonally.
- 52) LCD161 (there is an LCD161A but is a duplicate). This is an addendum response to NYCC Highways queries. The highway authority would prefer the 4 trumpet junction of the B1338 and A168 (1b) as this would be "a key element of this development". The response that "daily traffic flows to the community use land" seems to ignore the provision of 450+ parking places on community land.
- 53) These comments seem to support that the A168 junction and the 4 way roundabout on the B1448 should be in place before construction starts.

LCD162:-

- Bullet point 1 – no 4 way A168/B1488 = increase in Blakey Lane traffic
- Bullet point 2 – 4 way A168/B1488 North bound traffic would reduce Blakey Lane traffic
- Bullet point 3 – South bound A168/B1448 forecasts lesser benefit – this ignores construction traffic to/from site
- Bullet point 4 – signs and traffic calming are unlikely to make any difference to existing Topcliffe Road situation.
- Bullet point 5 – rubbish – just bias against the Station Road site.

- 54) LCD163 – Figure 2 and comment 1.4.3 assumes the improvement to the A168 junction i.e. full way junction. The zoning areas discussed in this paragraph indicates zones which are not discussed in this paragraph indicates zones which are not discussed in any other document.
- 55) Figure 4 seems to identify some rather stupid journeys, whichever point one starts from is also the finishing point. This definitely increases carbon footprints as well as traffic congestion.
- 56) LCD204 - There are comments regarding Blakey Lane that offer some concern:-
 - 3.3.4. "Restriction of Blakey Lane" has no detail as to how or what
 - 3.3.8. "alterations to Blakey Lane" what alterations
 - 3.4.2. "Blakey Lane restricted" what restrictions
 - 3.4.5. "restriction of Blakey Lane" again no details
 - 3.5.1. "with the restriction on Blakey Lane"
 - 4.1.4. "restricting Blakey Lane to local traffic only" i.e. closure
 - 4.2.3. "modelled closure of Blakey Lane" totally unacceptable
- 57) This model assumes the completion of the A168 junction.
- 58) All of these studies/surveys etc are very incomplete in detail and include some disturbing ideas that have not been brought to the Sowerby Residents attention.

- 59) Topcliffe Road needs cycle ways on both sides of the road as there are no alternative locations. Once this is in place Topcliffe Road will be no wider than Station Road and HDC gave this as the reason why that should not be developed further.
- 60) There are parked cars/residents parking along much of Topcliffe Road. At school times, ie 8:30 to 9:00 AM and from 3:00 to 4:00 PM there is increased traffic from parked cars/school traffic. Gravel Hole Lane and Blakey Lane have become a 'rat run' for traffic wishing to bypass Thirsk Market Place. Additional housing at Sowerby Gateway would exacerbate this.
- 61) I note that the planning application indicates preferred routes for commercial traffic into the scheme as coming from A168 and not through the town centre or over Blakey Bridge. How is this to be policed and is this proposal only feasible once the full interchange is implemented? So as to avoid years of lorry traffic going through Thirsk in the interim I believe the four slip roads A168 interchange should be completed at the beginning of the scheme.
- 62) Any traffic wishing to use the northbound A168/A19 would have to travel either through the centre of Thirsk or along Gravel hole lane through Sowerby village and then across on to Blakey Lane and over the small pack horse bridge. Either route would be unsuitable as Topcliffe Road gets congested at the best of times and the roads leading to Blakey Bridge are narrow with areas of no pedestrian footpath. There is a substantial increase in risk to pedestrians if traffic were to be increased on the later route.
- 63) The junction to the A168 must be created immediately and must allow access and exit for both north and south bound traffic otherwise Topcliffe Road, Gravel Hole Lane and Front Street will become dangerous roads and Blakey Lane will inevitably be regularly closed for bridge reconstruction as more lorries try to avoid driving to Topcliffe and back.
- 64) I note that there could be a clause for the developer to change existing junction B1448 / A168 to a four way junction. What considerations have been made for the increase in vehicles that will use Blakey Lane as a short cut to the A19?
- 65) Cycle lanes and yellow lines just would not work and new residents are not going to use the new A168 (red herring) junction to go into Thirsk
- 66) Topcliffe Road should be upgraded with the features on the full development with pavements both sides.
- 67) In effect drivers will choose to travel by the Crown and Anchor crossroad into Blakey Lane where increased damage to the ancient bridge will inevitably occur.
- 68) This proposal cannot work without the necessary road improvements being completed first in order to relieve the already heavily congested Topcliffe Road.
- 69) The new population would add to the traffic associated with Tesco and Lidl.
- 70) There will be more secondary age students on the busy Topcliffe Road site twice a day in term-time.
- 71) The other end of Topcliffe Road is a conservation area! So really you need to route the traffic from Thirsk to the new development by means other than Topcliffe Road.
- 72) Question to reliability of the data produced by Mouchel.

- 73) The emergency services use Topcliffe Road regularly to gain access to all outs to the South. How will such access be maintained during construction and once this “new town” is completed?
- 74) The highway layout and access is unsatisfactory.
- 75) Appropriate provision has not been made for pedestrian, cyclist and public transport facilities.
- 76) To ensure best and safest use of any new recreation area off Gravel Hole Lane, a footbridge should be built so as to connect it to the school campus akin to the footbridge connecting the two sites at the Allertonshire School, Northallerton.
- 77) The very necessary improvements and changes to the road infrastructure will entitle owner occupiers to submit claims for compensation under Part 1 of the Land Compensation Act 1973. Topcliffe Road, Cocked Hat Park, Saxty Way, Gravel Hole Lane and estates off it could be affected. The Authorities will need to seek adequate indemnities as from experience such claims and professional costs could run into millions of pounds if proven.

Car Parking

- 78) Will have a detrimental impact on car parking in Thirsk
- 79) There is a lack of parking in Thirsk which means that people will go elsewhere to shop.

Affordable Homes

- 80) There is a need for affordable housing for local people but not imports from Teesside.
- 81) There are not 360 people in and around Thirsk requiring affordable homes; therefore these homes will be built for people from outside the locality. The development will become a mini Middlesbrough.
- 82) Social housing is important, but why not build to order?
- 83) Do Broadacres still have the funds? If they do, plenty of good low cost housing is currently available on the open market in every part of Thirsk and Sowerby. Those houses are in established communities and close to services, it would help vendors sell and move on, kick start the local economy and it would achieve the presumed aim of having a mixed community and cater immediately for any current demand in the sector.
- 84) Is the Broadacres proposal the best deal for the taxpayer and has it been market tested? They are not the only RSL operating in Hambleton.
- 85) Broadacres have stated that they will only be letting their share to people with relationship connections to the area, people employed in the area and people having historic connections with the area. As Broadacres only have basic control over the affordable housing there is no control of the potential tenants that will occupy any buy to let dwellings. This could result in tenants being brought in from outside the area that have possibly been bad tenants who then become a financial drain on the Council's funds.

Protecting Amenity

- 86) From a humanitarian point of view the site is a disaster, low flying aircraft, constant train activity and a very discernable drone from the existing Thirsk bypass.

- 87) We are not convinced that the proposals by the developer for screening between the first phase of the development and the houses on the boundary of Cocked Hat Park are sufficient for purpose.
- 88) Some of the development will overlook/ back on to the boundary of my property, therefore I will suffer from a loss of privacy and enjoyment of my property.
- 89) I would like assurances that planning permission will not be granted to any commercial operation with late night activity.

Ecology

- 90) The proposed development will ruin a beautiful landscape teaming with wildlife
- 91) The survey by Whitcher Wildlife Ltd leaves some gaps in the expected flora and fauna.
- 92) There is no specific mention of injurious weeds, notably Ragwort which is very prevalent in the surrounding area. Whilst ragwort is mainly a danger to grazing animals it can be toxic to humans.
- 93) Bats are observed continuously during their non-hibernation period coming from the ash tree (T8 on the map supplied with their survey report). It is obvious that the bats forage the proposed site area.
- 94) This is no mention of barn owls which are regularly observed in the gardens of Cocked Hat Park and again it is likely that they and other species of owl use this area to forage.
- 95) There are small group of deer (probably fallow) within the site area that are regularly seen from the Cocked Hat Park estate.
- 96) What will happen to the deer and bird nesting in existing hedgerows?

Archaeology

- 97) The Ordnance Survey map of 1912 indicates the supposed Roman road runs North West from the junction of Back Lane and Gravel Hole Lane a point close to Station Road which seems to be at slight odds with the report.
- 98) What about the Saxon sword found in the Cod Beck and now in York Museum?
- 99) Evidence of ridge and furrow can be observed in the field to the East of Front Street opposite to Back Lane also in the field on the Flatts between the Cod Beck and Front Street.

Security

- 100) Unoccupied residential and industrial premises can act as a magnet to criminal activity
- 101) In Thirsk town there is enough trouble with young lads. I don't want them up near my house.

Public Open Space, Sport and Recreation

- 102) I note from the application drawings some land earmarked for leisure development is listed as 'gifted to HDC'. It is a matter of fact that HDC is currently trying to reduce is

budget. Why would HDC choose to take on more areas which will require financial resources? HDC should look to improve existing facilities.

- 103) No are no changing facilities for the proposed sports pitches.
- 104) Who will be providing the necessary security and maintenance of the playing areas?
- 105) Nowhere within the planning application and outline application are identified any areas for allotments. There are 32 large areas on the drawing s2251/08-06B to the east and between the large amount of car parking that are unidentified.

Schools

- 106) There is nothing to solve future capacity problems to be faced by Thirsk Secondary School.
- 107) The government has recently abandoned its "money for schools" programme I would have severe doubts that the money would be available to improve the secondary schools in the area.
- 108) The strains on Thirsk School, from a potential increase in students would be too great. The school for this age group is already in dire need of a total refurbishment for which there is apparently no funds available as it is.
- 109) Increased contributions from the developer should also be required for provision of extra secondary school places.
- 110) The proposal to build a new primary school on the south side of Topcliffe Road raises concerns with regard to children accessing the school from the new houses on the north side of the road. We understand it is proposed to put a zebra crossing across the road but surely from a safety point of view it would be better to construct either a subway or a footbridge.
- 111) It would be better to extend the existing school.

Drainage

- 112) Concerned about the pressure on the Victorian sewage system that the development will tap into down Topcliffe Road & the affect it will have on those older streets further down Topcliffe Road - South Crescent, South Terrace, Mowbray Place, Belgrave Terrace, Melbourne Place, Victoria Avenue, Railway Terrace, Sowerby Terrace, which are still on combined sewage & storm water. This needs upgrading, meaning more disruption or a new route found.
- 113) It should be a constraint of the planning permission that the infrastructure - road alteration & upgrade drains/sewage system off the site be put in place before any building of houses take place.
- 114) The existing sewerage system is not adequate. This is the same system that has absorbed all developments in at least the last 10 years without modification or expansion.

Employment Use

- 115) Question whether the additional light industrial units are really needed, judging by the existing vacant units that have been on the market for a considerable length of time.
- 116) Should be built on current industrial sites i.e. York Road, Station Road or even Dalton Industrial Estate.

- 117) The commercial development proposed is excessive and contrary to the retained evidence base for RSS.
- 118) No adequate alternative evidence has been supplied by the Council or the applicant.
- 119) Any extra employment within the area is a positive thing but I doubt over the next few years at least the industrial units would be occupied.

Infrastructure & Services

- 120) Do we have more allocated Police?
- 121) Rubbish collection - are their provisions for increased rubbish collection?
- 122) Postal delivery - are their provisions for increased postal staff?
- 123) Health - are we to have additional general practitioners?
- 124) Dental - are we going to have more dental practices?
- 125) Sewage - is the sewage plant increasing to allow for additional loading?
- 126) Mains water - is the water pressure going to reduce given the additional demand?
- 127) The proposed retail units will serve only to keep any new residents away from the existing town centre and draw existing users.
- 128) The newly created population would vastly overstretch services such as Doctors Surgeries, Schools, Post Office, Car Parking etc.
- 129) Regarding the neighbourhood centre, which includes scope for shops, bank and building society offices, pub, café and restaurant, hot food take-away, hotel, nursing home, health care facilities, community facilities and meeting places, presumably existing providers of these services in Thirsk and Sowerby have been consulted? If not the Authorities are putting in jeopardy the livelihoods of a lot of people by duplicating what already exists.
- 130) Two small convenience shops and a post office in the village have closed due to lack of business. What will be different with the proposed developments?

Consultation

- 131) There has been little or no meaningful consultation on this matter.
- 132) Every villager should have been written to directly.
- 133) No statutory notices are displayed anywhere in the applications site's vicinity.
- 134) Only people living directly adjacent to the site have been informed by Hambleton DC of the application for outline planning permission.
- 135) On a development of this size and the considerable impact it will have on all our lives and future generations it not much to expect that Hambleton District Council should advertise and consult widely with the whole village and give everyone the opportunity to comment.
- 136) I feel that the planning department has not shown due care to the community in this matter and that our views, either way, have not been heard.

- 137) Only the residents overlooking the site had been sent a letter, whilst those living only a road width away have not received any information.
- 138) I have had more opportunity to object to a neighbour's application to build a conservatory than I have to a development of 900 houses and factory buildings which will affect the whole town for years to come.
- 139) There are no statutory notices on Gravel Hole Lane or Topcliffe Road. This must contravene Planning procedures and therefore invalidates the planning process.
- 140) We feel we were misled at the meeting in 2007 when the various proposals we saw were displayed in the town hall. We were led to believe that what was to happen was small pockets of in-fill building around Thirsk. We were not given the impression by the councillors present then that the Sowerby Gateway Scheme would be seriously considered.
- 141) We are left wondering how things have changed so vastly without our being aware of it. We do not live in the parish of Sowerby but clearly will be very affected by the scheme and yet no effort has been made to keep us up to date with the LDF change of plan.
- 142) I suspect that there may be many more objections from Cocked hat Park residents were they to know about this application. I have been fortunate enough to have been told by a neighbour, who happened to notice the application notice on Topcliffe road. Why are they not on Cocked Hat Park, whose residents are going to be so clearly impacted?
- 143) Neither the council nor the developer have taken any account whatsoever of local residents.
- 144) The Council view appears to be that people who do not involve themselves in the strategic planning process have lost any right to influence the detailed proposals.

Procedural Matters

- 145) There are too many common interests within the Council for it to be able to make this decision. Councillors of Hambleton District Council (HDC) are also members of the Board of Broadacres who are the joint developer of Phase 1. This raises concerns on the probity of the decision making process. While interests may be declared these Councillors will have been lobbying this development behind closed doors.
- 146) Your website says it is an Outline application yet last week it confirmed it is also a detailed application for Phase 1. This is underhand and is an example of HDC's lack of openness and transparency and a clear display of arrogance towards its residents.
- 147) The title of the application is incorrect and has therefore been incorrectly validated by Development Control. The development on Gravel Hole Lane is minimal; the reference to Sowerby Gateway refers to what the development will be not where it is located; there is no mention of Topcliffe Road which is totally misleading.
- 148) Sowerby is a village in its own right. It is not Thirsk (with Sowerby) as HDC has chosen to represent it.

Other Considerations

- 149) The developer, Castlevale, claims that it will generate an abundance of economic and social benefits for the town but fail to explain what these benefits are.

- 150) Noise pollution, which is linked to both traffic and the building work itself
- 151) Will reduce existing house prices.
- 152) In the present economic climate who is going to buy all these houses? Unfinished developments will not help the community but make it an eye sore.
- 153) The planned amenities would also have a detrimental effect on established businesses in Thirsk.
- 154) I do not want to look out of my windows to see other people house's blocking my view of the country.
- 155) Think of the increased carbon emissions as well as the other waste a development of this size would generate
- 156) This development application is not based on facts but on suppositions and guess work about the future.
- 157) This development is not in the best interests of the people of Thirsk and Sowerby.
- 158) The land earmarked for the development is prime agricultural land and should not be taken out of production.
- 159) Where are the businesses to support 900 households?
- 160) Development scaled over 20 plus years would be intolerably intrusive.
- 161) Developer contributions shouldn't just be for social housing, road infrastructure and play area. What about the emergency services?

Supporting comments

- 162) letters of support was received and has been summarised as follows:-
- 163) A large development of this type would attract bigger traders to Thirsk and improve the quality of shopping there. A grand opportunity exists to create a link road across to the A61, which could improve the whole traffic access to Sowerby. The lack of such a link was clearly demonstrated the other day when the road outside Tesco was closed. I therefore support the development with this addition.
- 164) I believe the development will bring new job opportunities to the area and improved shopping in the town as a result.
- 165) The road link shown is somewhat limited, a new link across to Carlton Miniott would be a valuable feature and bring a much needed link into Thirsk from a different direction. I note the final roundabout on the scheme indicates the point from which a road would run
- 166) The proposals are in line with Hambleton District Council's LDF proposals and the need to ensure the continued development of areas such as this.
- 167) The proposals can be delivered within reasonable timescales and to meet sustainable objectives.

7.0 OBSERVATIONS

- 7.1 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations

DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.

- 7.2 To this end, the application site is allocated within the submitted LDF Allocations Development Plan Document as Policy TM2. This site is identified as a strategic mixed use development comprising the following uses:-

Site A: Westbourne Farm (23.0ha)

Allocated for housing development at a density of approximately 40 dwellings per hectare, resulting in a capacity of around 920 dwellings (of which a target of 40% should be affordable); for development in Phase 1 (up to 2016), Phase 2 (2016-2021) and Phase 3 (2021-2026);

Site B: Cocked Hat Farm (13.0ha)

Allocated for employment (Use Classes B1 business, B2 general industrial and B8 storage and distribution);

Site C: Neighbourhood Centre (4.9ha)

Allocated for neighbourhood centre, comprising retail, leisure and associated uses such as a health centre;

Site D: East of Topcliffe Road (3.3ha)

Allocated for primary school use;

Site E: Gravel Hole Lane (7.8ha)

Allocated for community uses, including recreation/community park and allotments. Development will be subject to the following requirements, to be achieved where necessary through developer contributions:

- i. type and tenure of housing to meet the latest evidence on local needs;
- ii. formation of an improved junction of the B1448 and A168, permitting north-south movements;
- iii. improved foot and cycle access to the Town Centre / Topcliffe Road and to retail facilities on Station Road and the Thirsk Railway Station;
- iv. improved public transport links along Topcliffe Road to serve the development;
- v. provision of a new primary school;
- vi. provision of a community park and allotments;
- vii. provision of structural landscaping and high quality design and layout;
- viii. drainage to be achieved through a Sustainable Urban Drainage Scheme (SUDS) including on-site storage; and
- ix. contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

- 7.3 The consultation period is ongoing and a number of key issues have been raised, namely: the principle of the proposed development, the location of new development with particular reference to the Allocations DPD, impact on local infrastructure, impact on neighbouring residents, highway considerations and the consultation process.

- 7.4 The proposed development represents a significant development for Thirsk and Sowerby and therefore Members are invited to give early consideration to the emerging issues.

- 7.5 In addition, there is a comprehensive policy background to be appraised prior to the determination of this proposal, as identified above, and a range of consultation

responses to be considered, many of which are still awaited or have requested the submission of additional information.

