

# **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 21 July 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

21 JULY 2011

Item No	Application Ref/ Officer	Proposal/Site Description
<b>1</b>	11/00873/FUL Mr A Cunningham	Alterations and extensions to existing pub to form pub, tea room/shop, managers accommodation and 3 holiday units. Demolition of existing outbuilding and construction of a holiday unit at Wellington Heifer Inn, Ainderby Steeple  RECOMMENDATION: GRANTED
<b>2</b>	11/00894/FUL Mrs B Robinson	<b>Change of use of land from agricultural land to equestrian, the formation of hardstanding and construction of a stable block and boundary fence as amended by plan received by Hambleton District Council on 7 June 2011 at Land to the North of Hagg Farm, Islebeck (Parish of Dalton)</b>  RECOMMENDATION: REFUSED
<b>3</b>	11/00712/FUL Mr A Cunningham	<b>Revised application for alterations and extensions to existing agricultural building to form a live-work unit at Honeyclose Farm, Great Langton</b>  RECOMMENDATION: GRANTED
<b>4</b>	11/01129/FUL Miss A Peel	Construction of a dwelling at 62 Topcliffe Road, Sowerby  RECOMMENDATION: GRANTED

**1**

**11/00873/FUL**

**Alterations and extensions to existing pub to form pub, tea room/shop, managers accommodation and 3 holiday units. Demolition of existing outbuilding and construction of a holiday unit.  
at Wellington Heifer Inn Church View Ainderby Steeple North Yorkshire  
for Glencairn Investments Ltd.**

#### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for formation of four self catering units, one manager's flat, internal alterations to form a tea room and shop, whilst retaining a bar area in the existing public house, and provision of car park alterations at the Wellington Heifer Inn. The site is located within the secondary village of Ainderby Steeple and is located within the Conservation Area.

1.2 Three of the self catering units would be formed within and above the southern portion of the existing main building, with one further unit located separately to the west adjacent the western boundary of the site with Ainderby Manor. The public house currently provides three en-suite letting rooms.

1.3 Access to the site is from the A684 to the north. Currently the site provides 25 car parking spaces and 2 disabled spaces. The proposed layout would make provision for 22 spaces in total.

1.4 To accommodate the self catering units it is proposed to construct a first floor extension above the former staff accommodation and rest room area, and create a pitched roof above the existing kitchen and side lean-to extension. The works would result in dimensions of 12m x 5.2m, with a total height of approximately 4.9m. The works above the former staff accommodation area and rest room would extend to a total height of approximately 6.8m, and would involve provision of three dormer windows to the western roof slope.

1.5 A distance of approximately 6m exists between the eastern elevation of the public house and the nearest point of Linden, the nearest dwelling house to the east. A distance of approximately 17m exists between the dormer window of unit 4 and the western boundary of the site adjoining Ainderby Manor. Approximately 14m exists between the rear elevation of 1 Manor Cottages and the proposed works to the existing kitchen area.

1.6 The topography of the site slopes gradually to the south from the A684.

1.7 A first floor window serving a bedroom is located within the western gable elevation of Linden.

1.8 The eastern boundary of the site to Linden is formed of a part brick/painted render wall of a variety of heights which immediately adjacent the main public house building is approximately 1.5m. Shrubbery within the garden area of Linden extends beyond this. The western boundary of the site is formed of a brick graduated wall.

## 2.0 RELEVANT PLANNING HISTORY

2.1 2/74/003/0005 - Display Of Externally Illuminated Wall Sign; Granted 1974.

2.2 2/77/003/0005A - Use Of Part Of Living Accommodation To Form Extension To Existing Public House; Granted 1977.

2.3 2/81/003/0005B - Use Of Part Of Existing Public House Storage Area To Form Increased Living Accommodation; Granted 1981.

2.4 2/88/003/0005C - Display Of 2 Externally Illuminated Signs; Granted 1988.

2.5 2/88/003/0005D - Formation Of Additional Living Accommodation; Granted 1988.

2.6 2/00/003/0005E - Siting of a caravan to provide staff accommodation; Temporary Permission Granted 2000.

## 3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP5 - Community facilities

Development Policies DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits

Development Policies DP10 - Form and character of settlements

Development Policies DP28 - Conservation

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

## 4.0 CONSULTATIONS

4.1 Ainderby Steeple Parish Council - The Council wishes to see the application refused. Comments made regarding letters to neighbouring properties, the applicant presenting the scheme to the Village Committee, the length of time the business had been trading and the length stated in the application, lack of disabled access, lack of disabled toilets, poor water supply, poor drainage sewerage system, removal of the store, reduction in size of kitchen, future viability of the public house, parking pressures.

4.2 Conservation Officer - 'The applicant is trying to squeeze too much accommodation into the roof spaces. This has led to the use of six roof lights into the roof pitches facing east, and three dormers and five roof lights into the west facing roof pitches. The front part of the building is prominent when entering the village from the east, and views of the attached buildings can be had as you approach the village green. The rooflights in the eastern roof pitch will be clearly visible, and because of

their number, will be an intrusive element in the conservation area. If Units 4 and 5M (Manager's Flat) were deleted from the scheme, the existing roofs could remain and the original eaves line to the southernmost part of the building retained. If unit 1, the detached block with a monopitch roof were deleted or resited, then ground floor windows could be used in the west wall of Unit 2, removing the need for roof lights. My main concern is the proliferation of roof lights and dormers, due to the overdevelopment of these buildings'.