7.6 It is, therefore, recommended that the application will be reported back to the Committee as soon as an appraisal and consultations have been completed.

8.0 RECOMMENDATION

DEFER

Note – As this is a “large-scale major” development and an Environmental Statement has been supplied 10 minute periods of public speaking are permitted, an extension of the normal 3 minutes is allowed.

2.

11/00780/FUL

**Retrospective application for the change of use of an agricultural building and part of another agricultural building to form an ELV business (End of Life Vehicles).
at Poplars Farm Londonderry North Yorkshire DL7 9NF
for Mr M Swales.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This is a retrospective application for the establishment of an ELV (end of life vehicle) Centre within a site previously used as a plant hire and haulage parking facility (see section 2 below) south of Londonderry and immediately to the east of the A1(T). The closest dwelling is 300m to the north and the rest of the village is some 600m away. The site is secured by close boarded fencing and is screened from views from the village by a belt of coniferous trees some 5m high.

1.2 The activity to be carried out within the site comprises the import of unfit vehicles, which may be brought in 2/3 at a time on a lorry, and they will be deposited under cover within 'Building A' immediately adjacent to the site entrance and then taken to 'Building B' where they have all fluids, batteries etc removed. It is stated that following that treatment when the vehicles are 'safe to dispose of' they will be removed from the site, again 2/3 at a time, and taken to a licensed disposal facility. The applicant has indicated that the maximum daily traffic flow generated by the use will be 10 movements per day Monday to Friday and 8am until noon on Saturdays (comprising 6 movements maximum) with no working or movements on Sundays or public holidays.

1.3 In addition to the need for planning permission the applicant also requires a permission to operate from The Environment Agency. Such permission (an Environmental Permit) will regulate the storage and disposal of materials removed from the vehicles and ensure their removal from the site and consequent safe disposal. The relevant officers from the Agency have inspected the site and it has been indicated that, subject to the grant of a planning permission, a Permit subject to conditions, will be granted.

1.4 All vehicle bodies, scrap and ancillary fluids and batteries will be removed from the site and there will be no sales of spares or any other parts from the site.

2.0 PREVIOUS PLANNING HISTORY

2.1 01/5056/P : Formation of hardstanding for the parking of 5 HGV vehicles : Permission Granted 2001.

2.2 01/00559/FUL : Change of use of agricultural buildings to plant hire business : Permission Granted Nov 2001.

3.0 RELEVANT PLANNING POLICIES:

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

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP15 - Rural Regeneration

Development Policies DP25 - Rural employment
Development Policies DP36 - Waste
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP42 - Hazardous and environmentally sensitive operations

4.0 CONSULTATIONS

4.1 Exelby, Leeming and Newton Parish Council : No objections subject to appropriate conditions relating to hours of operation and vehicle movements.

4.2 Yorkshire Water : No objections.

4.3 North Yorkshire County Council (Highways Authority) : No objections.

4.4 Highways Agency : Require that a permission be not issued pending resolution with North Yorkshire County Council of details relating to the closure of previous accesses from the village street to the A1.

4.5 Environment Agency : No objections subject to conditions. An application for an Environmental Permit in respect of the waste processing element of the operation has been submitted and will be issued subject to a grant of planning permission.

4.6 Senior Engineer : The site is a change of use of an existing facility and consequently there are no adverse impacts from drainage or flooding aspects.

4.7 The application was advertised by site notice and the seven closest neighbours were consulted. 14 letters have been received directly, via the Parish Council and also via the local ward member. 13 raise objections on grounds of adverse impact on local and residential amenity, pollution, highway safety, security and health and safety. One local resident confirmed no objections in view of the previous use of the site and the level of activity proposed.

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 impact of the activity, if any, on local residential amenity (Policy DP1), local visual amenity and landscape character (Policies CP16 and DP30), the employment benefits resulting from the re-use of a brownfield development and the establishment of a necessary facility within the area (Policies CP15 and DP25) and the potential environmental impact on the local area (Policies CP21 and DP42).

5.2 It has been noted above that the site is located some 600m south of the village with the southern boundary comprising a 5m high belt of coniferous trees. The local topography is such that there are no views of the site from the adjacent A1 or from Gatenby to the east. There is, consequently, no adverse impact on local visual amenity or landscape character.

5.3 In terms of impact on local residential amenity, it has been noted above that there will be no visual impact from the activity. The process is to take place, following delivery of the vehicles, within an enclosed building and will create no noise, dust, fumes or vibration which could adversely affect local amenity. The level of vehicle movements which has been identified, together with the receipt of comments from the County Highways Authority, is such that no objection on access or highway safety grounds could be sustained. The applicant will be the only full-time employee and this will also regulate the vehicle movements to and from the site in terms of the number of vehicles which he can process. This would be the only such ELV Centre within Hambleton at the present time. Its establishment on an existing site comprising appropriate buildings and hardstanding is considered to be acceptable in this case.

5.4 Policy DP25 states that employment in locations outside development limits will be supported where the activity is small in scale, comprises the conversion or re-use of existing rural buildings of sound construction and where the development is not capable of being located within a settlement with development limits by reason of the nature of the operation or the absence of suitable sites. The scale of the applicants business is modest and the buildings within the site (other than repairs which he has already carried out) require no significant adaptation to be suitable for their intended purpose. Reference was made by a number of respondents to their wish that the proposed development should be directed towards an existing industrial estate rather than the current application site. The closest such estate is the Leeming Bar Business Park which has no sites available within Phases 1-3 and Phase 4, which is predominantly food orientated, would not be appropriate for such a use.

5.5 With regard to any potential pollution arising from the site it has been described above that this element is regulated by The Environment Agency which will issue an Environmental Permit for the activity. Such Permit, which runs concurrently with any planning permission, will include conditions relating to the precise activity undertaken, hours of operation and the storage and removal from the site of all elements of the vehicles which are brought into the site. In addition to monitoring of the site and conditions by the Local Planning Authority, the Environment Agency carries out regular site visits to ensure compliance with the terms of its Permit.

SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document identified in the above report in that the location, nature and scale of the activity, including the re-use of existing buildings, is such that there will be no demonstrable adverse impact on adjacent residential amenity nor on local visual amenity or landscape character.

6.0 RECOMMENDATION:

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

1. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the application site shall not be used for any purpose other than as an End of Life (ELV) Centre as described in the application for planning permission 11/00780/FUL received by the Local Planning Authority on 12th April 2011.
2. The maximum number of vehicle movements resulting from the operation of the site shall not exceed ten on each day from Monday to Friday and six on Saturdays. There shall be no such movements on Sundays or Public Holidays. A record shall be kept which shall show the registration numbers and times of arrival and departure of all such vehicles entering and leaving the site. This record shall be made available to officers of the Local Planning Authority upon request at all times when the site is open.
3. There shall be no outside storage of processed vehicles or ancillary materials nor any sales of vehicles, spares or other materials from the site at any time.
4. Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptors shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the

interceptors. Vehicle washdowns and detergents shall not be passed through the interceptor.

5. All downpipes carrying rain water from areas of roof shall be sealed at ground-level prior to the occupation of the development. The sealed construction shall thereafter be retained throughout the lifetime of the development.

6. Inspection manholes shall be provided on all foul and surface water drainage runs such that discharges from individual units can be inspected/sampled if necessary. All manhole covers shall be marked to enable easy recognition. Foul will be marked in red. Surface water will be marked in blue. Direction of flow will also denoted. Where more than one discharge point is proposed, manholes will also be numbered accordingly to correspond with their respective discharge point.

7. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing and details attached to planning application 11/00780/FUL received by Hambleton District Council on 12th April 2011 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. In order that the site is not used for any other purpose which may have an adverse impact on local amenity in accordance with Policy DP1.
2. In the interest of local amenity in accordance with Policy DP1.
3. In order that the site is not used for any other purpose which may have an adverse impact on local amenity in accordance with Policy DP1.
4. To reduce the risk of pollution to the water environment in accordance with Policy DP42.
5. To prevent the contamination of clean surface water run-off.
6. To allow pollution incidents to be more readily traced.
7. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP16 and DP30.

3.

11/00816/FUL

**Construction of 25 dwellings and associated works
at Land to the north of Broughton Grange Farm, High Street, Great Broughton
for Lordstones Developments Ltd**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Full planning permission is sought to construct 25 dwellings with associated garages in the form of detached and linked terraced units. This quantum of development equates to approximately 35 dwellings per hectare.
- 1.2 It is proposed to transfer 12no of the proposed dwellings to a registered social landlord as affordable housing stock which equates to 48% of the overall number proposed. The applicant proposes to pay a commuted sum of £48,750 to account for the outstanding 2%.
- 1.3 The proposed house types will take the form of terraced, link-detached and detached homes, all two storeys in height, with a mix of 2, 3 and 4/5 bedrooms. All dwellings are to be constructed of traditional brickwork (red and buff multi) and white render. All roofs will be covered using pantiles, slate or plain concrete interlocking roof tiles. The final selection of materials will be determined via the discharge of conditions.
- 1.4 The proposed development will be served from a single point of access of the High Street (B1257). The main entrance will be served by a new footpath on either side. The development utilises shared surfaces within the site for the use of vehicles and pedestrians.
- 1.5 The development has an active frontage with the main aspect of units at the western edge of the site orientated to face onto the High Street. Units adjacent to the mid-section of the main internal road have been laid out to provide a courtyard feel with communal car parking and a small landscaped area to the centre. This courtyard is framed by the surrounding building layout with a close relationship of units at the end of the courtyard creating a sense of enclosure. The internal access road continues to serve two more courtyards divided by the unit to plot 15 which extends forwards to form an enclosure with the boundary wall to plot 22.
- 1.6 The site does not contain any play equipment or public open space. Consequently, a commuted sum of £89,315 for off-site provision will be sought from the applicant.
- 1.7 Car parking requirements are met on-site with 2 designated car parking spaces for each dwelling. The layout provides both communal car parking spaces and in-curtilage spaces.
- 1.8 Various documents have been submitted in support of the application including: Planning Statement; Design & Access Statement; Affordable Housing Pro-Forma; Sustainability Checklist; Phase 1 Geotechnical Report; Phase 1 Habitat Survey; Transport Statement; Consultation Statement and Flood Risk Assessment.
- 1.9 The following description of the site and its surroundings is taken from the Design &
1.10 Access Statement and is considered to be an accurate description:-

- 1.11 The application site is a rectangular area of open farmland at the southern extent of existing development forming the main village envelope to the west of the B1257. There are a number of isolated dwellings and farm buildings within open countryside to the south and residential development, extending further southwards to the opposite side of the B1257. The site forms part of a larger open field, the extents of which are defined by post and rail fences, hedgerows and mature trees.
- 1.12 The site is located within the limits to development of Great Broughton and has been identified by the Council as a housing site within the LDF Allocations DPD (Policy SH3).

2.0 RELEVANT PLANNING HISTORY

- 2.1 No relevant.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant National and Development Plan Policies are as follows: -

National

PPS1 - Delivering Sustainable Development 2005
PPS 3 - Housing (Nov 2006)
PPS9 - Biodiversity and Geological Conservation 2005
PPG13 - Transport (3rd edition 2001)
PPS22 - Renewable Energy
PPS25 Development and Flood Risk (March 2010)

Development Plan

CP1 - Sustainable development
CP2 - Access
CP3 - Community Assets
CP4 - Settlement hierarchy
CP7 - Phasing of housing
CP8 - Type, size and tenure of housing
CP9 - Affordable housing
CP16 - Protecting and enhancing natural and man-made assets
CP17 - Promoting high quality design
CP18 - Prudent use of natural resources
CP19 - Recreational facilities and amenity open space
CP21 - Safe response to natural and other forces

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP11 - Phasing of housing
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP30 – Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation

4.0 CONSULTATIONS

Great and Little Broughton Parish Council

- 4.1 The Parish Council are strongly opposed to this application in its current form. The following comments represent the Parish Council preliminary views:-
- 4.2 The Applicant sent brief details to the Parish Council prior to submitting the application. The Parish Council considered that the information supplied was insufficient to enable proper consideration to be given to it although points of concern were raised at that time. The Applicant did not respond to those concerns.

Need for further housing in the Village

- 4.3 It is suggested that the Housing Surveys on which the housing allocations in the Local Development Framework (LDF) are based are now out of date. Certainly in Broughton housing sales are sluggish and where affordable housing has already been provided in the Village it has proved difficult to fill them with people with direct family connections to the Village.
- 4.4 The large allocation of approximately 20 new dwellings for Broughton in the LDF arises from Broughton being regarded as a Service Village. Whatever justification there might have been for this designation in the past, it is no longer appropriate. The shop/post office has been up for sale for over a year and is threatened with early closure. There is a small chapel but no other place of worship (the LDF is in error on this). There is a primary school midway between the village and Kirkby.
- 4.5 There is totally inadequate public transport and extremely slow broadband speeds. There are no other facilities which would qualify it for designation as a Service Village.
- 4.6 It is considered that Broughton does not justify being able to cope with 20 additional dwellings (and certainly not 25 dwellings).

High Density of Housing Proposed

- 4.7 The LDF states “development being at a density of approximately 30 dwellings per hectare, resulting in a capacity of around 20 dwellings (of which a target of 50% should be affordable)”.
- 4.8 The “30 dwellings per hectare” comes from previous Government Advice which has now been superseded by Planning Policy Statement 3 (PPS3). This advice now states that any proposed housing development should be “well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density layout and access”.
- 4.9 It is clear that the neighbouring residential buildings are all at a much lower density than is proposed in the current application.
- 4.10 The Parish Council consider that an appropriate density of development to comply with the criteria in PPS3 would result in a capacity of between 10 to 15 dwellings.

Design and layout

- 4.11 The LDF recognises that any development in the village should not cause “an adverse affect (sic) on the visually attractive countryside in which Great Broughton is located, the settlement being an important gateway to the North York Moors National Park.”
- 4.12 It is therefore important that the visual appearance of any development on this site should be of an exceptionally high standard at the entrance into the village. The designs of the houses and the layout of the estate as proposed are more appropriate to an urban development. For example, dwellings linked together are not in keeping with the surrounding residential properties. Greater care needs to be taken to produce a sensitive and attractive addition to the village.
- 4.13 The LDF also states that housing on this site is “subject to housing types meeting the latest evidence of local needs.” The Parish Council have received no reassurance that the application has been based on the latest evidence on local needs. They are not convinced of the need for this high proportion of affordable housing.
- 4.14 If affordable housing is to be provided the Parish Council would wish to work with the Housing Association to ensure it was advertised first to people with direct family connections to the village. Also the criteria for allocation should exclude people whose only qualification was that of working on the Stokesley Industrial Estate.
- 4.15 The Parish Council consider that the design and layout of any development on this site should be of the highest standard and be complementary to neighbouring houses. They believe that the current proposal does not achieve this.
- 4.16 The Parish Council also consider that the latest evidence on local needs should be examined to determine the types of houses that should be provided. Also if affordable housing is to be provided the criteria for allocations should not include people whose only qualification was working on the Stokesley Industrial Estate.

Access and Parking Provision

- 4.17 The High Street is “an important Gateway to the North York Moors National Park” and as such is heavily trafficked by tourists including coaches particularly during the holiday months and at weekends. This traffic is not taken into consideration when the County Council advise on requirements for accesses but obviously will be of concern to the District Council as Planning Authority.
- 4.18 The road also carries an increasing number of heavy goods vehicles. It is of course well known that this road between Stokesley and Helmsley is in regular use by motor cyclists who race against the clock often with fatal results.
- 4.19 The LDF states that there should be on-site provision for all car parking requirements. The application allocates two car parking spaces per dwelling in a proposed development where 40% of the houses have no garage or carport and half the dwellings have 4/5 bedrooms. The provision therefore appears inadequate and also further thought needs to be given to the location of the parking spaces to ensure they do not detract from the overall visual appearance of any development.
- 4.20 The Parish Council consider that the amount and type of the traffic on the High Street should limit the number of dwellings on the site. They also consider that there is a need to increase the number of car parking spaces provided per dwelling and to do this in a way that doesn't detract from the overall appearance of any development.

Amendments

- 4.21 The Parish Council suggest the following amendments:-
- a) Number of dwellings reduced to 20 as in Allocation Document
 - b) Need maximum car parking standards in this rural location plus visitor parking
 - c) More landscaping needed on Southern and Western sides
 - d) Footpath across front of site to South needs footpath providing on High Street.
 - e) Car parking for plots 7 & 8 stick out into the access road
 - f) Play area not been incorporated but may be better with amenity green space as play area may encourage anti social behaviour
 - g) Plots 1-4 need separating – too dense on frontage of site
 - h) Plots 7-12 need separating – too dense an arrangement
 - i) Very large expanse of hard surfacing for road access at rear of site
e.g. 18m between plots 16 & 21 and also between plots 14 & 23
Needs less hard surface and more landscaping in front of properties
 - j) Drainage of surface water – suggest porous driveways
 - k) Legal agreement needed for affordable housing to remain ‘local’

NYCC Highways

- 4.22 The Local Highway Authority has observed that the current layout is deficient and requires numerous amendments to be compliant with the *Manual for Streets* publication. The Local Highway Authority has met with the applicant to agree amendments to the layout. Amended plans are awaited.

NYCC Education

- 4.22 Comments awaited.

Planning Policy Officer (Urban Design)

- 4.23 The preferred layout appears to lack any adequate landscaping to the southern and western boundaries. Given the visual impact this development would have on the settlement, particularly from the southern approach, this should be addressed more actively rather than no landscaping at all.
- 4.24 The mass of buildings proposed along the southern edge of the site is too large a block. This would be better if the buildings were physically broken down into smaller blocks (rather than connected car port arrangements) – perhaps dwellings in groups of no more than three or four. This would be more reflective of the block sizes and layouts experienced in the nearby properties of Great Broughton.
- 4.25 The DAS did not identify footpath links to the village from the development which was stipulated as a requirement of the development in the Allocations DPD. How is this going to be provided and where?

- 4.26 The setting back of the frontage development is good and reflects the building line of the adjacent existing properties in the village. This also creates an attractive landscape feature of the development.
- 4.27 The gradually reducing courtyard approach to the lay out has its benefits and drawbacks. Benefits are that it allows for a sense of community with enclosed public space within the development. However, this does create significant areas of hard standing which perhaps does not reflect the more rural character of the setting the proposal finds itself in. A reduction of this hard standing should be sought, perhaps with some softer landscaping solutions which in turn will enhance the appearance of the development.
- 4.28 Parking needs to be strictly designed and managed within the design layout. The courtyard approach will encourage non-designated parking for residents and visitors alike and may cause a cluttered appearance within the development with cars parking on the highway areas.
- 4.29 In terms of design, materials and overall appearance, affordable housing should be incorporated seamlessly into the development to ensure a co-ordinated design solution to the development.
- 4.30 I am unsure about the protrusion of Plot 15 to create an element of enclosure for the two proposed courtyards to the rear of the site. Perhaps this could be better achieved through some thoughtful landscaping, perhaps creating a square with communal open space in the centre which is both overlooked and secure and capable of providing some local play facilities, if so required.