4.3 Environmental Health - Further to my recent email I would advise you that I have no objection in principle to the proposal however I would wish to see the following condition attached should permission be granted.

1. The development hereby approved shall not commence until a scheme has been submitted and approved in writing by the local planning authority for the control of noise and odour from the kitchen. Thereafter the scheme must be implemented and maintained.

I am concerned that the current proposal can not meet the requirements for toilet provision. Whilst there is legislation available to require additional and appropriate sanitary accommodation this will require a redesign of the internal layouts and may therefore be relevant to your determination of this application - amended plans have been received on 27 June 2011 providing a uni-sex disabled toilet.

4.4 Neighbours notified and site notice posted; expires 15.06.11 - 16 responses received with 12 raising objection to the scheme mainly concerning:

- Lack of disabled access.
- Noise impact from activity of occupants of self catering units.
- Impact on water supply.
- Proposals extending beyond the building line.
- Length of time Wellington Heifer has been open under the current owners.
- Impact of height of first floor extension on 2 Manor Cottages.
- Impact of relocation of kitchen.
- Reduced on-site parking and greater parking on village green.
- Removal of tree at south end of car park.
- Consultation by the applicant.
- Overlooking to Ainderby Manor.
- Impact on the foundations of boundary wall to Ainderby Manor.
- Right of access across car park to Ainderby Manor.
- Future viability of the business.
- Demolition of the store.
- Impact on drainage/sewerage system.
- Impact on village shop/post office in Morton-on-Swale.
- Wellington Heifer is being turned into a residential development.
- Customer service received by local residents.
- Overlooking to Manor Cottage properties.
- Future conversion of holiday units into dwellings.
- Impact on view from 1A Manor Cottages.
- Noise/odour from kitchen extractor fans.
- Works are inappropriate for this location.
- Reduction in light levels to Linden, Church View.

4.5 Press Advert; Published: 20.05.11; Expires: 13.06.11 - No responses received as at 12.07.11.

4.5 CAMRA (York); expires 28.06.11 - No responses received as at 12.07.11.

4.6 NYCC Highways - Conditions recommended regarding discharge of surface water, private access/verge crossings construction requirements, and provision of approved access, turning and parking areas.

4.7 Yorkshire Water; expires 22.07.11 - Response awaited.

## 5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of holiday accommodation in this location, the impact of the proposed works on the visual amenity of the surrounding Ainderby Steeple Conservation Area, impact on the amenity of neighbouring residential properties, and any highway safety issues that might arise.

5.2 The buildings associated with the proposal are all within the development limits of Ainderby Steeple, a secondary village within the Hambleton Sustainable Settlement Hierarchy. A portion of the car park is already and will remain outside development limits. Therefore in terms of Policy CP4 of the Hambleton Local Development Framework (LDF) the works are considered acceptable in principle in that they represent development of a scale and nature appropriate to secure the sustainability of the settlement.

5.3 The applicant has suggested that the public house in its current form is unviable and that the scheme of self-catering units, managers flat and conversion to tea rooms, shop and a bar area is required to secure the future viability of the community facility. No comprehensive business plan has been received to demonstrate that this is or is not the case, however additional information regarding refurbishment works, promotional material, a brief history of the site, a brief budget projection and the professional background of the applicant has been received. It is also important to note that the use of the premises as a drinking establishment (A4 Use Class) is permitted to a shop (A1) or tea rooms (A3) without the need for planning consent. The applicant has been made aware of all consultee responses and maintains that the numbers of self-catering accommodation units cannot be reduced without threatening the viability of the enterprise. Once again no comprehensive evidence has been provided in this respect. This said it is important to note that Policy DP5 of the LDF supports the provision and enhancement of community facilities. Demonstration of the lack of community need for the facility and that it is not financially viable is only required where proposals will lead to the loss of the community facility, which this scheme is not seeking to do.

5.4 The inclusion of a managers flat, the two first floor alterations and the single storey accommodation need to be scrutinised as to their visual impact of the Ainderby Steeple Conservation Area. There are no immediately adjacent public viewpoints south of the site (eg. public right of way) and therefore the greatest public viewpoint of the building is afforded from the public highway to the north. This provides uninterrupted views of the eastern elevation and roof slope of the premises. Dealing with each of the works in turn, the increased roof height of the southern portion of the main building would indeed increase the bulk of the structure. The numbers and positioning of roof lights to this elevation has been amended and is now considered acceptable in maintaining the visual amenity of the locality. The first floor extension and single storey unit are shielded from public viewpoints however blend with the vernacular of the local context, and site within the envelope of buildings already on site. The materials put forward for the works would also blend well with the existing traditional structures within the Conservation Area. It is clear that the

greatest issue lies with the design of the southern portion of the building. Given its distance from the public highway, approximately 15m, and the angle at which it is likely to be viewed from the nearest public viewpoint, there is no reason to suggest that the proposal would cause harm to the Ainderby Steeple Conservation Area.

5.5 The full impact of the proposal on the amenity of the cluster nearby residential property particularly Ainderby Manor, 1-3 Manor Cottages, Linden and Kollies (fronting Church View) is particularly important to assess, given the scale and use of the scheme put forward. The first floor alterations above the former staff accommodation and rest room provide roof lights facing the rear garden of Linden. They are positioned at a height above 1.7m above the finished floor level of the manager's flat and unit 4 and therefore no overlooking impact would occur. The ground floor windows of the eastern elevation nearest the rear garden of Linden are, taking into account the boundary treatment, separation distance of 6m, use of the rooms not considered to constitute an erosion of neighbour amenity. The increased height of this nearby structure would undoubtedly alter the pattern of evening daylight afforded to the rear garden, however again taking into account the separation distance of 6m, and its overall proposed height of 6.8m, this is not considered to create a harmful overbearing impact on neighbour amenity. The first floor dormer windows to the western roof slope of unit 4 would face the rear of Ainderby Manor, however the applicant has offered that these be obscurely glazed, and given the separation distance to this adjacent property of approximately 17m and a condition to require that the windows be non-opening, it is not considered that an adverse impact on neighbour amenity would occur. The alterations to the kitchen area are considered to represent an improvement to the existing flat roof structure. The separation distance of 14m to the main elevation of 1 Manor Cottages, the scale of the scheme and the descending topography is such that the works would not have an adverse impact on neighbour amenity. The siting and design of the single storey detached unit 1 is considered acceptable in that it would not raise any neighbour amenity issues. The fenestration and siting of units 1, 2 and 4 is such that each unit would not harm the amenity of the occupants of the self catering accommodation. It is noted that the terrace areas for units 1, 2 and 3 are all located to the south of the respective structures away from nearby dwellings. Considering all of the above the proposal would comply with Policy DP1 of the LDF in regard to safeguarding neighbour amenity.

5.6 Parking within Ainderby Steeple is clearly a concern of the Parish Council and indeed local residents, as is protecting the edges of the village green from intensified vehicle parking. NYCC Highways have scrutinised the amended car park layout in view of the requirements of the self catering accommodation on offer, plus the alternative use of the public house as tea room, shop and bar area. No objection has been raised by the local highway authority. The scheme is considered acceptable in terms of highway safety.

5.7 Turning to the outstanding planning issues raised through the consultation process. Provision of a disabled access to the building has been brought to the attention of the applicant to provide inclusive access as the currently proposed arrangement make poor provision for disabled customers. The activity about the property would differ when compared with the existing public house, however considering the reduced bar area, tea rooms and scale of self catering accommodation the likelihood for anti social behaviour would be reduced and would not present a harmful impact to neighbour amenity. The noise and odour associated with the relocated kitchen can be controlled by condition to ensure that the proposed equipment does not cause an adverse impact to neighbouring residential property. The use of the proposed holiday units for self catering accommodation would be

controlled by condition. Should an application be received in the future to remove the condition to allow the use of these units as dwellings, such an application would need to be considered on its own merits. Concerns raised regarding the customer service of the public house and the competition with regard to the facilities provided at Morton-on-Swale are not planning issues and would not form a material consideration in the determination of this application, as are issues relating to the drainage/sewerage system which would be addressed by Building Regulations legislation. The issue of the right of access across the car park to Ainderby Manor is not a planning but a civil matter and would not form a material consideration in the determination of this application. Issues relating to the water supply are to be appraised by Yorkshire Water and a response regarding these is currently awaited. In reference to the impact on the western boundary wall to Ainderby Manor a structural report supplied by the applicant has concluded that 'the proposal to erect a single storey unit adjacent to the wall we consider is acceptable in that the new foundations will extend to a depth so as not to surcharge the existing brick division wall'. Clarification is being sought on this statement.

5.8 Subject to satisfactorily resolving the disabled access issue, clarifying the impact to the wall adjoining Ainderby Manor, and the outstanding consultee responses, the application is recommended for approval.

#### SUMMARY

The proposed development would not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area, and would not raise any highway safety issues. The proposal accords with the policies set out in the Local Development Framework and is therefore considered acceptable.

#### 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 21F, 36B, 42B, 41A, 30, 28, 29A and location plan received by Hambleton District Council on 4 July 2011, 27 April 2011 and 27 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 must comply with the following requirements that:
  - (i) the self catering units are occupied for holiday purposes only;
  - (ii) the self catering units shall not be occupied as a person's sole, or main place of residence;
  - (iii) the

owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual self catering units on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.

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

6. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (vi) The final surfacing of any private access and parking area within 10 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

7. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved (i) have been constructed in accordance with the submitted drawing (Reference Drawing no 21D) Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

8. The first floor dormer windows to the western roof slope of unit 4 shall at all times be glazed with obscured glass and not be capable of opening.

9. The holiday accommodation hereby approved shall not be occupied by a person or persons for more than eight weeks consecutively.

10. The development hereby approved shall not commence until a scheme has been submitted and approved in writing by the Local Planning Authority for the control of noise and odour from the kitchen. Thereafter the scheme must be implemented and maintained.