Network Rail

- 4.31 No observations.

Environment Agency

- 4.32 We have assessed this application as having a low environmental risk. Due to workload prioritisation we are unable to make a full response to this application.

Northumbrian Water

- 4.34 Wish to see a condition imposed that requires details of the foul flows from the development submitted to and approved by the Local Planning Authority.

Police ALO

- 4.35 The crime and anti-social behaviour reports for this very small village shows that in the last 12 months there has been a total of 32 such reports, which for the few streets of Great Broughton, is higher than expected.
- 4.36 I would therefore recommend that this site obtains *Secured By Design* certification and ask that this be made a condition of Planning.
- 4.37 In this application there is no mention of crime or the fear of crime, both material planning considerations, or how they are to be addressed
- 4.38 I would recommend that the perimeter fencing to the south and west should be robust fencing 1.8m high, usually close boarded fencing.
- 4.39 Recommend that all the car ports be replaced with a garage.

- 4.40 The cars once parked under the car ports are vulnerable to being attacked at night as they cannot be seen by either the householder, or by the neighbours, but is open to anyone walking off the road to reach it.
- 4.41 A window on the gable end of the house under the car port would usually address this issue to a certain extent, but a window here would also be vulnerable to attack for the same reasons. So on a balance of probabilities, although neither is desired, I believe that a householder would rather have their car be broken into than their house. So a window cannot be placed here to alleviate the problem.
- 4.42 One of the most important points here is that the car ports give an easy way through into the rear garden where houses can be easily burgled without being seen. This is especially the case here where the houses with car ports cannot be viewed by other neighbours from their houses.
- 4.43 I would recommend that the rear courtyard parking surrounded by Plots 20,21, 24 which give rear courtyard parking should be completely re-designed, bringing the vehicle parking within the curtilage of the house.
- 4.44 To reduce the fear of crime and crime itself, it is desirable for owners to be able to view their vehicles from where they live. Not as in this case be isolated from their homes. Where places such as this are isolated there is no '*capable guardian*' to deter crime.
- 4.45 With regards to football being played in this rear courtyard, the anti-social reports for this village shows that the reports peak at between 4pm and 7pm which would indicate that children may be responsible for such reports.
- 4.46 I recommend that the rear garden fencing should be 1.8m high to protect the rear garden from intruders. The intermediate fencing should be 1.8m high where it attaches to the rear of the house and extending out from the house approx. 3m as a privacy screen. This and can then be reduced to 1.2m high with a 600mm trellis on top, or can extend the 1.8m fencing throughout.
- 4.47 There should be fencing between the houses to prevent persons being able to gain entry into the rear of the garden via access from the side of the house. The fence should again be 1.8m high minimum, and if a gate is required in it then it should be a lockable gate.
- 4.48 There should also be external lighting covering external doors, car parking areas and car ports. The lighting should have low energy consumption bulbs, and the light should be activated by a switched photo electric cell, (dawn to dusk).
- 4.49 I would recommend that the glass fitted into ground floor windows and glass adjacent to doors be 6.4mm laminate glass.

Councillor Margaret Skilbeck

- 4.50 I am concerned that this could be a much better designed site and dwellings. My comments on this application are:-
- a) Need maximum car parking standards in this rural location plus visitor parking, not enough car parking submitted
 - b) Car parking for plots 7 & 8 stick out into the access road
 - c) Play area not been incorporated
 - d) Plots 1-4 need separating – too dense on frontage of site

- e) Plots 7-12 need separating – too dense an arrangement
- f) Very large expanse of hard surfacing for road access at rear of site - e.g. 18m between plots 16 & 21 and also between plots 14 & 23. Needs less hard surface and more landscaping in front of properties.
- g) More landscaping needed on Southern and Western sides
- h) Access road into site not wide enough – only 2.8 m not wide enough for 2 vehicles.
- i) Footpath across front of site to South needs footpath providing on High Street
- j) Some bungalows needed amongst the dwellings

Environmental Health Officer

4.51 No comments to make in respect of the application.

Publicity

4.52 The application was advertised within local press, by site notice and directly to the neighbouring residents. A petition against the application containing 90 signatures and 11 individual objections were received in response to the original proposal, which are summarised as follows:-

Principle of Development

- 1) There is no “need” for 25 or even 20 dwellings in Great Broughton in one single location.
- 2) The proposal for 25 dwellings is 25% above the strategic land availability assessment which determined that the area could accommodate up to 20 dwellings.
- 3) A development of 5 affordable houses and 5 additional properties would better reflect the character of the village.

Design & Density

- 4) The type of housing is completely incompatible with a small country village.
- 5) The density does not reflect an edge of village characteristic and is out of character with the surrounding properties which are generally larger type dwellings with proportionally larger plots.
- 6) The size of the development is enormous compared to the size of the village and will overpower the existing area.
- 7) The current plans show a density of 30 houses per hectare (ie 25 house on the 0.6 ha site), which is far greater than anywhere else in this rural village. The low cost housing opposite the site has considerably more garden space and the properties are more sensitively spaced. As a result of this compact design the visual impact is decidedly urban in character.
- 8) The proposed density of the development is more akin to an urban rather than a rural one and reflects circa 40 dwelling per hectare, CP9 is clear that the development should reflect the nature and character of the location. This is not

the case with an “urban” style development at an edge of rural village location.

- 9) The proposed development makes use of an internal courtyard concept and seeks to support this by stipulating that it is in character with the rest of the village. Within the village there are no internal courtyard developments of this size.
- 10) Such an “internal” courtyard and associated car parking will cause significant noise pollution and disturbance at unsociable hours.
- 11) The plans as drawn give little indication of building material construction type. The village in this location is predominately traditional stone construction with some elements of suitable empathetic development. The building materials should be natural stone and quality brickwork.
- 12) There is a distinct lack of soft and tree planting indicated on the plan. This is at extreme odds with the general character of the village.
- 13) 15no dwellings would be more appropriate.
- 14) This development is a stepping stone to urbanisation. It will erode any traditional value of this rural village. It is this character which has attracted professional people who have done well in their lives and have aspired to live in a traditional English village.

Affordable Homes

- 15) Local housing needs are to a large extent already met.
- 16) The latest data is from 2008 which is substantially outdated and does not support Policy DP15.
- 17) This percentage of affordable houses is creating a council estate on a rural village site. Another concern is that Broadacres will house people from other areas not just from the village itself.
- 18) The principle of “low-cost” housing is to allow local residents to purchase houses local to their work place. Where is the work-place within the Broughton/Kirkby district? The nearest is the industrial estate at Stokesley.

Protecting Amenity

- 19) The northern end of the development would be far too close to the boundary lines of nearby properties, seriously affecting their outlook and privacy.
- 20) The proposed dwelling would look into neighbouring properties and their gardens.
- 21) The estate roads will allow vehicles to light up our downstairs rooms (122 High Street).

Ecology

- 22) Request that all hedgerows and trees that form the boundary to the development plot be protected immediately through Emergency Tree Preservation Orders and other binding orders to prevent unnecessary damage.
- 23) The wildlife survey omits to mention the owl bird-life which we are in a fortunate position to enjoy. This development will also destroy the nesting habitat for the owls which will be another travesty of expansion on green belts.

- 24) At the rear of the site is an area where rare and endangered species of birds of prey are bred. The noise from the building and subsequent inhabiting of this estate will seriously jeopardise the breeding success of these birds.

Highway Considerations

- 25) I am aware that a traffic report has been done for this stretch of road, but considering it was carried out in February I would suggest it that it is not a reflection of the true state of the traffic. For much of the year volume of traffic and speeds are much greater.
- 26) The traffic survey should have been carried out during the summer when there is a continuous stream of coach tours, cars towing caravans, motor homes and motor cycles.
- 27) Totally unconvinced by the figures given in the survey and even the report suggests that a more detailed traffic survey should be determined.
- 28) Helmsley, a priority T-junction will prove to be a manmade bottle-neck and will escalate the traffic problems in the village to periods of complete standstill.
- 29) The High Street bottleneck has not been taken into account. So that is then two bottlenecks – one created by this development and the second which is due to the very nature of what Great Broughton is; a village with a village high street.
- 30) There would be real hazards with vehicles joining the main road on the blind side of the curve near Broughton Grange Farm, as most traffic (including many HGVs) already enter the village at or above the 30 mph limit.
- 31) The High Street is already seriously congested much of the time. It will be particularly important to design the access to the High Street with great care.
- 32) It is vital that there is very adequate and uncongested car parking space within the site.
- 33) The village cannot cope with the existing level of traffic. Additional traffic movements will make the village more dangerous.
- 34) The proposed entrance to the new building development is nearly opposite to a farmtrack. This land is farmed by two farmers one for crops and one for livestock. The tractors have to swing out so that they can get their tractors to turn, this could be extremely dangerous with the extra volume of traffic. In the summer the farmland entrance is very busy the tractors are in and out leading hay. Combiners also use this entrance to combine and lead the harvest.

Car Parking

- 35) Two parking spaces per house may be adequate for many households, but bearing in mind several of the houses are 4/5 bedrooms, it is not unreasonable to suppose that there will be need for overflow. There is currently no room for overflow car parking and the road outside the development cannot safely support parked cars.
- 36) Two parking spaces to a 4 bedroom house is not sensible as children within the house will need transportation and provision should be made of at least 3 spaces for any dwelling with 3 bedrooms and above.

Security

- 37) Carports are an open invitation to burglars.
- 38) Can the number of police officers available cope with the extra area and people to cover?

Drainage & Flood Risk

- 39) The existing sewage treatment facility is unable to cope with further development load on its treatment capacity, having reviewed the response from Northumbrian Water to the proposed development they are quite clear in their view that the existing system and treatment plant cannot cope with additional volumes.
- 40) A development of this size will significantly impact on the drainage within neighbouring gardens. Detailed measures to address drainage should be submitted before planning permission is granted.
- 41) Finished floor levels should be adjusted to minimise flood risk.
- 42) Surface water run-off is a particular concern. The proposal seeks to collect surface water and route this directly to the adjacent stream. This will place significant strain on the system which already struggles during times of prolonged rain/snow and would inevitably cause flooding within the village further down stream so affecting properties and infrastructure. Should the development be reduced to a more appropriate level (10 dwellings) then this matter could be addressed through natural means.
- 43) During the heavy rainstorm of 27 June 2007 the surface water drains along The Holme opposite Town Green Drive could not cope and the water pressure lifted the road manholes and discharged across the road into the beck. After this incident 3 additional discharge points were installed into the beck to alleviate this problem. These discharge points, tree roots and the weirs installed in 1976 are now creating a great deal of turbulence at full flow and eroding the beck bank. Large boulders have fallen into the beck from the bank side causing more restrictions to flow. This large new development also discharges surface water into the Holme Beck further erosion will take place and increase the risk of more flooding of Town Green Drive properties.
- 44) The proposed location of this housing development has an inherent problem with flooding. There is a significant "sinking" noticeable in one part of the field in particular.

Other Considerations

- 45) Is the developer not aware of the current downturn in the housing market?
- 46) A development of this size will cause significant stress on the existing infrastructure.
- 47) Unaware prior to this application that the Council had allocated the site for new housing.
- 48) How will the electricity network cope with additional demand? Similarly no consideration has been made for telecommunications.
- 49) BT telephone and broadband needs to be addressed. BT vans are constantly in the village dealing with problems. 25 more dwellings will create serious problems.

- 50) Will reduce house prices.
- 51) The local school is already over capacity and more housing can only make this worse for local residents.
- 52) Light pollution so close to the national park would be inappropriate.
- 53) The application does not show the 25 additional oil tanks needed for heating (or even Calor-Gas). Are they planning on underground oil storage systems?
- 54) The number of houses within Great Broughton that have been approach to comment in connection to this development is an insult.
- 55) Allowing such a development as proposed on part of the field would set an undesirable precedent for further expansion in the future. As the village building limits have been redrawn to allow this particular housing application they might well be changed yet again.
- 56) Household waste – can the current workforce cope with the extra work and can the waste disposal sites used by Hambleton cater for the increased material for the landfill.

5.0 OBSERVATIONS

- 5.1 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 5.2 To this end, the application site is allocated within the submitted LDF Allocations Development Plan Document as Policy SH3. This site is allocated for housing development in Phase 1 (up to 2016) subject to:
 - i) a density of approximately 30 dwellings per hectare resulting in a capacity of around 20 dwellings (of which a target of 50% should be affordable);
 - ii) type and tenure of housing meeting the latest evidence on local needs;
 - iii) the site layout being towards the road frontage to avoid those areas near to Holme Beck which are susceptible to flooding;
 - iv) access to the site being from a single point onto the B1257;
 - v) provision of a footpath linking the site to the village;
 - vi) on-site provision for all car parking requirements;
 - vii) the developer may also be required to contribute to overcoming any capacity issues at the Sewerage Treatment Works as a result of the development and upgrading the potable water network if necessary to enable a suitable supply be made available to the new development; and
 - viii) contributions from the developer towards providing additional primary school places and increased or improved access to local healthcare facilities.
- 5.3 The consultation period is ongoing and a number of key issues have arisen, namely: design, density, impact on local infrastructure, impact on neighbouring residents, highway considerations, car parking provision and drainage.

- 5.4 The applicant is aware of consultation responses received to date and has expressed a commitment to redesign the scheme in an effort to address any valid concerns. Amended drawings are awaited with an expectation that they can be considered at the 21st July Planning Committee meeting.
- 5.5 The proposed development represents a significant development for Great Broughton and therefore Members are invited to give early consideration to the emerging issues.
- 5.6 In addition, there is a comprehensive policy background to be appraised prior to the determination of this proposal, as identified above, and a range of consultation responses to be considered which, many of which are still awaited or have requested the submission of additional information.
- 5.7 It is considered that an early inspection of the site and surrounding area by members of the Committee, and local members as appropriate, would be beneficial in ensuring a full and transparent determination of the scheme.
- 5.8 It is, therefore, recommended that members that the application be deferred and reported back to the Committee as soon as an appraisal and consultations have been completed.

7.0 RECOMMENDATION

DEFER

4.

11/00782/FUL

Revised application for the construction of a replacement dwelling with detached garage/store.

**at 23 Enterpen Hutton Rudby North Yorkshire TS15 0EL
for Mr M Van Geffen.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site includes a plot fronting Enterpen. It is 26 metres wide and 59 metres deep, with a substantial further informal garden area beyond, approximately 46 x 80 metres. On the site there is a C20th bungalow, set approximately 29 metres from the road. The land rises noticeably from the roadside towards the rear. Along the frontage of the site there is a line of garden trees. On the further part of the site there are some substantial trees of forest stature. To the north-east, the neighbouring house (no 21) is a modest 2 storey house, the end of terrace of mostly larger two storey houses, set back approximately 15 metres from the roadside.

1.2 At the rear of 21 is a small courtyard enclosed by an outbuilding, with access through an archway to a garden area beyond, on higher land. Towards the rear of the plot, the common boundary is a 2 metre high interwoven fence. Alongside the house, there is a group of conifer trees, with a hedge/garden planting running towards the road.

1.3 The neighbouring property to the south west (no 25, Enterpen House) is a one and a half storey house on a large plot, set back from the road frontage by approximately 43 metres. There is a large mature tree in the front garden and other garden trees along the boundary. Further to the south west, the subsequent houses along this part of Enterpen are mostly substantial and detached.

1.4 The proposal is a single detached two storey house to replace the existing bungalow. The front part of the proposed two storey house is approximately 8 x 15 metres, arranged to a broadly traditional design with vertical sliding sash type windows, stone parapet and kneeler features. There is an attic storey with roof lights on the front elevation and rear elevations. At the rear there is wing 9.7 x 10 metres, with roof lights serving an upper room.

1.5 A garage structure with a timber frame, natural slate roof and timber boarding to sides and rear and an open front and an enclosed garden store area at the rear is proposed. The garage is to be located beyond the rear of the house.

1.6 As submitted this proposal was set approximately 26 metres back from the frontage. Following discussions between the applicants and the neighbour at no 21, this position has been moved forward to approximately 20 metres from the road frontage.

1.7 The proposal is a revision of a previous application ref 10/01117/FUL, refused and dismissed at appeal. Comparison with the previous proposal are shown on plan 1363/6A Rev A. shows the present proposal to be 0.6 metres lower in ridge height, rear wing single storey (2.4 metres lower) and house 1.5 (average) metres further from the boundary with the neighbour at no 21.

2.0 RELEVANT PLANNING HISTORY

2.1 10/01117/FUL Construction of a replacement dwelling with detached garage/store. Refused 12.08.2010. Appeal dismissed.

2.2 10/01118/CON Application for Conservation Area Consent for demolition of existing bungalow and garage. Refused 12.08.2010. Appeal dismissed.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Parish Council - Recommend approval.

4.2 NYCC Highways - conditions requested.

4.2 Neighbours and site notice - observations received from three addresses.

i. from Enterpen House (commenting upon the initially submitted scheme) This revised application should not be approved. Planning Inspector refused appeal because of detrimental effect of bulk of house on surrounding area. House still of similar height and although house now sited further back to be approximately in line with front of existing bungalow, it will have the same impact from Enterpen as previous and will have same impact on neighbouring properties. Would have no objection to footprint being enlarge providing new dwelling more modest height and no more than two floors.

ii.) Comments have been received from neighbouring owner and separately from the occupier of No 21 initially objecting to the proposal but following amendments state

Proposed plans a significant improvement on previous submissions, which were objected. In principle satisfied with proposed position and size of the new house.

The new proposals are an acceptable compromise. Whilst privacy will be affected, and there will be a negative impact on sunlight in courtyard area there is reduced impact on rear garden by bringing the house forward. Acknowledge and welcome fact that footprint is being moved forward towards the main road and height has been reduced at the rear. In summary, no objection to latest proposal for 23 Enterpen. Would however vigorously object to any future extension and request clear and strict rules prohibiting any future extension in height or great footprint. The owner confirms that if house is built in position now proposed, no objections.

5.0 OBSERVATIONS

5.1 The proposal is a replacement of a single dwelling within the settlement limits of a service village and is acceptable in principle. The main issues therefore will be the design of the proposal (DP 32) with particular reference to its scale volume and massing, positive contribution to the townscape, and respect for the Conservation Area surroundings and neighbouring buildings; the impact of the proposal on the amenities of neighbouring occupiers, together with any highway issues.

5.2 Size and design

The proposed building is fairly substantial being two stories, occupying a significant proportion of the width of the site. Adjacent buildings are lower two storey (at 21) and dormer two storey (Enterpen House) respectively. In this vicinity however there are a wide range of dwellings some of them quite substantial, and some closer to the road. Overall therefore the type of two storey dwelling proposed is not inherently out of keeping. Design detailing is traditional in style, with vertical sliding sash style timber windows, stone copings to parapet,

brick materials and natural slate roof, which together will reflect the historic traditions of the village and is suitable for the position in the Conservation Area. Within the streetscene the house is set back slightly from the house at 21, and the impact of the contrast in height will be mitigated in this way, particularly taking into account the greater separation and lower overall height now proposed and lower floor level compared with the previous proposal and the existing bungalow.