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) DP1, DP28, DP32, CP1, CP16 and CP17.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Hambleton Local Development Framework.
5. In the interests of highway safety.
6. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
8. To safeguard neighbour amenity in accordance with Policy DP1 of the Hambleton Local Development Framework.
9. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Hambleton Local Development Framework.
10. To safeguard the amenity of neighbouring property in accordance with Policy DP1 of the Hambleton Local Development Framework.

Dalton

Committee Date : 21 July 2011  
Officer dealing : Mrs B Robinson  
Target Date: 8 July 2011

2

11/00894/FUL

**Change of use of land from agricultural land to equestrian, the formation of hardstanding and construction of a stable block and boundary fence as amended by plan received by Hambleton District Council on 7 June 2011.  
at Land To The North Of Hagg Farm Sandy Lane Islebeck North Yorkshire  
for Mr Ian Myatt.**

#### 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is a field approximately 2 miles south of Thirsk. On the north side of the field there is a pair of bungalows, Greenacres, and Orchard End, arranged in tandem from the roadside, and forming an indent into the north boundary of the field. There is an access into the field on the north east corner, and a grass track runs into the field, alongside the boundary with the drive to Orchard End. The boundaries of the field are hedged. There is garden planting on the west boundary of Orchard End with the field.

1.2 The proposal is equestrian use in the field, and an L shape stable block approximately 14 metres max in each long elevation, and 3.5 metres wide. The building is indicated to have 3 stables, a saddlery/tack store, and feed and hay stores. Externally it is clad in timber. The stable is located on the north side of the field, on the west (rear) side of the neighbouring house, Orchard End. As amended, the stable is located approximately 20 metres from the boundary with Orchard End. A vehicle hardstanding is located on the west side of the stable. A small generator is proposed, to be run inside the stable, to provide light to attend to the horses, and occasional drinks etc.

#### 2.0 RELEVANT PLANNING HISTORY

2.1 None

#### 3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- Core Strategy Policy CP19 - Recreational facilities and amenity open space

#### 4.0 CONSULTATIONS

4.1 Parish Council - No observations.

4.2 NYCC Highways No objection + request further information about traffic movements.

4.3 Environmental Health – conditions requested.

4.4 Site Notice posted and neighbours consulted.

Objections received, from 3 addresses.

1. Not in the right place for this activity, no accessible bridleways, traffic implications for road riding, position of stable does not offer security because horses are in view in any event, hardstanding and security issue could lead to a request for a caravan in the future.

2. No objection to principle of equestrian use, however have concerns about nuisance from smell and flies and movement of stable waste, noise from generator and any music played to horses, entrance is inadequate for multi-horse. rigid chassis, eventing horse box which visits the site, which is a traffic hazard. Development should not be at expense of 'quiet enjoyment' of properties and if stabling is allowed should be repositioned on western edge of field as far as possible from houses, and a new access point made to the sough, with turning for large vehicles.

Following amendments – hedgerow screen will not help airborne smells or noise or flies – evidence from past experience elsewhere. Screening could equally help reposition stable elsewhere. Road traffic implications should be taken into account. Queries re agricultural restriction on Hagg Farm.

3. Comments that works started in advance of planning application. Building is large and impact on environment and house is very significant. Incorrect note re wind direction. Quite a few shrubs screening the site are deciduous. Impact on light will inhibit plants. Gaps in hedge will allow sight from two points and from footpath across field to north. Concerns about waste retained on site, smells and flies, also vermin. Bedrooms, dining room and conservatory face this direction. Views are blighted by very large horsebox. Query need for development in this area.

Traffic concerns - road is narrow, increasingly used by bicycles, subject to ice.

Noise from generator, could disturb sleep.

Further comments - height will be equivalent of bungalow. Hedge to roadside has been hacked back, tape markings have negative impact on former pleasant outlook. further comment - drawings do not appear to be accurate, construction is flimsy and kickboards will be noisy, especially if horses constrained for long periods. Difficulty of access for applicants in periods of bad weather. Lack of detail regarding collection of waste. Comment re work in advance of proposal. Impact on natural outlook will be immense. Queries re road safety put to NYCC highways.

## 5.0 OBSERVATIONS

5.1 The main issues are the principle of the development in this location (CP1, CP2 CP4, CP19), the impact on the rural surroundings (CP16, DP30. CP17 DP32) and on the amenities of neighbouring occupiers, (DP1), together with any access and highway safety issues.

5.2 The site is outside of any development limits where development may be allowed as an exception to CP1 if it complies with at least one of the criteria of CP4. CP4 allows for development with an essential requirement to locate in the countryside, if they also will support a sustainable rural economy. Equestrian uses have this requirement, however in this case, the use is private and recreational and does not make a significant contribution to the rural economy.

Overall therefore the development does not comply with CP 4, ie it is for private use and is not therefore required to meet the exceptional needs of farming, forestry,

recreation or tourism or would help to support the rural economy; it is not necessary to secure an improvement to the environment; it is not providing affordable housing or a community facility it would not re-use an existing building to support the rural economy or provide affordable housing; it would not make provision for renewable energy generation and it would not help to support the social and economic regeneration of the rural area.

5.3 Policy CP19 supports proposals that lead to the provision of recreational and amenity assets and including support for greater access to and enjoyment of the countryside. The context of this policy however is provision for community facilities for the wider population and does not make provision for private facilities, and is not considered to give significant support to the proposed development.

5.4 With regard to the impact of the development in the rural surroundings, the building has the benefit of being tucked to one side of the field where it benefits from some existing hedge screening and will not be unacceptably intrusive in the wider surroundings. It is the traditional design for this type of purpose and its materials are of natural timber cladding and its overall appearance, where it is in view, would be broadly appropriate.

5.5 The proposed building is approximately 50 metres from the neighbouring house, and due to the distance, the appropriate design and materials of the building and well established existing screening which it in place, it would not have an unacceptable impact on outlook for occupiers there. Any concerns about nuisance from stable waste can be addressed by conditions to ensure it is managed in a way to ensure amenities are unacceptably harmed.

5.6 With regard to road safety, the Highway Authority have raised no objection in principle but have requesting supporting information with regard to the number of traffic movements, which the applicant has responded to and confirmation is sought from NYCC that they do not cause concern.

5.7 With regard to the comments of neighbours, considerable concern has been expressed about the impact on outlook, as noted above however, the stable building is of a type and design that is generally appropriate to the rural scene and due to the distances involved, existing screening, and willingness by the applicant to provide additional screening, the direct impact on outlook is not considered to justify refusal on this basis.

5.8 With regard to concerns about nuisance from smell, subject to appropriate conditions, this can be managed to ensure amenities are not disturbed in this regard. Noise concerns are not considered to be justified, as times when the horses are stabled, and/or the generator is running while the horses are managed, are likely to be the times when it is least likely that neighbours will be using the garden potentially affected.

5.9 Highway concerns – there is an existing access and the final views of the Highway authority are awaited with regard to any increase in risk to road safety.

## 7.0 RECOMMENDATION:

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

The reasons for Refusal are:-

1. The proposed development is contrary to Local Development Framework Core Strategy Policy CP4 as no exceptional case has been made for the development to be located in an unsustainable location outside Development Limits.

### 3

11/00712/FUL

**Revised application for alterations and extensions to existing agricultural building to form a live-work unit.  
at Honeyclose Farm Great Langton North Yorkshire DL7 0TG  
for Mr J Poad.**

#### 1.0 PROPOSAL & SITE DESCRIPTION

1.1 The site lies on the outside of the bend in the village of Great Langton on the eastern side of the B6271. There is an existing farmhouse at Honeyclose Farm with outbuildings and farmyard and agricultural buildings adjacent. A detached building, currently vacant, which lies across the farmyard from the farmhouse was last used as a shop selling equestrian clothing. A dutch barn lies to the north of the application site. This application is being brought before Members as it represents a departure from the Development Plan. The proposed enterprises do not comply with Policy DP25 of the Local Development Framework as they are capable of being located within a settlement with Development Limits. This revised application to 09/02024/FUL differs insofar as an end user has been found for the site and specific details have been provided to demonstrate how each enterprise would function.

1.2 The application relates to an existing disused L-shaped agricultural building in the farmyard. The building is painted brick and pantile with timber window openings and doors. The longer section of the building, which lies at right angles to the road is two storey, whilst the section parallel to the road is single storey. The building lies between the farmhouse and the vacant shop unit.

1.3 It is proposed to use the building as a live-work unit. The residential accommodation includes a four bedroom dwelling on two floors. The workspace is proposed in the single storey section and the two storey part in the 'heel' of the 'L'. A separate entrance is proposed for the workspace, at the front of the building. A Class B1 use is proposed with 3 separate workspace areas, an entrance lobby and a wc.

1.4 The residential accommodation has a floorspace of approximately 145 sqm. The workspace has a floorspace of approximately 105sqm. A garden area is proposed on the northern side of the two storey building on the site of existing outbuildings, which are to be removed. A further garden area is proposed on the southern side, adjacent to an existing outbuilding, which is proposed as a domestic store.

1.5 The proposed development includes the removal of some agricultural buildings that have been added to the original structure and are in a poor state of repair. Alterations include unblocking several openings, creating 3 new door openings and 6 new window openings. A total of 9 conservation style rooflights are proposed.

1.6 A proposal to improve visibility at the access in a northerly direction is included as part of the scheme, which requires the existing wall to the north and part of a

hedgerow (approximately 10m) to be removed. It is proposed to set back the wall and realign the hedgerow behind the visibility splay.

1.7 It is proposed to cease the use of the existing access to the north of the site off the B6271. An existing access serves Honeyclose Farm from Thrintoft Lane to the south and this will become the sole access to this property. The existing access to the west of the main farmstead will remain.

1.8 Three parking spaces are proposed at the northern side of the application site and two parking spaces proposed at the southern side of the site.

1.9 The applicant proposes to operate three enterprises from the site; Saffron Studio, Nigel Poad Consulting Ltd and a horticultural business.