5.3 Amenities

With regard to no 21, privacy is largely preserved by the use of obscure glazing the first floor rooms and second floor gable window. The window in the east gable wall at first floor level serves a landing and at second floor level serves a bedroom. Ground floor windows on this side are mainly ancillary spaces: cloakroom, study and utility. Direct loss of privacy will therefore be minimal. With regard to other amenities such as light and outlook there will therefore be some effect on sunlight reaching this property. As indicated on the submitted plans, removal of some existing conifer trees on the boundary will allow direct southerly light into the yard, though this will be lost as the sun moves round. The affected house has a garden area to the rear, at a higher level than the house, and extending beyond the line of the proposed building. Whilst there will be a limited impact on outlook from the garden, the predominantly single storey roof now proposed will result in there being an open aspect to the south west from the garden and the proposed house will not appear unacceptably overbearing.

5.4 With regard to the effects on Enterpen House which lies to the west, due to its set back position, the key impact of the proposed house will be on the front approach to this property, where the general ground level of No 25 is lower than the application site. There is a significant separation distance of 18 metres at the closest point between the properties. Although the proposed dwelling will be a new feature in clear sight of the front windows of no 25, the property will not be unduly overbearing on outlook. A bedroom window at both first and second floor level in the west gable would have potential to overlook No 25 and an obscure glazing condition is appropriate. Dormer windows will remain on the west elevation of the rear wing, however taking into account the generous distances between the properties, and the slight overlap with the blank gable of no 25, there will be minimal harm arising. Windows on the rear elevation of the main part of the front of the house will look north-west and due to the offset from no 25 will not result in undue loss of privacy.

5.5 The proposed garage structure is discretely located at the rear of the house and will not have any harmful effects on the streetscene or the amenities of neighbours.

5.6 The proposal uses the existing access and no significant road safety issues are raised by the Highway Authority and the proposal is acceptable in this respect.

5.7 Appeal Decision to 10/01117/FUL

In relation to the effect on the Conservation Area, the Inspectors decision makes reference to the effect of height and massing emphasised by dormers, width, and siting, leading to a bulky and overly dominant appearance. As amended the height is reduced and the emphasis to the roof height given by the dormers is eliminated. By reducing the width of the house, a greater separation is achieved from no 21, reducing the effect of the sharp difference in height. The impact is more consistent with other dwellings nearby and it is considered that although the siting remains similar the overall effect is a more modest dwelling that does not have the same harmful effect in the Conservation Area surroundings.

5.8 With regard to living conditions in nearby properties, the Inspectors concerns in relation to no 21 focussed on light to the Courtyard, and made reference to the long rear projection and large and bulky roof on the rear element, together with proximity. The proposal now has a greater separation, with a less overbearing effect, by reduction in the main ridge height and a very large reduction in the height of the rear projection. The new proposal retains broadly the same position, but taking into account the decreases in height as mentioned previously and the specific preference of the neighbouring occupiers for this position it is

considered that the concerns of the Inspector on this account are sufficiently overcome to make the scheme acceptable.

5.9 Concerns of neighbouring occupiers.

Regarding the effect on no 21, there has been specific confirmation that the owner there prefers the present proposed location, and the occupier has confirmed (verbally) that this view is shared. Although compared with the existing bungalow the proposed house will have a greater effect on sunlight there, the lower rear wing and openness of the rear garden is preferred and overall the scheme is acceptable.

SUMMARY

The proposed design and siting of the proposed dwelling is considered to relate satisfactorily to the neighbouring dwellings and will complement the range of type and sizes of dwellings in the vicinity and be appropriate in design to the character and appearance of the Conservation Area and is able to comply with the above policies.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 1363/2 E, 1363/3D, 1363/1F received by Hambleton District Council on 13 April 2011 and 1 June 2011 unless otherwise agreed in writing by the Local Planning Authority.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
5. The windows on the north east and south west elevations above ground floor level shall at all times be glazed with obscured glass and the extent and method of opening shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority.
6. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
7. 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.

8. 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.

9. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 8 above.

10. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 1363/1E. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

12. No part of the existing front boundary hedge along the south east boundary(ies) of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1.5 metres other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.

The reasons for the above conditions are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) 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.

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 the Local Development Framework Policies CP1, DP1, CP17 and DP32.

6. In the interests of the amenities of neighbouring occupiers.

7. To ensure that the development is appropriate to environment in terms of amenity of the surroundings and of neighbours, in accordance with Local Development Framework Policy DP 32.
8. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
9. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
10. In accordance with policy number CP1 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.
11. In accordance with policy number CP1 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
12. 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.

5.

11/00783/CON

Revised application for Conservation Area Consent for demolition of existing bungalow and garage.

**at Treeform 23 Enterpen Hutton Rudby North Yorkshire
for Mr M van Geffen.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site includes a detached bungalow constructed of brick with a sweeping slate roof on a plot approximately 26 x 59 metres, within Hutton Rudby Conservation Area. The land on which the bungalow is sited is slightly elevated from the road. Immediately adjacent properties are a two storey end terrace house, and a detached one and a half storey house, set back from the road, on ground lower than the bungalow. This part of Enterpen is residential with houses of a broad range of sizes and design, and positioned at distances from the road. The area is characterised by a good deal of natural looking woodland at the rear of the houses and various garden and larger trees in some front gardens.

1.2 The proposal is to demolish the existing bungalow. The work is proposed in connection a proposal to construct a two storey dwelling roughly T shaped and positioned over the site of the existing bungalow.

2.0 RELEVANT PLANNING HISTORY

2.1 10/01117/FUL Construction of a replacement dwelling with detached garage/store. Refused 12.08.2010. Appeal dismissed.

2.2 10/01118/CON Application for Conservation Area Consent for demolition of existing bungalow and garage. Refused 12.08.2010. Appeal dismissed.

3.0 RELEVANT PLANNING POLICIES:

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

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

Development Policies DP28 - Conservation

4.0 CONSULTATIONS

4.1 Parish Council - Recommend approval

4.2 Neighbours and site notice - Observations received from 2 addresses which refer to the Inspectors report and support the view that approval to demolish should not be granted until such time as planning consent given for replacement dwelling and reiterate issues raised in respect of the planning application.

5.0 OBSERVATIONS

5.1 The main issues are the amenities the building provides to the Conservation Area, and the value of the replacement building to the surroundings.

5.2 The Conservation Area in this vicinity and on this side of the road is characterised by a mix of housing, mostly traditional in type, and mainly two storey, set against the background of mature trees. The bungalow does not harm the character of the area and does not

dominate the scene mainly due to its low ridge height and set back position. However a single storey property is out of character and it can not be considered to make a significant positive contribution to the character of the Conservation Area. The removal of the structure and leaving a space in the street could not be shown to cause harm to the streetscene that would justify a refusal to demolish where a replacement of acceptable detailing is proposed.

5.3 As now proposed the replacement house is broadly traditional in character, with brick materials and traditional detailing and in the context of the local streetscene will be in keeping with the character of the Conservation Area.

SUMMARY

Taking into account the proposals for redevelopment of the site the proposed demolition of the buildings will maintain the character of the Conservation Area and are able to comply with the above policies.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The demolition of the building shall not commence until a contract for carrying out of works of redevelopment of the site is made and planning permission has been granted for the redevelopment for which the contract provides, and the redevelopment shall be commenced within 3 months of the commencement of the demolition.

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 accordance with Section 17(3) of the Planning (Listed Building and Conservation Areas) Act 1990 and to ensure that provision has been made for the adequate redevelopment of the site and in accordance with Hambleton Local Development Framework Policies CP16 and DP28.

6.

11/00890/FUL

Revised application for the construction of five dwellings. at Land Off Deepdale Hutton Rudby North Yorkshire for Kebbell Homes.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is a roughly square plot 36 x 36 metres, with an additional 20 x 25 metres on the east side forming a short L shape. The land has previously been part of a domestic garden associated with 16 North End, to the east.

1.2 To the west of the site, there are bungalows on the north side of Deepdale, and a mix of single and two storey development on the south side of the road. To the north, the site is bounded by 15 and 16 Northfield and by the rear garden to no 18 North End. 15 and 16 Northfield are two storey houses, on slightly higher land.

1.3 The surface of Deepdale is block paved, and is under the control of North Yorkshire County Council. To the south, the site is bounded by a well developed hedge with a pedestrian right of way beyond which gives access through to North End.

1.4 The north boundary is a mix of hedge and fencing along the rear of properties in Northfield. There are two mature sycamore trees in the boundary with no 15 Northfields, and other mature trees in the boundary with 18 Northfields. Within the site there are other garden trees, the most notable being an old apple tree at the east end. Part of the east end of the site is within Hutton Rudby Conservation Area.

1.5 The proposal is consent for 5 dwellings with access from Deepdale. The houses are arranged in a cul de sac form, with a pair of semi detached houses (Plots 1+2) and one detached (Plot 3) on the north side and two further detached houses (Plots 4+5) on the east end. All are two storey. There is a double garage and parking spaces on the south side of the access road.

Plots 1 and 2 are two bed, and have simple pitched roof porches on the front, and decorative string course. Parking is provided alongside plot 1, and opposite, for plot 2.

Plots 3 and 4 are four bed, and have double front design with central doorway and bay windows to ground floor. Plot 3 has parking in a double garage plus hardstanding for two cars, opposite. Plot 4 has a double garage and hardstanding to the front (offset).

Plot 5 has a short gable at the front, a canopy porch over a set back doorway, and an integral garage. At the rear there is a single storey flat roof projection.

Materials are brick walls and pantile roofs, throughout.

1.3 Plots 1-2 are affordable dwellings with an arrangement for them to be managed by Broadacres Housing Association.

1.4 A Planning Obligation under Section 106 is proposed to secure the affordable housing, and additional £36,000 commuted sum in relation to additional need for affordable housing, and a £17640 commuted sum for off site provision of improvement of Public open space, Sport and Recreation facilities is proposed.

2.0 RELEVANT PLANNING HISTORY

2.1 08/01785/OUT Outline application for the construction of 6 dwellings. Withdrawn.
29.07.2008

2.2 08/03467/OUT Outline consent for the construction of 6 dwellings. Granted 13 October 2008 (this site was the main part of the site of the current proposal, without the additional L shape on the east side).

2.3 10/01119/FUL Alteration and extension to existing house and construction of attached new dwelling with garages at 16 North End.

2.4 10/02689/FUL Construction of 7 dwellings Withdrawn 13.05.2011

3.0 RELEVANT PLANNING POLICIES:

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

Development Policies DP15 - Promoting and maintaining affordable housing
Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP9 - Development outside Development Limits
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Development Policies DP37 - Open space, sport and recreation
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP43 - Flooding and floodplains

4.0 CONSULTATIONS

4.1 Parish Council – The Council wishes to see the application refused for the following reasons:

Over development of land - please see BG5 in Hutton Rudby VDS

The access is inadequate for the number of vehicles which will be using it and the Council has concerns about the impact on the residents of the sheltered housing through which all this traffic will have to pass.

The development of three 4 bedroom houses is inappropriate and out of character for this area.

A development of smaller scale low cost housing would be more acceptable

There is insufficient space allowed for parking in the development.

4.2 NYCC highways - (No objections made). Conditions requested.

4.3 Northumbrian Water - No objections.

4.4 Site notice posted and neighbours consulted expiry

Objections –

1. 4 bedroom family homes out of keeping with the aged persons bungalows in Deepdale. Privately owned terraced bungalows would be preferred.
Additional traffic unacceptable. Query access for dustbin lorry and emergency vehicles.
Retaining wall will be required to protect higher land at 16 Northfields.

2. Comparison made with the smaller (80 -83 sq metres) dwellings indicated on the outline application ref 08/03467/OUT and noted as being acceptable in report. This proposal 91, 183, and 205 sq metres respectively, and not in line with the approved proposal.
Dwellings at plots 3 4 and 5 totally out of keeping with surroundings due to their size.
Cottage style properties like plots 1+2 would be preferred. 4+5 will dominate the Greenbank Terrace houses, which are in the conservation area.

Plot 4 and part house 5 are in Conservation Area and height is out of keeping with local environment. Outline approval did not extend into Conservation area.

Developers sign incorrect.

The proposal will result in the loss of a number of trees, unlike outline consent.

Refuse collection point without turning space for refuse vehicle.

Factual errors on plans.

Pvc windows against the conservation and village design guidelines.

Fire vehicle attending 1+2 would have to use private road belonging to properties 3 4 and 5.

Car parking on access road could hinder incidental parking by visitors at Deepdale properties.

Summary – Reasons should be rejected are contravention of outline consent, inappropriate size, impact on Conservation area and road safety.

3. This is an improvement on the previous application but the houses are still too large to fit in with their surroundings, particularly old cottages in Greenbank Terrace which are in the Conservation Area and would be dominated by such large buildings built so close together.

4. Irrevocable change to nature of village destroying local heritage and green space. Village is saturated in terms of size. Pressure on local services and increase in traffic congestion.

Access roads to narrow, especially for construction vehicles.

In connection with the above, this is an area of older and infirm persons – additional traffic a hazard.

Car parking for existing residents and visitors is restricted. This issue likely to be intensified as families grow.

Drains and sewers not able to cope at present.

Surrounding homes will be hemmed in on all sides by overbearing development reducing attractiveness and amenity.

Applicants will not retain long term interests in the area.

Access should have been from North End, before new house(s) there.

5. Affordable housing should be bungalows, next to existing (ref to need in Village plan)

Query why parking for house could not be on plot. Lack of visitor parking.

Is previous tree report taken into account.

Retaining wall required at back of 15 and 16 Northfields.

Query stated no of replies to prior consultation.

Query regarding overlooking of bungalows by two storey housing.

Existing trees should have protection order. Occupiers will want to remove branches with likely imbalance and stress to trees as a result. Plots 1 and 2 will be too close and damage to trees or drains will result.

6. Object to development extending into the Conservation Area. Concerns of neighbours regarding size of the properties is supported. Two (North End) already constructed are huge, and if repeated will dominate this small area. Too many houses for too small a plot. Not appropriate to traditional village.

5.0 OBSERVATIONS

5.1 The site is within the development limits of a service village (CP4) and the principle of some infill development is acceptable.

Issues to be considered will be whether the proposed level of affordable housing is appropriate (CP9, DP15), design (CP17 DP32) influence on the Hutton Rudby Conservation Area, (CP16, DP28), amenities of neighbouring occupiers (CP1 DP1), provision for public open space (CP19, DP370), and highway safety/parking concerns. Also of relevance are the Building Guidelines of the Hutton Rudby Village Design Statement.

5.2 Affordable housing provision is 2 out of total 5 houses (40%), whereas CP9 sets a target of 50%, subject to negotiation and taking into account viability and the economics of provision. A breakdown of costs was provided with the application which takes into account affordable housing and public open space commitments. Following some negotiation, an

additional commuted sum of £36,000 is to be provided towards the extra 'half' house that is the aim of the policy.

5.3 A Housing Need Survey that was undertaken in Hutton Rudby parish in October 2007 which identified a need to provide alternative accommodation for 22 single people, 16 couples and 1 family. The preferences identified were for a mixture of 2 and 3 bedroom properties of rented or shared ownership tenure. Some of this need may have been met since this period, but it can be assumed that hidden or more recent need will arise in the meantime and there will be demand for the affordable units.

5.4 The house designs utilise local conventions, with traditional brick materials and pantile roofs. Within these parameters string course detailing on plots 1+2, traditional water tabling and kneelers on plot 3 and a modest gable front on plot 5 provide variety and interest and are in keeping with VDS BG3, which suggests that variety in frontages (albeit within large developments) is an important element. Plot 5 includes an additional ground floor area with a flat roof, which is non traditional, it is however relatively modest and carefully designed, and its low profile is advantageous in this proximity to footpath and properties on Greenbank terrace.

5.5 The use of coordinated materials through-out, and a front boundary wall extending across the front of plots 1-3 inclusive will provide a visual links between the properties.

5.6 Brick and pantile garage buildings will provide further consistency of materials, and variety of height.

5.7 There is an existing two storey building in a prominent location close by, at no 18 Deepdale, and two storey buildings in the surroundings at Northfields and North End. In the arrangement proposed, two storey buildings are considered acceptable in principle, subject to considerations of amenity. The smaller two storey houses at plots 1 and 2 will provide a visual 'bridge' between adjacent lower bungalows on Deepdale, and the larger proposed houses at plots 3 – 5.

5.5 Part of the site lies within the Conservation Area. The proposal occupies an area that was previously a garden to a single dwelling. Whilst it was a pleasant open space which was visible from the adjacent footpath, it is not however an area that had particular significance to the Conservation area. In these circumstances provided the proposed houses are appropriate by their designs to the traditions of the area, there is scope for infilling here that will not harm the conservation area or its setting.

5.6 Neighbours most directly affected by the scheme will be occupiers of 15 and 16 Northfields, which will look onto the back of plots 1- 3, occupiers of Northend which will look towards the rear of plots 4 and 5 and occupiers of Greenbank Terrace, which will look towards the side of plot 5.

5.7 With regard to the occupiers in Northfields, the proposed dwellings are approximately 8 metres from the common boundary, and approximately 25 metres between the facing elevations. This is considered a reasonable separation, which is normally acceptable in a built up residential area, and particularly taking into account that the Northfield properties have a slight height advantage of ground levels, is likely to be acceptable.

5.8 With regard to the affected dwellings at North End, the proposed dwellings are separated by approximately 34 metres, and on this basis have sufficient separation not to be unacceptably imposing.

5.9 The side of plot 5 overlaps with the back of 5 Greenbank Terrace. The most affected windows (ie at the westerly end of the rear elevation) are obscure glazed and although other plain glazed windows will overlook the proposed house to an extent, their direct line of sight will be clear of the main side elevation, and any oversight to the proposed garden will be as commonly found in built up residential areas.

5.10 Private garden space is provided that is modest, but sufficient for an adequate level of domestic leisure and service space for future occupiers. Outlook from the front of plot 4 is partially restricted by the gable of its garage, and the side of plot 3 (at 11.5 metres). The largest living room is at the back however, and taking into account sunlight available to the most affected room from the south (particularly via ground floor bay window), this will not unacceptably affect amenities.

5.11 Parking spaces provided allows for 2 off street spaces per dwelling, with additional double garages for plots 3 and 4 and a single garage and further hardstanding for plot 5. The parking for plots 2 and 3 is opposite rather than within the curtilage of those dwellings, it is however in clear sight, and physically convenient and for these reasons is not likely to encourage parking on the highway. A collecting point for bins is shown at the end of the Deepdale extension and access for refuse collection is considered feasible. The scheme has been accepted by the highway authority subject to conditions, and it is therefore considered that overall it is unlikely to result in significant issues of highway safety.

5.12 The proposal does not include public open space, and to fulfil the requirement a commuted sum has been calculated as £17640. The applicants have embarked on the preparation of an appropriate Section 106 Agreement to include payment of this sum, along with commuted sum for affordable housing noted above. The proposed sum addresses the requirements of the Policy and Supplementary Planning Document.