- Saffron Studio has manufactured hand made greetings cards since 2004, employing the applicant, Allison Poad, supplying specialist card shops throughout the UK. The converted agricultural building would allow Saffron Studio to operate a design studio environment to enable the preparation of the products and packaging ready for dispatch to retail outlets. Deliveries from the site would utilise the nearby Post Office at Kirkby Fleetham. Incoming materials are also proposed to arrive by post. The applicant also proposes to source materials locally and supply cards to local businesses in Northallerton.

- Nigel Poad Consulting Ltd has operated since 2009 and would employ the applicant, Nigel Poad. The core business of the company is retail and leisure consultancy advising landlords, developers and retailers, incorporating Insite Asset Management. Clients would not visit the site, however the live-work unit would provide an office base to support off-site visits.

- The horticultural business has operated at various scales from the site since 1985. The proposed scheme would see the business re-instated on a more commercial footing with cropping to include a mixture of fresh fruit and vegetables. Produce would be sold from the farm gate, whilst also supplying the Village Shop, Primary School and Black Horse Inn at Kirkby Fleetham.

## 2.0 PLANNING HISTORY

2.1 06/01189/FUL - Construction of an agricultural building for the storage of agricultural equipment; Granted 2006.

2.2 09/02024/FUL - Alterations to existing agricultural building to form a live-work unit; Refused 2009.

### Reasons:

1. The proposed development is contrary to Local Development Framework Policies CP1, CP2, CP4, DP3 and DP9. No exceptional case has been made for the development to be located in an unsustainable location. The site is not located within or adjacent to an existing sustainable settlement, therefore will not improve accessibility to local services and will increase the need for travel, especially by car.

2. The development is contrary to LDF Policy DP25, which supports rural employment development if the use is not capable of being within Development Limits and would help support the local economy. There is no evidence to suggest that the proposed use cannot be located within a settlement with Development Limits

and no business case has been provided to demonstrate that it would sustain the rural community.

### 3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP6 - Distribution of housing
- Core Strategy Policy CP12 - Priorities for employment development
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP18 - Support for small businesses/working from home
- Development Policies DP25 - Rural employment
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- PPS1 - Delivering Sustainable Development 2005
- PPS7 - Sustainable Development in Rural Areas

### 4.0 CONSULTATIONS

4.1 Great Langton Parish Council - The Council wishes to see the application approved and state 'this will result in planning improvements to the village entrance, removing old redundant buildings and asbestos sheeting.

4.2 NYCC Highways - Conditions recommended relating to visibility splays, provision of approved access, turning and parking areas, precautions to prevent mud on the highway, and on-site parking, on-site storage and construction traffic during development.

4.3 Yorkshire Water - 'Application details checked - from information submitted, no comments are required from Yorkshire Water'.

4.4 Neighbours notified and site notice posted; expires 06.05.11 - No responses received as at 25.05.11.

4.5 North Yorkshire Building Control Partnership; expires 25.04.11 - No responses received as at 25.05.11.

4.6 Natural England - Not consulted as no longer provide a consultation service, however as the site characteristics remain unaltered from the previous submission, the comments made on the previous application are still relevant:

'We consider the survey effort and subsequent report to be sufficiently detailed to support the findings within the bat survey report. We are therefore satisfied that the buildings do not support a maternity roost or any other established or long-standing bat roost. We agree that there is a risk that a bat could be roosting in the buildings,

particularly the two-storey barn, at the time of commencement of works. Conditions are recommended to ensure that the development is carried out strictly in accordance with the mitigation strategy. The area of Great Langton is identified by the North Yorkshire Bat Group records as very significant for bats within the county. A follow-up bat survey should be undertaken during the active season (May – September), to include details of further mitigation should it be necessary. We advise that the timing of any development work should avoid the bird breeding season, typically March to September inclusive with a precautionary approach taken either side of this period'.

## 5.0 OBSERVATIONS

5.1 The issues to be considered include the sustainability of the proposed use, the effect of the proposed alterations on the character and appearance of the existing building, the impact on residential amenity and highway matters.

5.2 It is noted that the site was previously a working farm and the buildings subject of the current application are no longer used for agricultural purposes and have last been used for domestic storage.

5.3 LDF Policy CP4 allows development in principle if the site lies within the Development Limits of settlements that are defined in the Settlement Hierarchy, and which is of a scale and nature appropriate to secure the sustainability of each settlement. Great Langton is not a settlement included within the hierarchy and the application site therefore lies well beyond the Development Limits of any settlement. Any development in Great Langton needs to be justified as an exception to Policy CP4, criteria iv. states that an exception can be made if:- "it would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy...".

5.4 The focus of the development, as required by LDF policies, is on the employment use and any housing must be ancillary with special justification. The proposed employment use must therefore comply with all the criteria of Policy DP25, including evidence to show that the business is not capable of being located within a sustainable settlement and an appropriate business case submitted to show that it will be supportive of the local economy and rural communities.