Observations of Parish Council and neighbours.

5.13 The concerns expressed by the Parish Council and neighbours concentrate on 4 main areas, the size of proposed houses in relation to neighbouring houses and the surroundings, the effect on the conservation area, highway issues, and trees.

5.14 With regard to the size of the houses, it has been noted above that there is precedent in the surroundings for two storey houses, and the smaller houses on plots one and two serve as a bridge between the larger houses and the adjacent bungalows so that the juxtaposition is not incongruous. Also noted above is that there is adequate distance between the development and neighbouring properties so that the proposal would not be over dominant. With regard to the specific concerns of BG5, the buildings meet the requirement for reasonable separation and the garden areas are not dissimilar to some others nearby eg Northfield, and are larger than the plots on which nearby bungalows are sited. Overall therefore the standard of space is considered acceptable.

5.15 Plot 4 and part of plot 5 are within the boundaries of the Conservation Area, and as noted above, the design of the houses, particularly the use of traditional brick and pantiles, is broadly traditional in character. They do have Upvc windows, but given their peripheral position on the edge of the Conservation Area, unconnected to the historic axis of the village along the main street and North End, the detailing on the houses will not be an incongruous feature.

5.16 Highway issues are discussed above, and it is established that the layout will not encourage on-street parking that might interfere with the free movement of traffic, subject to the normal standard of considerate manoeuvring and parking. Concerns have been expressed that on-street parking that currently takes place on Deepdale will be inhibited by the development. The proposed scheme continues Deepdale across the front of Plots 1-3 with the same width, and there is scope for occasional on-street parking there if required. Taking into account the reasonable provision of designated off street parking for the proposed houses, there is no reason to suppose congestion on the existing length of Deepdale will result.

5.17 In the nature of things construction traffic may be a temporary nuisance to nearby occupiers; however any damage to the existing road can be made good as required, and subject to a considerate approach by the developers, actual obstruction can be kept to a

minimum. The relatively small no of houses proposed will not result in significant increase in passing traffic likely to disturb occupiers of nearby sheltered housing.

5.18 With regard to trees on the site, most within the site are garden trees without significance within the wider surroundings and would not preclude development. Sycamore trees within the boundary of 14 and 16 Northfields are particularly valued by the owners there. As now sited, the proposed houses achieve a distance of just over 8 metres from the trees (earlier proposal indicated to be approximately 7 metres). Based on the details of a tree report by an independent arborist received in connection with application ref 08/03467/OUT a root protection zone of about 8 metres would be required. Whilst the workings for the development will penetrate the edge of this zone, taking into account the works will be on one side only while the remainder remains undisturbed, this will be acceptable. A Tree Preservation Order is appropriate to protect the value of these trees.

5.19 With regard to other issues mentioned, conditions can ensure that drainage required is met in a way that does not impact adversely on existing drainage services. With regard to the requirement for bungalows set out in the Village Design Guide, in the light of the need for 2 and 3 bed houses established in the most recent Housing Needs Survey, these are considered appropriate. The proposed development does not suggest that digging out will be necessary on the boundary with Northfield, and significant retaining wall is not likely to be necessary. With regard to erroneous information on forms and design statement, these are matters which do not fundamentally affect the proposal and do not preclude a decision being made on the matter now.

SUMMARY

The proposed dwellings are appropriate in tenure, size and design and are able to comply with the above policies.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 101, 107 Rev A, 208, 209 Rev A, 212, 213, 214 Rev A, 215 Rev A received by Hambleton District Council on 28 April 2011 unless otherwise agreed in writing by the Local Planning Authority.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
5. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

6. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

7. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.

8. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 7 above.

9. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(vi) The final surfacing of any private access within «distance» metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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

11. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing 2012 P 101 rev C. Once created these parking 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 details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

13. Prior to the commencement of the development a joint visual inspection of the route to be used for construction traffic shall be arranged with the local highway authority and the developer. Thereafter the developer shall submit a photographic survey and detailed visual inspection of the route to the Local Planning Authority and Local Highway Authority prior to the commencement of the development. No development shall take place until a scheme to secure any repairs to the route to the development caused by construction traffic travelling to and from the development, including programme and methodology, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

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 Policy(ies) 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.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP32.
6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
7. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
8. In accordance with Local Development framework policy number CP1 and in the interests of highway safety.
9. In accordance with Local Development Framework policy number CP1 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
10. In accordance with Local Development Framework policy number CP1 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.
11. In accordance with Local Development Framework policy CP1 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. In accordance with Local Development Framework policy number CP1 and in the interests of highway safety and the general amenity of the area.

7.

09/04149/FUL

Revised application for the construction of a replacement shop, tank room, 2 fuel stations and associated landscaping and parking areas as amended by plans and letter received by Hambleton District Council on 1 December 2010. at Exelby Services Ltd A19 Northbound Services Ingleby Arncliffe North Yorkshire for Exelby Services Limited.

1.0 PROPOSALS AND SITE DESCRIPTION

1.1 Full planning permission is sought to redevelop an existing truck road service area (TRSA) at the Wagon and Horses Service Area / Ingleby Arncliffe serving the A19 Northbound carriageway exclusively. Exelby Services operate a similar service area serving the A19 Southbound 1 mile north of the application site.

1.2 The proposed redevelopment will consist of demolition of the existing Tank Farm, Petrol and Diesel Fuelling Areas, Kiosk and former Little Chef Restaurant and construction of new Tank Farm, Refuelling Facilities Kiosk and improved lorry parking facilities and retaining existing café.

1.3 The site is located on the A19 (T) Northbound carriageway west of Ingleby Arncliffe Approximately 1 mile north of the Tontine, formerly the site of the Wagon & Horses Public House. The site extends to approximately 2.41ha,

1.4 The A19 is a major trunk route within the Strategic Road National Network (SRN) linking Tyneside, Sunderland and Tees Valley conurbations with the A1, M1/M62 east & west coasts and South of England.

1.5 Access to and from the site is only possible via the A19 (T) and the existing diverge and merge slip roads. Vehicles wishing to change carriageways may do so via the interchange at the Tontine to the south and the new interchange at Rounton / Black Swan junction to the north of the site.

1.6 The site lies adjacent the public bridleway along the southern boundary, which forms part of the Coast-to-Coast Long Distance Walk. This bridleway also provides access to the Grinkle Carr Farm Steadings. There is no access from the bridleway into the site.

1.7 The boundaries of the site are formed with mature trees and shrubs, which screen the site when viewed from the southwest and north. The site is open to the east with the long vista closed by the planting along the western boundary.

1.8 The application acknowledges DFT Circular 01/2008 - 'Policy on Service Areas and other all-purpose Trunk Roads in England'. The Circular requires the following minimum level of facilities to be provided at the application site: -

- Open 0800 – 2000hrs 362 days/year
- Limited to a single of two adjoining or inter connected premises.
- Access directly from the road.
- Compliance with existing/future equality legislation
- Fuel for Vehicles
- Hot substantial Food/Beverages
- Adequate seating/tables for customers.
- Free short term parking (Min 2 Hours)

- Free toilets with hand washing facilities.
- Parent/Carer Child facilities with Baby Changing amenities.
- Access to cash telephone
- Parking for caravan/motor home/light vehicle towing trailer (Min 2 spaces)

1.9 These elements have been included within the application.

2.0 RELEVANT PLANNING HISTORY

2.1 2/94/075/0020R - Redevelopment of existing petrol filling station (Granted on 21.06.1994)

2.2 2/94/075/0020S - Construction of a building to house existing fuel tanks (Granted on 03.10.1994)

2.3 2/94/075/0020T - Display of 7 internally illuminated signs and a non-illuminated signs (Granted on 20.12.1994)

2.4 2/96/075/0001N - Construction of a building to house 3 existing fuel tanks and 1 proposed fuel tank and extension to existing sales kiosk to provide storage facilities (Granted on 20.05.1996)

2.5 2/96/075/0001P – Construction of a Café (Granted 20.02.1997)

2.6 09/01941/FUL - Construction of a replacement shop, tank room, 2 fuel stations and associated landscaping and parking areas (Withdrawn on 14.10.2009 due to an unresolved objection from the Environment Agency - absence of a Flood Risk Assessment)

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP12 - Priorities for employment development
 Core Strategy Policy CP15 - Rural Regeneration
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy CP1 - Sustainable development
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP16 - Specific measures to assist the economy and employment
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP34 - Sustainable energy
 PPS1 - Delivering Sustainable Development 2005
 Planning Policy Statement 4: Planning for Sustainable Economic Growth
 PPG13 - Transport (as amended to 2011)
 PPG24 - Planning and Noise (1994).
 PPS25 - Development and Flood Risk 2006

4.0 CONSULTATIONS

Ingleby Arncliffe Parish Council

4.1 We have no main reasons to object. However, the Parish Council still has concerns regarding walkers getting across the new very wide A19.

Local Highway Authority

4.2 The access to the site is taken directly from the A19 Trunk Road which is under the authority of the Highways Agency.

4.3 North Yorkshire Highways would have no objection in principle to the development however we would advise that either the Highways Agency or their agents are contacted for their views and any suggested conditions particularly if any part of the Trunk Road is to be altered as part of the development. There may also be conditions that the Highways Agency may wish to stipulate in relation to construction activities adjacent to the Trunk Road. It is apparent from the submitted details that the architect has been in previous contact with the Highways Agency regarding this development and therefore they should offer the highway recommendation to this planning application.

4.4 As stated North Yorkshire Highways would have no objection in principle to the development however we would advise that there would have to be a public consultation if any works were to be proposed to close of the central reserve adjacent to the application.

Environmental Protection Officer

4.5 On the basis of the results received to date I am happy for development to proceed, however further work is still required in the areas of the site that could not be investigated due to the presence of buildings, fuel tanks etc. The proposals for this additional work will need to be submitted in writing along with a remedial strategy for the site and should be agreed in writing before development proceeds. (These comments were made in respect of the previously withdrawn application ref: 09/01941/FUL).

Environmental Health Officer

4.6 No objection subject to a condition relating to noise attenuation in the form of a bund or barrier.

Highways Agency

4.7 No objection subject to the following condition: "No trading from the proposed development shall take place until the agreed highway works as outlined in the drawings referenced below, by Hansom Architects, have been implemented in full to the satisfaction of the Highways Agency which incorporates all works within the boundary of land under the jurisdiction of the Highways Agency: 6240/D202C – In regards to matters of internal layout with access/egress (Revised April 2011) and 6240/D208 – In regards to matters of internal signage and lining scheme (Dated May 2011). All remedial works shall be implemented through an S278 agreement between the Applicant and the Highways Agency where required, post the satisfactory completion of the Detailed Design Stage (RSA 2)."

Environment Agency

4.8 The proposed development will only be acceptable if the following measures as detailed in the Flood Risk Assessment and drainage assessment are implemented and secured by way of a planning condition on any planning permission.

River Wiske Internal Drainage Board

4.9 The site lies outside the drainage district but the 225mm dia pipe discharges into Salterbridge Stell which is a board maintained watercourse. This will carry the surface water run-off from the site.

4.10 The board welcomes the proposal because the pipe outfall has recently been the cause of some concern to the land owner because of water quality problems.

4.11 From the information submitted it is not easy to see the flow that is to be discharged to the stoll and whether the 225mm diameter pipe will be adequate. Please bear in mind that River Wiske IDB Byelaw 3 applies to Control or Introduction of Water and Increase in Flow or Volume of Water in any watercourse in the District. If there is any increase in paved area then the design greenfield rate of run-off into the drainage district will be restricted at 1.4l/s/ha.

4.12 The board respectfully advises that the pipe be assessed for capacity and defects by survey and CCTV to ensure that it is fit for purpose.

Fire Safety Department

4.13 On further investigation through our mapping systems cannot locate a close Fire Hydrant or suitable open water source (the nearest hydrant being located in Ingleby Arncliffe village, a washout is available on the opposite carriageway but this is not primarily for the Fire Service use).

4.14 Due to the increased risk with the planning application, I would strongly advise at this stage of planning that the water supplies for Emergency use are investigated and if necessary addressed at the Planning meeting (These comments were made in respect of the previously withdrawn application ref: 09/01941/FUL).

Ramblers Association

4.15 No objection to this scheme. However, the adjacent public right of way, of national importance, passes immediately south of the development, they access the A19 onto the road to Ingleby Arncliffe. This is at the widest point, encompassing access to both the service station and Ingleby Arncliffe. The crossing is notorious to walkers, some future incident is inevitable. It is disappointed that the developer / Highways Agency do not use the opportunity to create a narrower, safer crossing some 25m to the north.

Publicity

4.16 Neighbouring occupiers were consulted in writing and a site notice was erected close to the application site. The period for replies expired on 3 February 2010. One letter of objection has been received. The comments made have been summarised as follows: -

a) A request to remove signs on the sliproad to improve visibility when walkers / farm traffic / estate traffic are exiting the Bridleway is not mentioned.

b) A request to improve the left turn from the Bridleway is not mentioned

c) A request for a sign before the sliproad "Farm Vehicles crossing sliproad" is not mentioned.

d) The current drain from the site is only 9" in diameter even with interceptors it is unlikely to take the run-off from this site. Currently the water backs up to the end of the bridleway & soaks gradually away. The drain is almost level & very close to the surface making damage to the pipe by farm machinery inevitable.

5.0 OBSERVATIONS

5.1 The main issues for consideration in the determination of this application relate to the location of new development, highway safety considerations, visual / landscape impact, design, sustainable construction and residential amenity.

5.2 The proposed use is specialist in nature (service station including HGV bunkering facilities and services) which must be located close to the strategic road network. As such, the proposal is considered to be a suitable exception in terms of policies CP4 and DP8.

5.3 Furthermore, the retention and upgrading of this site will continue to provide and offer further employment opportunities to local people. The Council supports the retention and expansion of local employment.

5.4 The proposal offers the requisite services and facilities to operate as an MSA, in accordance with Circular 01/08. The proposed redesign of the site layout will assist in ensuring the smooth operation of these.

5.5 A neighbouring landowner has expressed concern that the proposed layout fails to incorporate measures to improve the relationship of the existing bridleway and the slip road to the application site and removes the marginal strip used by farm traffic as a speed up lane. Improved signage arrangements and an improved left-turn from the bridleway have been mentioned by the neighbour as possible solutions.

5.6 Amended plans have been received showing the Highways Agency's preferred solution of keeping the central reservation open, eliminating the over-wide marginal strip and improving signage on-site.

5.7 The Highways Agency made the following comments with regards to the marginal strip (or speed up lane):-

"If you look at the current site, it can be seen that the area under discussion is fully paved and is essentially an over-wide marginal strip...the over-wide marginal strip appears to be no more than 2 to 2.5 metres wide, which means that the offside wheel of a tractor would be within the nearside lane of the northbound carriageway and therefore would still require vehicles approaching in the nearside lane to have to move out into the offside lane in order to overtake, thus negating any benefit of the tractor accelerating in the over-wide marginal strip. I think there is an argument that the existing arrangement is confusing and could cause drivers to take late evasive action, whereas if the tractor is clearly fully in the nearside lane, drivers would make earlier decisions to move over into the offside lane.

The existing layout is a very unusual arrangement and the development proposal would regularise the situation by creating a marginal strip of standard width and force all vehicles to travel fully within the lane width. Under the general power of improvement provided by Section 62 of the Highways Act 1980, the Highways Agency would be perfectly entitled to move the kerb line in order to reduce the width of the marginal strip without recourse to any statutory procedures."

5.8 The Highways Agency has assessed the proposed access arrangements and has directed the Council to condition that works as outlined and agreed at RSA Stage 1 are implemented under an S278 agreement with the Agency prior to trading taking place on the site. Consequently, no objection to the application can be upheld on highway safety grounds.

5.9 The improved facilities for driver welfare will, by containing vehicles in controlled zone reduce nuisance and damage in the locality, and provide much needed facilities in line with standards already adopted elsewhere, likely to encourage drivers to take a rest and so improve road safety generally.

5.10 In terms of visual and landscape impact, the site is heavily screened along the north, west and east boundaries by mature trees and shrubs. The site is open to the east, looking across the A19, with the long vista closed by the planting along the western boundary. There are several mature trees within the site area, which are to be retained with further planting proposed to enhance and soften the setting of the service station. The new buildings will be grouped deeper into the site thus reducing the site's visual presence. The proposed development is considered to satisfy policies CP16 and DP30.

5.11 The proposed development has been designed to improve vehicular circulation more suited to large HGV's and provide enhanced service and driver welfare facilities as required by Circular 01/08. The scale of the development will be similar to the existing service station on site. Overall the proposal will result in a significant improvement to the site appearance within its rural setting. The proposal is considered to comply with Policy DP32.

5.12 This proposal exceeds the threshold of 1,000 sqm in terms of total size. Therefore, it is subject to the requirements set out in criteria (i) and (ii) of Policy DP34 with regards to sustainable energy contributions and energy efficiency measures.

5.13 The applicant has considered the use of sustainable energy in detail with reference to Policy DP34 and PPS22. The Consulting Engineers recommendations embodied in the final design proposals indicate that there will be a saving of approximately 18% energy consumption per annum without use of renewable energy systems. This approach is considered to be acceptable for the purposes of Policy DP34.

5.14 Policy DP1 stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.

5.15 The closest dwelling to the proposed lorry park is approximately 240m west of the site at Grinkle Carr Farmhouse (Ingleby Estates). The closest residence in the hamlet of Ingleby Arncliffe is over 350m from site. Since the A19 lies between the site and the village, it is considered that the proposal will have no little or no impact on Ingleby Arncliffe

5.16 The lorry park will continue to provide for up to 24 vehicles, which will reduce the need for illegal sporadic HGV parking in the locality.

5.17 In response to the comments of the Fire Safety Department, the installation of a fire hydrant prior to first use of the development will be secured via condition. The applicant is agreeable to this approach.

SUMMARY

The principle of the proposed use is acceptable and the site specific issues, including: highway safety considerations, visual / landscape impact, design, sustainable construction and residential amenity. The proposal therefore accords with the aims and policies of the Hambleton Local Development Framework.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 6240/D202 Rev.C and 6240/D102 received by Hambleton District Council on 7 January 2010 and 1 December 2010 unless otherwise agreed in writing by the Local Planning Authority.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. No part of the development shall be used after the end of the first planting and seeding seasons following the date of this notice, unless the approved landscaping scheme (as showing on drawing no. 6240/D205 Rev.A) 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

5. The land shall not be used for the overnight parking of HGV's until a bund or close boarded barrier has been installed in accordance with a scheme approved in writing by the local planning authority. Thereafter the bund/barrier must remain in place and be maintained to achieve the requirements of the approved scheme.

6. The development permitted by this planning permission shall only be carried out in accordance with the findings of approved Flood Risk Assessment (FRA), drainage assessment. In particular surface water run off shall be discharged only through the existing 225mm diameter pipe draining the site to the east, as described in the drainage assessment.

7. No trading from the proposed development shall take place until the agreed highway works as outlined in the drawings referenced below, by Hansom Architects, have been implemented in full to the satisfaction of the Highways Agency which incorporates all works within the boundary of land under the jurisdiction of the Highways Agency: 6240/D202C – In regards to matters of internal layout with access/egress (Revised April 2011)
 6240/D208 – In regards to matters of internal signage and lining scheme (Dated May 2011). All remedial works shall be implemented through an S278 agreement between the Applicant and the Highways Agency where required, post the satisfactory completion of the Detailed Design Stage (RSA 2).

8. Prior to the final occupation and trading commencing from the site, the energy saving measures contained within the Parsec Green Energy “Pre-Planning Energy Report and Engineering Systems for Exelby Services” Report dated 17 December 2008 shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.

9. Prior to the final occupation and trading commencing from the site, a scheme for the installation of a fire hydrant located within the application site 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.

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 Policy(ies) CP16, CP17, DP30 and DP32..

3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

4. In order to soften the visual appearance of the development in accordance with policies CP17, CP16, DP31 and DP32 of the Hambleton Local Development Framework.
5. In order to reduce noise pollution in accordance PPG24.
6. To prevent increased flood risk elsewhere in the catchment.
7. To ensure the safe and continued operation of the TRN (A19) in the area.
8. 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.
9. In the interests of fire safety.

8.

11/01127/FUL

**Revised application for proposed first floor and two storey extension to side of existing dwelling.
at Stamford House 65 High Street Northallerton North Yorkshire
for Mr John Prest.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This revised application for a first floor and two storey extension to the rear of Stamford House, 65 High Street, Northallerton, is identical in design to the scheme considered by Members at the November 2010 Planning Committee meeting. Additional supporting information has been provided in the form of a daylight/sunlight assessment in regard to the now constructed and occupied apartments at Porch Close to the east of the application site. Three schemes were submitted during the course of considering application 10/01904/FUL, with a first floor and two storey extension incorporating: 1. One large gable to the southern elevation. 2. One smaller gable and an adjoining single storey extension (supported by the LPA). 3. Two smaller gables (refused at November 2010 Planning Committee).

1.2 Additional information has been received on the 14 June 2011 clarifying that the daylight assessments originally submitted are based on the summer scenario (23 June). An assessment of the winter scenario (1 December) has also been supplied.

1.3 The property lies on the eastern side of Northallerton's High Street, opposite the Parish Church within the Northallerton Conservation Area. The property, which is L-shaped, has a commercial use at ground floor on the frontage of the High Street.

1.4 The dwelling is mainly two storey with a small element of single storey at the top of the 'L'. The rear elevation of the property overlooks the rear garden, which extends behind the adjacent properties at 66 and 67 High Street.

1.5 The extension would add a first floor to the single storey element, measuring approximately 3m x 4.9m, and bringing the ridge height to approximately 6.2m. The twin gabled two storey extension would build over an existing patio area within the garden and would have a footprint of approximately 4.9m x 8m, and a total height of approximately 5.8m.

1.6 Materials for the proposed alterations would comprise render, tiles and UPVC windows to match with the existing adjoining dwelling.

1.7 This application is brought before Members of the Planning Committee as the applicant is a member of Hambleton District Council.

2.0 RELEVANT PLANNING HISTORY

2.1 10/01904/FUL - Proposed two storey extension to existing dwelling as amended by plan received by Hambleton District Council on 4 November 2010; Refused 2010.

Reason for Refusal:

1. The proposed extension would cause a loss of amenity to neighbouring residential property by reason of an overbearing effect and increased sense of enclosure to the neighbouring property contrary to the Local Development Framework Policies CP1 and DP1 which require proposals to adequately protect amenity.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP28 - Conservation
Development Policies DP32 - General design
PPS1 - Delivering Sustainable Development 2005
PPS5 - Planning for the Historic Environment (2010)
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

4.0 CONSULTATIONS

4.1 Northallerton Town Council; expires 17.06.11 - Response awaited.

4.2 Neighbours notified and site notice posted; expires 04.07.11 - Response awaited.

4.3 Press Advert; Published:10.06.11; Expires: 04.07.11 - Response awaited.

5.0 OBSERVATIONS

5.1 The issues to be considered include the effect of the extension on the character and appearance of the existing dwelling and the Conservation Area and the impact on the amenity of local residents.

5.2 The dwelling is a simple cottage style partly brick and partly rendered made up of different sections, some of which are larger than others. Ridge heights and eaves heights vary as do the style and size of window openings. A small part of the rear of the existing dwelling is visible from the private footpath connecting Arden Court with the High Street, where the narrow end gable of the dwelling and lean to single storey section are clearly visible. These elements illustrate the simple cottage nature of the dwelling.

5.3 No alterations to the previous design have been put forward to address the reasons for the refusal of 10/01904/FUL, however additional supporting information has been provided. The winter daylight assessment demonstrates shade would be cast to 4 Porch Close with or without the proposal in situ. The summer daylight assessment demonstrates that shade would be cast by the proposal to a good portion of the garden of 4 Porch Close where currently little shading occurs. The summer daylight assessment also compares the afternoon shade afforded by the proposed scheme and by the scheme previously supported by the Local Planning Authority (no.2). The findings demonstrate that the proposed scheme extends the area of shading to the neighbouring property at 4 Porch Close, particularly with regard to the shade cast further into the garden area and the area near the french doors to 4 Porch Close. The scheme is considered to have an adverse impact on neighbour amenity by way of overshadowing, and given that the proposal is unaltered from 10/01904/FUL, remains overbearing to 4 Porch Close, and still brings about an increased sense of enclosure to this property.

5.4 The proposal would be highly visible from the private footpath linking the High Street with Arden Court however it is not considered it would have a harmful impact on the visual amenity of the Northallerton Conservation Area. Taking into account the scale of the first floor extension to the east plus the relationship in terms of daylight orientation of Stamford House to properties to the rear of 63-64 High Street, it is not considered an adverse impact on neighbour amenity would arise.

5.5 Whilst the impact to properties to the rear of 63-64 High Street is negligible the overshadowing, overbearing impact and increased sense of enclosure to 4 Porch Close remains unacceptable and therefore the scheme must fail on this basis.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

1. The proposed extension would cause a loss of amenity to neighbouring residential property by reason of overshadowing, an overbearing effect and an increased sense of enclosure to the neighbouring property contrary to the Local Development Framework Policies CP1 and DP1 which require proposals to adequately protect amenity.

Potto

Committee Date : 23 June 2011
Officer dealing : Mrs B Robinson
Target Date: 14 July 2011

9.

11/01100/FUL

**Revised application for proposed alterations and extensions to three existing dwellings.
at 16 Cooper Lane Potto North Yorkshire DL6 3HQ
for Mr M Whitfield.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site includes a small terrace of three houses, positioned at right angles to the private access road. The houses are numbered from no 16 at the roadside to 20, at the further, south, end. The houses are not quite identical in size, with the breadth of the main elevations decreasing along the row to the south. The houses are rendered and painted with pantile roofs. On the rear elevation they have small rear yards, and there is a common access running along the rear, with further outbuildings on the other side. The properties have single storey flat roof extensions at the rear. The adjacent property to the west is the village hall. To the north no 6 Cooper Lane there are a series of substantial two storey detached houses, with a first floor balcony area on the front elevation.

1.2 The proposal is a two storey extension 4.8 metres deep from the main rear elevation, extending across the back of the row. The proposal extends 1.6m beyond the line of the single storey extension on the rear of No 16. The proposed materials are clay pantiles and art stone copings, and a rendered finish to match existing. The extension has pitched roofs with a trio of gables on the west side. As amended the ridge height of the proposed roofs is lowered slightly in relation to the main house roof.

1.3 The proposal is a resubmission of previously refused application ref 11/00252/FUL, to facilitate a Committee decision, at the request of a Ward Member.

2.0 RELEVANT PLANNING HISTORY

2.1 (20 Cooper Lane) 09/00798/FUL First floor extension to existing dwelling and installation of a roof light and a window. Granted 15.05.2009

2.2 11/00252/FUL Proposed alterations and extensions to three existing dwellings. Refused 14.04.2011

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Parish Council - (expiry 20 June 2011)

4.2 Neighbours and site notice - last expiry 23.6.2011

4.3 Observations received from 2 addresses.

i) (4 Cooper Lane) Support. There was nothing wrong with the original application and nobody objected to that. Comment on approach of HDC.

ii) (6 Cooper Lane) Support. No objection to previous application. Concerns by HDC, about extension to 16 in particular, were effect on lane and outlook from no 6. Fail to see how the

proposed extension will dominate or have impact on the living accommodation, external view and ultimate quality of life, whether now or any future occupants. Comment that would not like to see occupiers of no 16 have to remove from village due to inability to extend.

5.0 OBSERVATIONS

5.1 The main issue is the design of the proposed extensions and any effects on the amenities of neighbours or the surroundings.

5.2 The proposed design is of a traditional form albeit substantially different from the appearance of the original houses and together with the use of matching materials would not look inappropriate in the local context. The lower ridge height in relation to the main roof will help ensure that the development is relatively subservient to the original.

5.3 The most significant potential effect on neighbouring properties will be to No 6 which stands about 9m to the north side of No 16 across the narrow unadopted lane. The range of outlook to the south from No 6 will be affected by the increased length and height of the extension from a low single storey building lean-to roof to a side wall with ridged roof. The effect of the work would be to substantially enclose the frontage of No 6. Although a relationship of a side (gable) wall of a dwelling in relatively close proximity to the front or rear of a neighbouring dwelling is not unusual the change to the character of the residential area in this case, particularly as it relates to the space in front of No 6 and the use of the narrow lane, will be substantial. The impact of closing the space in front of No 6 is to reduce the openness of the space which would harm the character of the neighbourhood. Such a change is contrary to the principles established in LDF Policy CP17 and DP32 and the Council's Supplementary Planning Document - Domestic Extensions.

5.4 It is an established principle in planning law that an occupier does not have "a right to a view" and as such consideration of the impact that the proposed works may have on the view from bedroom windows and balcony of No 6 must be considered not in the sense of the loss of view but on the impact on the amenity due to the proximity of the extended dwellings. Some direct southerly views from first floor windows will be lost but this would not justify a refusal of permission.

5.5 The proposal will have an impact on the amenity of neighbours and the users of the lane which serves other dwellings and the village hall. Although the extension does not cross the entire frontage of the neighbour at No 6 a more substantial part of the frontage of the dwelling at No 6 faces the proposed extended dwelling than is currently the case. The relatively small distance from the front door of No 6 to the extended side wall of the extended dwelling would have an overbearing effect on the occupiers of that dwelling. The impact on occupiers of No 6 would be particularly pronounced when using the ground floor front rooms and when leaving the home. Although the response from the occupiers of No 6 have been received noting their support for the proposal the scheme must nonetheless first be considered on the basis of the adopted policies of the LDF which in this case lead to a recommendation of refusal as set out below.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

1. The proposed extension is contrary to the Policies CP1, DP1, CP17, DP32 and Supplementary Planning Document - Domestic Extension as the scheme would harm the amenity of neighbours and the character of the area.

10.

11/01090/FUL

Construction of a 9 unit supported housing scheme and creation of a new vehicular access.

at Land Former Station House 4 Boroughbridge Road Northallerton North Yorkshire for Broadacres Housing Association.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning permission to construct 9no one-bedroom apartments (Use Class C3) to provide supported accommodation for young people (between the ages of 16 and 25) along with seven underground car parking spaces.

1.2 Broadacres Housing Association currently provides this service at South Parade in the centre of Northallerton which has a number of operational constraints including the configuration and layout of the existing building.

1.3 The "supported" element of the scheme includes a member of Broadacres staff to be on site to introduce new tenants into the premises and be on hand day to day to meet the requirements of the tenants insofar as personal support is concerned.

1.4 The proposed building is three storeys in height measuring 8m to the eaves and 10.3m to the ridge at its highest point. The building has a site frontage of approximately 30m along Boroughbridge Road and a frontage of approximately 11m adjacent to the railway station car park. Slight alterations have been made to the fenestration and the openings to the undercroft car parking although the scale, orientation and architectural detailing of the building mirrors that previously approved under application ref: 07/02394/FUL.

1.5 The inspiration for the elevational treatment was drawn from the original Station Masters House which has now been demolished. A number of these details have been incorporated into the main elevations. The lower ground floor has been treated with a stucco treatment to emphasis the podium to reduce the massing of the building along Boroughbridge Road.

1.6 Access to the site for pedestrians and vehicles is taken from Boroughbridge Road. Vehicles are provided with direct access from Boroughbridge Road directly into the underground car parking area. The building extends towards the edge of the site boundary and therefore the layout of the site is guided by the site boundary.

1.7 The site is located to the south of Northallerton on Boroughbridge Road close to the junction with South Parade / Racecourse Lane adjacent to the east coast main line and Northallerton Railway Station. Boroughbridge Road is a main arterial access into Northallerton.

1.8 The site is increasingly elevated from road level towards the south end, with a brick retaining wall on the frontage. Railway land surrounds the site, with access to the station forecourt on the north side and car park to the west. To the south, there is an embankment to the main line railway tracks. To the north are the Station Hotel (Grade II Listed Building) and 3 storey residential flats. On the opposite side of Boroughbridge Road, the grounds of County Hall are bounded by a brick retaining wall, with hedge above and a continuous row of mature trees.

2.0 RELEVANT PLANNING HISTORY

2.1 04/01984/FUL - Change of use of existing dwelling to form 2 flats and construction of 3 flats with associated car parking as amended by plan as received by Hambleton District Council on 16 November 2004 (Granted on 29.11.2004). This development retained the former house with additional 3 storey block along the Boroughbridge Road frontage, and detached 2 storey block to the rear. Subsequent investigation found that the approved scheme was not feasible, due to discrepancies in the original survey.

2.2 07/02394/FUL - Construction of a block of 4 flats, 3 maisonettes and creation of a new vehicular access (Granted on 01.10.2007). This scheme included complete demolition of the original Station Maters' House, which has since been undertaken.

2.3 10/00715/FUL - Application to replace extant permission in order to extend the time limit for implementation of the construction of a block of 4 flats, 3 maisonettes and creation of a new vehicular access (Granted on 17.05.2010).

3.0 RELEVANT PLANNING POLICIES:

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

PPS1 - Delivering Sustainable Development 2005
PPS 3 - Housing (June 2011)
PPG13 - Transport (as amended to 2011)
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 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 DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP12 - Delivering housing on "brownfield" land
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP32 - General design
Core Strategy Policy CP9 - Affordable housing

4.0 CONSULTATIONS

Northallerton Town Council

4.1 Comments awaited.

NYCC Highways

4.2 Comments awaited.

Yorkshire Water Services

4.3 Comments awaited.

Environmental Health Officer

4.4 Comments awaited.

Planning Policy Officer

4.5 Comments awaited.

Network Rail

4.6 Comments awaited.

Police Architectural Liaison Officer

4.7 Comments awaited.

NYCC Adult and Community Services

4.8 I am supportive of this proposal as it will provide much needed good quality supported accommodation for young people in the Hambleton area. It will be a key part of a young persons pathway to ensure that, if they are in a situation to require accommodation, they receive the appropriate support to make a smooth transition to independence.

Publicity

4.9 The application was advertised within local press, by site notice and directly to the neighbouring residents. No letters of objection have been received to date. The period for replies expires on 5th July 2011.

5.0 OBSERVATIONS

5.1 The main issues to consider in this case are the principle of developing the site for housing having particular regard to the Allocations DPD and matters relating to design and layout, noise and vibration, highway considerations, car parking and developer contributions.

Principle of Development – Allocations DPD

5.2 The site is shown as being within the area allocated as NC2 - Transport Interchange, Northallerton. The purpose of this allocation is to provide a public transport interchange comprising pedestrian, cycle, bus, taxi and short and long stay car parking facilities, a pick up and set down area, improved ticket and information centre and passenger facilities including refreshments and toilets.

5.3 Representations were made as part of the Local Development Framework process to have the Station House area removed from this allocation, as it had previously been excluded in earlier drafts of the LDF and also having due regard to the site having an extant planning permission. However, the site remained part of the allocation.

5.4 Notwithstanding the current policy background, an extant planning permission exists for the construction of a building of the same scale, orientation and architectural detailing as that currently proposed, albeit for two less apartments and a different group of end-users. The latest planning permission was granted on 17.05.2010 after the publication of the proposed submission Allocations DPD (January 2010) which included allocation NC2. Given that the policy circumstances are materially unchanged, it would be inappropriate to refuse planning permission on policy grounds.

5.5 Should Members be minded to approve the application, it will be necessary to advertise the application as a departure from the Local Development Framework.

Design & Layout

5.6 The building is a substantial block, and against the background of the railway retaining wall to the south and the three-storey residential blocks and the significant presence of the Station Hotel to the north, is considered appropriate, particularly on this

main road location. The design features elements such as over-sail to the roof and brick materials appropriate to the railway connections of the site, and the wide stucco base and openings with grills to openings to parking area will break up the expanse of otherwise solid brick that would otherwise feature at pavement level.

Noise & Vibration

5.7 With regard to amenities of occupiers, the site is very close to a main railway line, however subject to suitable ameliorative measures against noise and vibration, this should not preclude the residential enjoyment of the property. There is provision for outdoor sitting at first floor at the rear of the site, and outlook to the front benefits from the mature landscaping on the County Hall site. The comments of the Council's Environmental Health Officer are awaited.

Highways Issues & Car Parking

5.8 The comments of the Local Highway Authority are awaited. However, they previously raised no objections to the proposed building subject to conditions. The point of access and the car parking arrangements remain unchanged from the previous planning permission (ref: 10/00715/FUL)

5.9 NYCC maximum parking standards require one space per one-bed unit and one visitor space per five dwellings within market towns, which equates to approximately 11 spaces. The proposed layout incorporates 7 car parking spaces, 4 less than maximum standard.

5.10 Given the nature of the proposed accommodation, car use is likely to be low and the designated car parking space is more likely to be used by visitors and staff. In addition, the application site is in easy reach of the town centre.

Affordable Housing

5.11 Policy CP9 relates to the provision of affordable housing and seeks the provision of 40% affordable housing on sites of more than 0.5 hectares or 15 dwellings within Northallerton. The scheme does not exceed either threshold and, as a result, there is no absolute requirement to provide affordable housing. Nonetheless, the applicant has agreed to "tie-down" the whole development as 100% affordable housing in perpetuity. This has been agreed in-lieu of the financial contribution towards off-site public open space.

Developer Contributions

5.12 As the application site does not incorporate any public open space, the developer would normally be required to enter into an s.106 agreement to pay a commuted lump sum of £10,024 in compensation for the shortfall in provision, in accordance with Policy DP2 and DP37.

5.13 Policy DP2 requires contributions from developers for additional highway or transport infrastructure (criterion viii). Contributions sought from this development will contribute towards addressing 'the cumulative implications of a number of developments, and thus obligations may be sought from each development as part contributions towards addressing a specific matter' (para. 3.4.8 ii, page 9, Development Policies DPD).

5.14 The methodology for calculating a contribution from most new development within Northallerton, Romanby and Brompton is set out within the North Northallerton Link Road Deliverability Report (3rd October 2008 & 8th January 2009 rev1) and the subsequent Developer Contributions Document (November 2010) produced by Jacobs. A contribution of £25,128 is required to the NNLR in accordance with the prescribed methodology.

5.15 However, as identified above, the applicant has agreed to maintain the residential accommodation as affordable housing in perpetuity in lieu of making any financial contributions and the proposed form of housing is considered unlikely to generate significant numbers of vehicle movements which justified the calculation of the NNL contribution. This approach is considered to be acceptable.

Conclusion

5.16 To conclude it is considered that the proposed development is justified and deemed to be acceptable as a departure from the Development Plan. In accordance with the Town and Country Planning (Development Plans and Consultations) (Departures) Directions 1999 the application will need to be forwarded to the Secretary of State for consideration.

SUMMARY

The proposed development is considered to be in accordance with the above policies of the Hambleton Local Development Framework. The scheme involves the use of previously developed land within a sustainable location and is appropriate in terms of design, scale and massing to its location without detriment to local amenity.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFERRED TO SECRETARY OF STATE**

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 043 L (0): 01 Rev.E; 02 Rev.E; 03 Rev.E; 04 Rev.E; 06; 10 Rev.E; 11 Rev.E; 12 Rev.E; 21 Rev.E; 22 Rev.E and 23 Rev.E received by Hambleton District Council on 23 May 2011 unless otherwise agreed in writing by the Local Planning Authority.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. Windows shall be constructed of timber, set in reveals by a minimum of 65mm, and except for French doors shall open vertically by sliding sash, except as shall otherwise be agreed in writing by the Local Planning Authority.
5. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
6. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 5 above.
7. The development hereby approved shall not be constructed except in accordance with all noise and vibration mitigation measures set out in Design and Access Statement Appendix 3 (ref D/4081/06 4 July 2006) received by Hambleton District Council 6 August 2007, and shall thereafter be retained in this form permanently.

8. 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.

9. The 9no apartments hereby approved shall solely be occupied as Affordable Housing for local people, as defined within "Planning Policy Statement 3: Housing".

10. No person or persons shall occupy all or any part of the Affordable Housing hereby approved unless he/she is a person who is in need or such accommodation as defined within the schedule to this condition (see Informative Number 1) and who: a) has immediately prior to such allocation been ordinarily resident within the Northallerton Sub-Area (as defined within the Core Strategy) for a period of at least twelve months; or b) has within the last ten years prior to such allocation been ordinarily resident in the Northallerton Sub-Area for a period of at least five years; or c) has immediately prior to such allocation a mother, father, son or daughter or some other relative or carer approved in writing by the Local Planning Authority who has been ordinarily resident in the Northallerton Sub-Area for at least twelve months; or d) is immediately prior to such allocation permanently employed in the Northallerton Sub-Area.

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

12. The residential units shall not be occupied other than by people in need of "supported accommodation" and within the age range of 16 to 25 years, unless otherwise approved in writing by the Local Planning Authority.

13. Highways Conditions to be added.

The reasons for the above conditions are:-

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

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

3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

4. In order that the development is undertaken in a form that is appropriate to the context of its surroundings and in accordance with the Hambleton District Local Development Framework Core Policy CP17.

5. In order to avoid the pollution of watercourses and land and preserve the natural environment in accordance with Local Development Framework Core Strategy CP16.
6. In order to avoid the pollution of watercourses and land and preserve the natural environment in accordance with Local Development Framework Core Strategy CP16.
7. In the interests of the amenities of residents, in accordance with Local Development Framework Policy CP 1 and DP1.
8. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1, CP17 and DP32.
9. To ensure that the development is carried out in full accordance with the aim and content of Policy CP9 of the Hambleton Local Development Framework.
10. To ensure that the development is carried out in full accordance with the aim and content of Policy CP9 of the Hambleton Local Development Framework.
11. To ensure that the development is carried out in full accordance with the aim and content of Policy CP9 of the Hambleton Local Development Framework.
12. In order to ensure that the needs of residents are met by the provision of parking space on site and the number of vehicle movements will not collectively with other development exceed the capacity of the highway network without contribution towards the costs of improvements to the highway network.

11.

11/00198/FUL

Retrospective application for the change of use of land and the formation of hardstanding in conjunction with the storage of 5 fairground lorries. at Church Farmhouse Thornton Le Street North Yorkshire YO7 4DS for Mr & Mrs D Crow.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The application is brought back for consideration by the Committee following consideration of traffic issues, and a further site visit.

1.2 The site is an open area to the west of an existing house and range of commercial workshop and domestic outbuildings, located opposite the entrance to the village of Thornton le Street. On this side of the road the surroundings are rural. The site entrance is located close to a westward bend in the A168. There is a wide entrance to the site, with steel gates in a brick wall which also encloses the front of the house. Opposite the site there is an existing vehicle recovery garage. The house and outbuildings are in the same ownership, and reported to be currently separately occupied.

1.3 The proposal is a formation of a vehicle hardstanding for the parking of 5 fairground lorries. The parking area is 30 x 18 metres, immediately to the northwest of the existing outbuildings. The remaining area to the south, and in front of the outbuildings is hard-surfaced, with two smaller areas of grass on the west side. The boundary to the south is post and rail fence, with some small trees, and new coniferous planting along the fence.

1.4 Supporting information is submitted with the application which outlines the existing business where vehicles with rides tour the country with travelling fairs, and are mainly parked up/stored for the winter months. It is stated that maintenance and regular inspections takes place mainly whilst on the road and on the proposed site there will be occasional minor maintenance only. The applicants confirm that consent is not sought for a showman's yard (which would normally include some residential use), and the site will not be used as a stopover for other showmen. The applicants have been asked, in the event of the application being approved, to agree to a condition excluding any dismantling or maintenance of the rides on this site, and that the site is to be used solely for the storage of the lorries.

1.5 The applicant has an existing showman's living/storage compound adjacent to the Applegarth car park in Northallerton, alongside similar sites used by sites in related but separate ownership.

1.6 A showmans yard including living vans was granted consent on appeal at former Sawmills Dalton Lane, Dalton. Ref 2/01/037/0110C, and is in the ownership of others.

2.0 RELEVANT PLANNING HISTORY

2.1 2/75/158/0005 Formation Of A Vehicular Access

2.2 2/78/158/0005A Use Of Part Of Existing Agricultural Building In Connection With A Small Plant Hire Business. Refused.

2.3 2/78/158/0005B Display Of A Non-Illuminated Signboard. Refused.

2.4 2/83/158/0005C Alteration And Extension To Existing Dwellinghouse. Granted

2.5 2/84/158/0005D Construction Of A Building For Storage Purposes In Connection With A Small Plant Hire Business. Refused

2.6 2/86/158/0005E Use Of Existing Outbuildings For The Repair, Sale And Hire Of Horticultural Implements And Small Building Equipment To Include The Formation Of A Car Parking Area And Alteration To Existing Vehicular access Granted subject to a Planning Obligation in respect of visibility at the entrance of the site.

2.7 2/99/158/0005F Alterations and extension to existing workshop for use in connection with existing land in connection with a shop fitting business amended by plans received by Hambleton District Council. Granted.

2.9 2/00/158/0005G Formation of a manege with associated floodlighting. Granted.

2.10 2/01/158/0005H Alterations and extensions to existing dwelling and construction of domestic double garage. Granted

2.11 10/00761/CLE Application for the certificate of lawful use for the use of land for the parking and storage of 9 HGV's and 9 trailers Withdrawn
(Correspondence from Head of Legal Services explains that the use of the vehicles concerned is materially different from the use of HGVs for haulage purposes. Therefore the parking on the site of the fairground vehicles would need consent and that a Certificate of Lawfulness could not have confirmed that the use they required was already lawful.)

3.0 RELEVANT PLANNING POLICIES:

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

- PPS1 - Delivering Sustainable Development 2005
- PPS7 - Sustainable Development in Rural Areas
- PPG13 - Transport (as amended to 2011)
- Development Policies DP32 - General design
- Planning Policy Statement 4: Planning for Sustainable Economic Growth
- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Development Policies DP1 - Protecting amenity
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP15 - Rural Regeneration
- Development Policies DP25 - Rural employment
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP33 - Landscaping

4.0 CONSULTATIONS

4.1 Parish Council – Object. Noting that the activity started a year ago, with stone imported and manege and stable removed. Site visible from all properties on West side of village street. This site is of no benefit to village, would be more suitable around Northallerton such as industrial estate rather than near rural village. Visible from approach roads, and especially in cases where lighting is used, (which has been seen) might distract drivers. Access is from corner on busy A168, frequently used by emergency vehicles and as diversion route when there are carriageway closures on the A19 and A1 roads. On recent occasions HGVs have used entrance to village to reverse across to Church Farmhouse. This access already serves a shop fitting business and residential property. NYCC will have observations on access suitability.

4.2 Additional Parish Council observations (28 April). Comments above are resubmitted, together with further comment

"We reiterate that a suitable site on industrial estates around Thirsk or Northallerton would be a better option than in a rural village, on a dangerous bend on the A168". Council and all residents of Thornton le Street are opposed to this planning application.

4.3 Further queries and points were raised by the Village Action Group following meeting with Development Manager 8.June.2011

Noting inaccurate statements in the application papers and questionable accuracy of drawn details in respect of planting proposals as well as highway layout

The potential for the parking of shop fitter lorries parked in the approved position to obstruct the access to the fairground lorries.

Vehicles parked on the proposed hardstanding to over sail the hardstanding on to the grass
Visual intrusion from the A168 and neighbouring property noting that there are 14 properties with views of the site

The lack of a local need for the proposal which does not bring any jobs with it

That redundant equipments and vehicles could be left on the site

That the proposed parking would be in addition to the parking associated with the previously approved shop fitters business

Proposed tree planting at the rear of Church Farmhouse runs through the garden and not along a boundary as suggested by the plan

If approved the hardstanding area should be enclosed by fencing to prevent encroachment on to the grassland

4.4 NYCC Highways – Observations received 10 May Following additional details and amendments to proposed access (including access shown on site plan received 29 April 2010):

"NOTES TO PLANNER

The Highway Authority would like to bring to the attention of the Planner that the application is for 5 fairground vehicles and should there be an increase in the permitted number and size to that for which the swept path analysis was carried out, it may impact upon the viability of the turning movements within the site to the detriment of highway safety.

The proposal to store the five fairground vehicles at this location may result in alleviating the potential for traffic management issues associated with the applicants existing site in Northallerton.

The highway Authority is satisfied that the speed limit of the highway adjacent to the access covered in the application is commensurate with the current criteria on the setting of speed limits which has been produced by the Department for Transport. This takes account of the level and nature of any development adjacent to the highway in question and a speed limit other than the one in place would not satisfy the criteria".

Conditions requested.

Further comments from the NYCC as Highway Authority are awaited. This will be in response to a request for additional information from the applicants regarding manoeuvres within the site from the proposed scheme and to take account of existing approvals for vehicles associated with 2/99/158/0005F to be parked.

4.3 Environmental Health – condition requested for times of operation for any on-site maintenance.

4.4 Neighbours and site notice.

Observations received (separate letters listed by roman numerals)

i) Comment – for some years a fleet of articulated vehicles was run from the site and at times 5/6 units/trailers were parked there. No reason to complain arose from the use. Two

vehicles currently parked for winter, and vehicle movements are much less than previously. Property is maintained in good state of tidiness. Will leave decision to HDC, but hope that note will be taken of environmental details, Hours of work, noise levels.

ii) Object – inappropriate to increase the activity on the site which is a rural area. Live a mile away and can already see vehicles. An increase would be quite obtrusive

iii) Objection (Carter Jonas 8 March on behalf of 14 households, representing 25 individuals)
1-Policy issues – No exceptional case has been made for development in otherwise unsuitable and unsustainable countryside, contrary to CP1, CP2, CP4, CP11, CP15, and DP9. The applicant has not been demonstrated that the proposal is not capable of being accommodated within development limits of a defined settlement, nor will it sustain a rural community or meet a local need.

Not comparable with previous HGV use by location, number and type.

2- Highway safety –Detail lacking. Swept path analysis is necessary. Vehicles have been reversed into the site. Fairground vehicles larger than standard HGVs, and may tow ancillary vehicles. Any addition to the numbers of vehicles allowed on site will compound problems. Suitable improvements will not be possible within land in the applicants' ownership.

3-Visual and Area character – prominent, elevated, corner site. Not in keeping with the character of the locality. Landscaping (ref DP30 and DP33) inadequate. Need to take account of local landscape quality. Fairview Garage not comparable, vehicle storage much more discreet, and has arisen from a previous local garage facility.

Winter only use will maximise prominence of site.

Coniferous hedge planting is not suitable. New planting should be capable of being assimilated into the landscape as existing.

4- Residential amenity – prominent from village due to relative positions and height of land. There will be disturbance from uncontrolled comings and goings. Maintenance of rides gives rise to noise disturbance and underlying nuisance – not diminished by fluctuating traffic on road.

Subsequent observations put forward by Carter Jonas (in connection with analysis of vehicle movements in and out of the site from the south) 22 March 2011

There is doubt whether the movements shown would be practicable, the necessarily slow movement to execute the turn of the lorries would itself cause a hazard. Question asked whether visibility splays are adequate? Question asked whether there is a need to cater for passing vehicles at the junction, especially as shop fitting business will continue?

Doubt cast on claim that vehicle movements associated with shop fitting movements will have no direct effect.

There are implications of extant consent allowing HGVs to be parked on the site. Cumulative effect needs to be taken into account.

Concerns about frequency and nature of activity on site (associated with opening up the rides).

Comment that information about alternative sites is lamentable – one site only and no details. Doubt cast on claim that alternative sites are difficult to find, taking into account apparent simplicity of the use.

Would the use of living accommodation on the site be allowed or would this be prevented.

Opening of rides and maintenance of rides has already taken place on the site. The Council would have no control in the longer term.

Further Carter Jonas observations 10 May 2011

These were requested to be viewed in their entirety and are attached to this report.

5.0 OBSERVATIONS

5.1 The applicants are accepted to be travelling showpeople, and Circular 04/2007 Planning for Travelling Showmen, highlights that the need of this group are unusual in planning terms, with particular requirements in relation to housing and storage and maintenance space for

equipment. It requires local authorities to make suitable provision, respect the traditional way of life, and highlights the need to help travelling show people in efforts to make their own provision in locations that are suitable in planning terms, with sustainability as a key consideration. A survey of North Yorkshire Accommodation Requirements of Showmen (December 2009) showed a requirement for 54 plots (including residential) to meet the backlog of need in North Yorkshire.

Recent developments in National Planning Guidance

5.2 A new Planning Policy Statement 'Planning for Traveller Sites' is planned, which will replace Circular 01/06 Gypsy and Traveller Sites and Circular 04/07 Planning for Travelling Show People. A consultation on this proposed document was launched 13 April 2011 (to 6th July 2011).

5.3 The draft document concentrates on housing need (which will be expected to be assessed locally) and combines the needs of gypsy/travellers with showpeople. It notes that where the Council has not identified a 5 year supply of suitable land Planning Authorities will be expected to 'consider favourably' applications for these purposes.

5.4 The applicants have made explicit (additional information dated 18 May 2011) that this proposal is for the storage of fairground lorries only and does not include general use as a showmen's yard, or any residential use, and that the site will not be used as any kind of stop-over facilities for other parties. It is therefore considered that the specific concerns of the extant circulars relating to showmen's yards and residential needs have partial relevance to this proposal, but their guidance is important in that it highlight the travel patterns inherent in this business and its need for relatively large space for equipment storage and the importance for Local Authorities to address this need.

5.5 PPS7 and PPS4 do not make specific reference to the particular type of development that might be associated with showpeople; however consideration of sustainability and respect for the character of the countryside are common threads in these documents that will be applicable.

5.6 The main issues to be considered therefore will be whether as an exception to CP1 and CP2 the development is able to comply with the policies within the Local Development Framework relating to economic development outside development limits (CP4, CP11, CP15/DP25), taking into account other relevant policies i.e. the effect on the countryside (CP17/DP30), the amenities of local residents (CP1/DP1) and highway safety concerns; all to be considered in relation to the particular needs of this type of user.

5.7 Considering the criteria of Policy DP25 The proposal can be seen to be small in scale and has similarities to a permitted use on the site (i.e. HGVs) The proposal could be located within development limits, but is limited by the availability of a relatively large space, for seasonal use only, during which the vehicles will not be generating income and upon which lorries may be parked. Although the applicants have not supplied detailed evidence on this matter it is acknowledged that the supply of suitably sized and priced sites within development limits will be limited. It is for this reasons such as these that Circular guidance is required to accommodate these types of use.

5.8 There is an additional concern that the use, for example, of allocated industrial land for the proposed development would preclude its use by conventional economic employment generators with a greater need to benefit from proximity to accessible service centres. It is noted that the proposed storage use does not support the local economy or help sustain the rural community. There is no evidence that the development would not adversely impact on the economy of the service centres.

5.9 With regard to policy CP2 the nature of use is storage is unlikely to encourage car use and can be considered broadly in accordance with CP2.

5.10 The site has the advantage of a dwelling nearby, in the ownership of the applicants, able to provide a measure of oversight and security for the site reducing the fear of crime in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998. This would also provide some protection from pressures arising in the future to provide a dwelling for security purposes.

Summary of policy principles

5.11 The proposal does not demonstrate a need to locate in a rural location in accordance with CP4, nor does it give specific support to the rural economy in accordance with DP25. It is however broadly in accordance with other criteria of DP25 and does not encourage additional car journeys, in accordance with CP2.

5.12 The need for the Local Authority to make provision for travelling show people is a material consideration, and on balance therefore it is considered the development could be accepted as an exception to CP1, subject to no conflict with the environmental protection and nature conservation policies (CP16/CP17) of the LDF, and other relevant policies especially amenity of residential occupiers nearby (DP1), and road safety concerns.

5.13 The weight given to the needs of travelling showpeople in this case does not equate to consent for other travellers and the Local Planning retains the power to impose conditions limiting its use, and the activities that may take place there.

Landscape impact.

5.14 The openness and intrinsic character of the countryside is protected under Policies CP17 and DP30. The creation of the hardstanding has little effect on the surroundings, and the main impact on the surroundings to be considered will be the effect of the proposed vehicle parking.

5.15 The proposed hardstanding has been implemented, and (at time of planning officers site visit) two fairground lorries have been parked. They are visible on approach from the south, over hedges and against the background of trees. From the north they are moderately well screened from the roadside by reasonably high hedges. Neighbouring residents have indicated that they are visible from the west side of the nearby village, emphasised by relative ground levels. The vehicles are large, it is also notable however that the parking area is well away from the roadside and from the nearest houses (approximately 80 metres), views will be relatively distant. From the south, the site is currently exposed especially in the winter months when the site will be most used and additional landscape screening would be of benefit to ensure that the use will not be unacceptably obtrusive.

Residential Amenity

5.16 The parking area proposed is approximately 80 metres from the nearest affected house, and as noted above, the general effect on outlook will be not be so dominant as to be significantly harmful to general residential amenities. The main part of the use is storage/parking of the lorries and the applicants have confirmed that of necessity the majority of any maintenance will take place on the road and for this reason it is not considered that any overhaul/maintenance activity will be so great as to cause an unacceptable nuisance. If considered necessary an hours of work condition will further protect amenity.

Highway Access and safety.

5.17 The site has a relatively wide access, with visibility splay to the south secured under a S106 agreement entered into in connection with the 1986 planning application, and the acceptability of the access in relation to road safety will therefore depend on its suitability for the particular vehicles concerned.

5.18 The applicants report vehicle movements as infrequent during the winter period on recent experience "a couple of vehicle movements each month." Details have been submitted showing alterations to the access and swept path analysis in each direction, including a scheme that takes into account lorries towing an additional catering wagon.

Following consideration of the swept path analysis the NYCC as Highway Authority have expressed satisfaction with the safety aspect of the access as amended by plan ref 10/0026 Rev D. The applicants have been requested to provide further evidence that access and manoeuvring within the site is possible without impinging on the potential parking spaces for vehicles associated with previous approval 2/99/158/0005F.

5.19 Neighbour concerns are raised on a series of matters that are addressed in the following paragraphs

General principle of commercial development outside development

5.20 As noted above, the use is unusual in planning terms and does not benefit to the same extent as other economic uses from a location in a service centre. It is also relevant that the use is intimately related to the existing site located in Northallerton, where the associated residential uses are concentrated. The Northallerton site is very heavily used, and can be seen to be fully occupied at the relevant times of year, before the vehicles go on the road. There is no scope for additional overflow parking there, and adhoc parking sometimes occurs on the roadside, for example on local industrial estates.

5.21 As noted above there are particular difficulties in relation to industrial sites that might otherwise be suitable, and it is reasonable to consider this location, which has some history of a similar use, on its merits and taking into account the obligations of the Local Planning Authority to address the particular needs of this type of user.

5.22 It is acknowledged that the applicants have not provided evidence of a sequential search for sites in a sustainable location, other than reference to a site on Darlington Road which they were apparently advised was not suitable. It is understood that the applicants were of the view that due to the existing approval for HGVs this site was likely to be suitable (and that a Certificate of Lawful Use might be forthcoming) and purchased the site on this basis.

5.23 The proposed development is not a town centre use where a sequential test of this nature is formally required and the lack of such evidence would not justify refusal on this basis. It is therefore considered that the application should be considered on its merits, under the policies of the Local Development Framework.

Highway Safety

5.24 Observations on highway safety have noted occasions where the vehicles have reversed into the site, and it is agreed that it is very important to establish whether safe access is feasible, and if applicable to require any access improvements necessary. The Highway Authority have noted that the speed limits in the locality take account of the of the circumstances, including accesses, and the proposed use would not compromise the suitability of the speed limit, and they are satisfied that the visibility is such that drivers will be able to react appropriately to manoeuvres being undertaken in and out of the site.

5.25 As now proposed with alterations to the access the scheme meets the requirements of the Highway Authority subject to resolving the issue of internal manoeuvring space.

Landscape amenity

5.26 The visibility of the parking area from the south in particular is acknowledged, however as above, these views are relatively distant, and if suitably screened their impact will be further reduced. Concerns about young coniferous planting have been expressed, which is not a woodland/hedgerow type that would be found in this area. In this particular instance however, against the background of a stand of mature trees and buildings, it may be that as an exception to the usual practise, this type of hedge might be useful for its winter screening, if contained to a suitable height, and if interspersed with woodland species of a more natural form. Overall on this basis, effective screening could be achieved without undue harm to the natural surroundings.

Amenity of neighbours

5.27 Outlook - The parking area is relatively distant, and notwithstanding that it is in sight of the occupiers, vehicles parked upon could not be shown to be unduly imposing or intrusive on residential property.

5.28 Other concerns have been expressed about the possibility of intrusive ancillary activity, i.e. dismantling and running of machinery for maintenance and testing purpose. The Councils policies would make this unacceptable if frequent or unsocial hours were involved. Due to the time the vehicles spend on the road, most of the regular maintenance will necessarily take place off site. As submitted, the proposal would not involve extensive work of this nature, and a suitable condition will be sufficient to ensure its control. It is confirmed by the Councils Environmental health officers that regular health and safety testing will normally take place when the rides are in use, on the road. It is also noted that there have been no complaints from nearby residents (also 50 -80 metres distant) about noise arising from the existing site in Northallerton. With regard to comings and goings, the vehicles, by the nature of their use are likely to spend the maximum time on the road between fairs, and daily activity is likely to be less than might be found for instance in a comparable haulage yard. For these reasons it can reasonably be assumed that noise arising will not be frequent or unacceptable overall.

5.29 As noted above the Village Action Group met with an officer of the Council on 8 June 2011 and a series specific concerns were noted and a response is set out below.

Inaccuracies of the planning application that do not hinder a full understanding of the proposal do not prevent the consideration of the application. Following very detailed consideration of this proposal it is considered that all the relevant aspects have been explored and information provided to address concerns or that a planning condition can be used to resolve the issues.

Regarding landscape proposals, these are indicative and do not preclude further/better details in accordance with any landscaping condition imposed.

The potential for parking of lorries in association with shop fitting business is understood, and additional details have been requested demonstrating that this is feasible without hindering access to the fairground lorries.

The proposal can be conditioned to ensure vehicles park on the relevant area only. Whilst minor 'infringements' are not likely to be a nuisance, if parking strays significantly, this could then be addressed by enforcement processes. A physical demarcation can be required by planning condition.

Visual intrusion in the landscape of fairground lorries when viewed from the road which is relatively distant is an issue that is capable of mitigation by additional planting on land within the applicants ownership or control.

It is acknowledged that this business is not a generator of rural jobs, however due to the special circumstances outlined in earlier paragraphs, it is on balance considered that there is some special justification for the use, subject to other relevant policies.

The proposal is for the parking of fairground lorries only and there is scope to ensure by condition that other items are not kept in the area.

Tree planting at the rear of Church Farmhouse can take place in any position deemed suitable for screening purposes, even if there is not a boundary currently in place.

Measures to contain lorries on the designated parking place could be instigated, and depending on their nature could have the further benefit of providing additional screening.

SUMMARY

The proposal is unusual and must be considered in the light of both the Local Development Framework policies and other national guidance. It is evident that there is a need for places for showmen to be able to store fairground lorries. The highway safety and visual amenity issues have been shown to be capable of resolution by planning condition and the extent of the use similarly can be controlled by condition such that the scheme can be recommended for approval.

6.0 RECOMMENDATION:

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

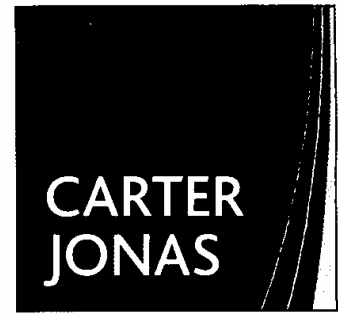
1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 11 March 2011 unless otherwise agreed in writing by the Local Planning Authority.
3. No more than 5 fairground lorries shall be stored within the application site and no fairground lorries shall be parked on the site except in the hatched so shown on plan ref 10.026 Rev A received by Hambleton District Council 11 March 2011.
4. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
5. No storage shall take place until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
6. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
7. Highway conditions as requested.

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 Policy(ies) .

3. In order for the Local Planning Authority to assess the acceptability of any alternative parking in accordance with the policies of the Local Development Framework.
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 Local Development Framework Policy DP32.
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 Local Development Framework Policy DP32.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP30.

Our Ref: DIB/DM/
Your Ref:



The Property People

Regent House
13-15 Albert Street
Harrogate HG1 1JX
T: 01423 523423
F: 01423 521373

Mrs B Robinson
Planning Officer
Hambleton District Council
Civic Centre
Stone Cross
Northallerton, DL6 2UU

HAMBLETON D.C		
REC'D 10 MAY 2011		
PES	RES	CX
		ACK

09 May 2011

Dear Mrs Robinson

**RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF LAND AND THE FORMATION OF HARD STANDING IN CONJUNCTION WITH THE STORAGE OF FIVE FAIRGROUND LORRIES, CHURCH FARMHOUSE, THORNTON LE STREET
LPA REFERENCE: 11/00198/FUL**

I write further to your letter dated the 22 March 2011 which requests any further observations relating to amended details regarding the above retrospective application.

I previously emailed you on the 22 March when I became aware of revised plans relating to the site and I attach a copy of that email for completeness as part of this additional correspondence. This email forms part of the additional observations submitted to the Local Planning Authority on behalf of the numerous residents of Thornton le Street who wish to continue their objection to the retrospective application on this site.

I subsequently note that further correspondence has been received by the Local Authority from the Agent dated the 21 March 2011 which is now on the Council's website. I do not consider that this correspondence addresses any of the issues originally raised or those contained in the attached email and I would suggest that it confirms the basis of our objection and concerns in this regard.

Sequentially Preferable Alternative Sites

The supporting information with this application still makes no reference to the issue of the principle of development on this site and the basic requirement to demonstrate 'exceptional circumstances' (Policy DP9 and CP4) – basically because it does not adhere to prevailing planning policy in the LDF and there are no such circumstances.

In terms of the comments in the Agents letter, it is quite evident that there has been no substantive site search for more appropriate premises on which to accommodate the storage of the five fairground lorries – namely only one site being looked at upon Darlington Road in Northallerton. This is hardly exhaustive and comprehensive. There are no details of this site, why it was not deemed appropriate to accommodate HGV's and therefore the supporting evidence is wholly inadequate in the light of the appropriate planning considerations.

I remain of the view that I fail to see why there are no more appropriately located premises within established industrial/commercial areas where HGV parking could be more readily accommodated as opposed to an open countryside location.

In any event, from a simple examination of the vehicles stored at the applicants' Northallerton site it would appear that these also include vehicles from another fairground operator and not the applicant. Therefore, we question to basic 'need' in this respect based on the applicants' stated circumstances of lack of space for their own vehicles when presumably sub-letting space to third parties. The question arises as to whether the present application site would be for use by the applicant or others – could the local authority ensure the actual 'needs' of the applicant are clear, genuine and limited to their own purpose on this site?

With regards to the stated advantages of the site at Thornton le Street the reference to an onsite dwelling is a misnomer, there is no need to have premises with an onsite residential presence. Indeed any business with a notable investment in vehicles, machinery or indeed any other plant or equipment considers such as important to the underlying continuation of their business yet each business premises does not have a dwelling associated with it as a matter of course. I again fail to see why secure premises cannot be found elsewhere as any other business would be expected to do.

The dwelling at the site is not even occupied by the applicant in this respect, although even this would not render the application acceptable or reasonable given wider considerations.

Extent of the Use

As for comments by the applicant relating to the site size being "*large enough to accommodate the vehicles and their turning movements*" it is only of this scale given the unauthorised changes to the site and expansion of the area into otherwise open grassland/riding arena beyond that deemed previously appropriate for any commercial activity in this respect. It must be appreciated that the use adds to the use of the site by heavy goods vehicles and the historical use of the site in this respect was on an ancillary basis associated with the workshop premises and this does not provide cart blanche for an expansion of the use of the site for substantial vehicular parking as a consequence.

It is clear that the present planning permission (1999) allows 2 HGV's and 3 light vans in front of and associated with the use of the buildings adjacent to the present application site as part of the shop fitting business (condition 2 of approval ref 2/99/158/0005F). The agent has confirmed that this use will continue (para. 6.20 of the Planning Statement). The present application proposes parking of a **further 5 HGV's** on adjacent/additional land – therefore **a total of 7HGV's and 3 light vans** associated with the property as a whole – and not what the agent presented at Planning Committee.

Thin End of the Wedge

There is also concern regarding any future expansion of the activity planned once the applicants become established on site (beyond their present unauthorised use) should planning permission be granted.

This is reinforced by the previous application for a certificate of lawfulness which referred to the intended parking of '*showman's vehicles*' (letter from Thorp Parker Solicitors 7th July 2010), exemptions in planning terms associated with such and the Planning Officers similar reference in

the previous Committee report. Compounded by the wording of the present application as storage of *'fairground lorries'* this equally raises the issue of the eventual creation of a **showman's yard** with associated/ancillary storage of caravans and living accommodation on this site - the submission of the present suitably worded application, capable of interpretation in many ways, being the first stage in such an approach.

The true basis and scope of the application remains unclear and it is imperative that this is clarified and clear limits/parameters established with the applicant to enable an effective decision on this application. If the supporting information is accurate the proposal is for the *'storage of the applicant's vehicles and trailers'* along with their *'periodic maintenance'* (para 3.1 and 3.2 of the Planning Statement). These vehicles consist of *'rides...located on the trailers on the back of heavy goods vehicles'* (para 6.4) and presumably not any residential element in addition.

No application or justification has been made for the creation of a showman's yard/site in this respect under the terms of Circular 04/2007 (Planning for Travelling Showpeople) and trust this can be fully clarified and confirmed.

I also draw to your attention to evolving planning policy seeking to replace the above, namely a new PPS entitled 'Planning for Traveller Sites' (April 2011), which is presently at consultation stage. This highlights numerous practical issues, concerns and likely policy approach regarding development of this nature in rural areas (including unauthorised development and retrospective applications) regarding the purported 'needs' of showpeople.

The applicants' present Northallerton site is an example in point of what could arise with numerous substantial 'living caravans' and caravans being stored on that site beyond the fairground lorries and rides with consequent, even greater, impact in landscape, amenity and highway safety terms.

Landscape Impact

In terms of the screening of the site, a requirement for such is always a sign of a poor site when it is deemed necessary for arbitrary and evergreen planting to be introduced to try and reduce the impact to anything like an acceptable degree. The fact is that the HGVs will be parked at the highest part of the site and therefore the most prominent. Reference to this being at the *"rear"* and *"adjacent to existing buildings"* have no bearing in this respect with the buildings providing no screening role themselves in this regard.

As the storage of vehicles will be throughout the winter on the most elevated and prominent part of the site, combined with the seasonal effect of reduced effectiveness of any landscaping, it is clear that the landscape impact of the continued use of this site for the parking of vehicles of this scale and nature would be inappropriate and visually intrusive.

The submission of a revised landscaping plan does not dilute the objection to the scheme on a point of principle in this location – basic principles of the adopted Core Strategy require sequentially preferable sites to be used.

Highway Safety and Access Issues

With respect to the vehicle swept path analysis we have taken further specialist advice on the information provided. This casts doubt on the veracity of the analysis with the identified path for

vehicles entering the site from the south in particular being questioned. The ability to manoeuvre in/out of the site without crossing the centre line is not realistic nor what is being experienced.

It may be that the Autocad analysis has included the vehicle stopping between steering movements (hence the tight turning sweep) which does not happen in practice. Even if this were the case, the slow turning speeds would render such vehicles a clear highway hazard along this stretch of highway.

The issue of forward visibility is critical too – both for turning vehicles and other highway traffic – given the manoeuvres required, presence of double white lines along this stretch of the A168 and prevailing traffic speeds; especially from the south.

The information submitted regarding highway safety is considered neither robust nor convincing without any methodology being explained or supporting commentary.

Conclusions

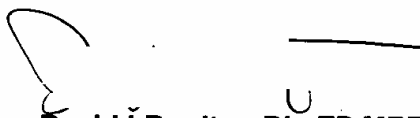
I trust these comments **in their entirety** can be considered as part and parcel of the determination of the application.

The application would result in at least 7 HGV's using this site plus 3 light vans in addition to other uncontrolled vehicle movements. This is considered excessive in terms of highway safety and amenity.

The nature and extent of the use (additional storage, maintenance, fabrication etc etc) and scope of the planning permission applied for remains unclear and is a basic cause for concern.

The objections raised in my letter of the 7th March remain valid and this letter supplements previous concerns.

Yours sincerely



David I Boulton Dip TP MRTPI

Partner

For and on behalf of Carter Jonas LLP

E: david.boulton@carterjonas.co.uk

DD: 01423 707821

Cc: Councillor Bob Baker

Boulton, David

From: Boulton, David
Sent: 22 March 2011 15:03
To: 'Bridget Robinson'
Cc: Cllr Bob Baker
Subject: CHURCH FARMHOUSE, THORNTON LE STREET - 11/00198/FUL

Dear Bridget,

I understand that further information has been provided by the Agent regarding the above

I would comment as follows:

- Drwg 1-01.DWG (entering the site) looks rather optimistic in terms of manoeuvrability - I would suggest that, in reality, drivers will naturally tend to at least cross the centre line and encroach onto oncoming traffic, along the lines of Drwg 1-02.DWG, especially as to date vehicles have even reversed into the site and will have done this for a practical reason (basically it is too difficult to simply access the site by normal means);
- To execute such a turn into the site vehicles would need to be travelling very slowly, no doubt, which in itself will cause a hazard;
- I assume there is no concern relating to vehicles manoeuvring in and out of the site to/from the north ?
- Are the visibility splays adequate as there is no information in this respect ?
- Is there a need to cater for passing vehicles in the junction - especially as the shop fitting business will continue ?

I trust that this can be checked by NYCC Highways as opposed to being assumed as accurate and a true reflection of the situation

The Agents letter confirms that the shop fitting business will continue and comments that *"the vehicle movements relating to this business (will) have no direct effect"*.

This is complete nonsense as the same access onto the highway is to be used, the 1999 planning permission allows HGV parking on site regardless of how they operate at present and this could be reverted to at any time without the Council's control.

The impact of the proposed use and approved use in terms of vehicle movements etc should be considered on a **cumulative basis**. The scheme itself extends beyond, as well as adds to, what has been approved in the past.

Equally, the occupancy of Church Farmhouse could easily change and be separate from the shop fitting business - there is no limit in terms of occupancy or link between the two.

The application must be considered on the basis of what is allowed under the terms of the implemented permission and not a snap shot in time.

Comments about frequency of use of the access and equipment being 'open' while on site are subject to change with no on-going control by the local authority - it will be ad hoc and unpredictable.

The Agents comment regarding the search for alternative sites is lamentable - only one site seems to have been considered (an unspecified location in Darlington). If a search had been undertaken *"for a number of years"* then the information would be to hand; and clearly it is not.

I cannot believe that the applicants *"have been unable to identify **any** sites ...that met their requirements"* when claims are made about the simplicity of the proposed use and the ability to make discrete use of a

site in open countryside. Distance is no real object either given the consideration of a site in Darlington and the nature of the use - with vehicles travelling considerable distances and the activity not reliant upon a specific geographical area

Are there no 'suitable' sites at all in the whole of Northallerton, Thirsk, Darlington ? - the operational requirements are not unusual in this respect despite vehicle size or access needs compared to those catered for an any standard industrial estate/area.

We also understand that at the applicants present site parked vehicles include living accommodation, which although intended for use while 'on the road' has been used while vehicles are stored/parked. Is this proposed or would it be prevented in this location ?

Finally, rides will be open and maintained at the site during the winter - this has already happened and shown in photos forwarded to the Council. The local authority will have no control over this in the longer term

I trust the above additional comments can be considered

Regards