5.5 Policy DP25 of the Hambleton Local Development Framework (LDF) sets out that all criteria needs to be satisfied regarding rural employment, provided the development is acceptable in terms of other LDF policies. In this case the most relevant other policies are CP1 and CP2. Considering the operation of the Saffron Studio and Nigel Poad Consulting Ltd, the numbers of existing vehicle movements, the numbers of proposed vehicle movements and the numbers of existing vehicle movements were the complex to have been retained as a fully working farmstead, the proposal is considered compliant with CP1 and CP2. In terms of the criteria of DP25 the proposal is considered small in scale, comprising re-use of existing rural buildings of sound construction, supported by an appropriate business case demonstrating that support will be provided to the local economy, and that the proposal would not adversely impact on the economy of the Service Centres. The proposal is however unable to satisfy point 3 as it could be located within a settlement with Development Limits. PPS4 (post dating the Hambleton LDF) sets out in Policy EC11 that in determining planning applications for economic development other than for main town centre uses which are not in accordance with the development plan, Local Planning Authorities should weigh market and other economic information alongside environmental and social information, take full account of any longer term benefits, as well as costs, of development, such as job

creation or improved productivity including any wider benefits to national, regional or local economies, and consider whether those proposals meet the wider objectives of the development plan. On balance, considering the specific operation of the card manufacturing business, and consulting business and how it satisfies the live-work criteria set out in policy DP18, the guidance offered within PPS4 and the current central government shift to providing support for small businesses, the proposed change of use at Honeyclose Farm would be considered to provide benefit to the local economy, would provide local job creation, would not raise any sustainability issues, and would adhere to Strategic Objective 6 of the LDF, 'to support growth of the local economy and rural regeneration in ways which are compatible with environmental objectives, and which deliver increased prosperity for the whole community'. It is also noted that the scheme is compliant with Policy DP18 of the LDF in that it would provide a workshop for B1 and B2 uses, more specifically for 'the provision of advice, in particular for business planning. Therefore the principle of the use at Honeyclose Farm is considered acceptable.

5.6 An exceptional case has now been made for the development to be sited in this location outside the development limits of a settlement within the Hambleton Sustainable Settlement Hierarchy. It has been demonstrated that the proposal will not increase the need to travel, especially by car, that the scheme would support the local economy and sustain the rural community. The proposal is therefore considered acceptable in terms of Policies CP1, CP2, CP4, DP3, DP9 which it failed to satisfy as part of 09/02024/FUL .

5.7 Honeyclose Farm is located in a highly visible portion of Great Langton, and the regeneration and partial removal of farm buildings on site would represent a major improvement to the visual amenity of the locality. The design of the alterations proposed to form the live-work unit are considered to respect the traditional agricultural character and would not detrimentally impact visual amenity.

5.8 The proposed dwelling and workspace lie approximately 12m from the existing farm house at Honeyclose Farm. Although a wall is proposed between the existing buildings there are windows at first floor that overlook the existing dwelling at close proximity and could give rise to a loss of privacy for the occupants of the existing and proposed dwellings. This issue shall be addressed by obscuring glazing windows nearest to the existing farm house likely to cause the greatest impact on neighbour amenity.

5.9 The applicant has clearly identified how both businesses would operate from the site. Taking into account the processes involved in each and the type of products and service that they are providing it is not considered that a detrimental impact on the amenity of nearby residential property would occur and therefore the proposal would accord with Policy DP1 of the LDF.

5.10 NYCC Highways initially sought clarification that the access to the north of the site would be closed, and requested details of the parking and turning arrangements for vehicles within the site. Upon receiving these details the Highway Authority have not raised an objection to the scheme.

5.11 The comments of Natural England on the previous application are noted with regard to the presence of bats and birds. Conditions shall be imposed to require the necessary protection.

5.12 The comments of the North Yorkshire Building Control Partnership have not been received but it appears that the building is capable of conversion with substantial rebuilding.

5.13 A contribution of £4455.08 towards Public Open Space provision to address the criteria of Policy DP37 of the Local Development Framework has been agreed via a Unilateral Undertaking completed on 4 July 2011.

5.14 It has been demonstrated that the proposed change of use would be of a sustainable form of development that would benefit the local rural economy without harm to neighbour or visual amenity or by raising highway safety issues. Hence this application accords with the policies of the Hambleton Local Development Framework and is recommended for approval.

#### SUMMARY

The proposed live-work unit at Honeyclose Farm would not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area, and would not raise any highway safety issues. The principle of the use in this location is considered appropriate. The proposal accords with the policies set out in the Local Development Framework and is therefore considered acceptable.

#### 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 and details received by Hambleton District Council on 1 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. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
5. The windows to the southern elevation of the building serving the workspace and adjacent bedroom shall at all times be glazed with obscured glass.

6. Prior to the first use of the development hereby approved all measures detailed within the conclusions/recommendations of the Protected Species Survey produced by B J Collins - Protected Species Surveyor received by Hambleton District Council on 1 April 2011 shall be carried out in full to the satisfaction of the Local Planning Authority and thereafter be maintained in accordance with the approved details.

7. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of the access road as shown in drawing 511/09\_02 Rev A. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference submitted May 11 dwg PP1). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

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

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) DP1, DP28, DP30 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
5. To safeguard the amenity of neighbouring property in accordance with Policy DP1 of the Hambleton Local Development Framework.
6. To ensure that the local bat and bird population is not adversely affected by the proposal.
7. In the interests of road safety.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
10. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Sowerby

Committee Date : 21 July 2011  
Officer dealing : Miss A J Peel  
Target Date: 26 July 2011

4

11/01129/FUL

**Construction of a dwelling.  
at 62 Topcliffe Road Sowerby North Yorkshire YO7 1RL  
for Mr A Walker.**

#### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks consent to construct a two storey dwelling between 62 and 64 Topcliffe Road, Sowerby. The dwelling will accommodate a lounge, kitchen, dining room, utility room, w.c and garage at ground floor level, and three bedrooms and two bathrooms at first floor level. The existing garage to the south elevation of No 62 and the detached garage to the rear of the site will be demolished to accommodate the proposed dwelling. A new vehicular access will be provided onto Topcliffe Road and a parking and turning area to the front of the site.

#### 2.0 RELEVANT PLANNING HISTORY

2.1 No relevant history.

#### 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 CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP32 - General design

#### 4.0 CONSULTATIONS

4.1 Parish Council – Wishes to see the application refused in its present format. Being in close proximity to the nearby school, another driveway may create possible problems. Councillors felt that it would be a large, over development of the site, too close to Number 64, received 13 June 2011.

4.2 NYCC Highways – The proposed new access to the dwelling will require the relocation of the existing speed restriction signs and also the amendment of the associated traffic order which is not guaranteed to be successful. To avoid this action, it would appear practical to alter the location of the access to the northern boundary of the site, adjoining the existing vehicular access to number 62, received 3 June 2011.

4.3 Yorkshire Water - Application details have been checked - From information submitted, no comments/conditions are required from Yorkshire Water (Noted from details that foul water only will drain to public sewer, and surface water to soakaway - Satisfactory), received 2 June 2011.

4.4 Neighbours consulted and site notice posted – No response, expiry 23 June 2011.

## 5.0 OBSERVATIONS

5.1 The issues include the suitability of the siting of the proposed dwellinghouse, the scale design and materials, any impact upon the streetscene, neighbours amenities, or highway safety.

5.2 The dwelling is located inside the Development Limits of Sowerby which has been designated as a Service Centre within the Settlement Hierarchy and is therefore, in principle, considered to be in a suitable location for further development.

5.3 The demolition of the garages provides an adequate plot and although it is fairly narrow it is a sufficient size to accommodate an additional property which sits comfortably within the streetscene. There is a mixture of property types within the street and it is considered that a two storey detached dwelling blends with the character and appearance of the streetscene. The application proposes to use red/buff multi facing bricks, red/brown pantiles and upvc windows and doors to match the nearby properties. The materials can be controlled by condition. It is considered that the development will be an acceptable addition to the streetscene and will not have a harmful visual impact upon the surroundings.

5.4 The dwelling to the south, No. 64, is approximately 7 metres from the proposed dwelling and there is a large detached garage sited between No. 64 and the application site which provides partial screening of the dwelling. It is considered that this is a sufficient distance between side elevations of properties. The ground floor window in the south elevation will face onto neighbours detached garage, and the first floor bathroom window can be obscurely glazed and controlled by condition to limit overlooking. The staircase windows in the north elevation of the building will face onto the obscurely glazed windows at No. 62 and will not therefore impact upon the privacy of those neighbours. The application proposes the construction of a close boarded fence between the dwellings to prevent mutual overlooking. The details of this fencing can be controlled by condition. It is considered that the proposed development will not have an unacceptable impact upon the amenities of the nearby neighbours.

5.5 NYCC Highways had concerns relating to the positioning of the existing access and the need to relocate the existing speed restriction signs. The access has therefore be re-sited to the northern boundary of the site, adjoining the existing vehicular access to No. 62. The plans have been amended. The Highways Authority have not yet made a formal recommendation. However, there is sufficient off-street parking provided within the site and providing the access does not impact on highway safety there are no objections to the scheme.

5.6 PPS3 states that local planning authorities should have regard to the characteristics of the area; the desirability of achieving high quality, well-designed housing; the current and future level and capacity of infrastructure, services and facilities; the desirability of using land efficiently and current and future levels of public transport. PPS3 has been amended by defining domestic gardens not as previously developed land. Policy DP12 states that "brownfield" land should be used for development in preference to "greenfield" land, where possible. The proposed dwelling will be sited within the garden of No. 62 therefore the amendments to PPS3 and Policy DP12 need to be considered. The site lies within the development limits of Sowerby and is therefore sited within a sustainable location. The proposal will form a frontage property along the roadside which is characteristic of the area and the existing garden is a large size and more than adequate to accommodate a new dwelling with ample private amenity space for both dwellings. It is therefore

considered that the site is sustainable for additional residential development complying with the polices set out within the Local Development Framework.

5.7 Policy DP37 requires that housing developments contribute towards the achievement of retaining, protecting and enhancing Public Open Space. This can be delivered by providing on site provisions or a financial contribution. In this case it is not possible to provide Public Open Space within the site therefore a financial contribution is required to comply with Policy DP37. The cost of the Public Open Space contributions has been calculated and this equates to £3,341.31. The applicant preferred to pay the contributions up front rather than through a legal agreement. The applicant has indicated that they will be submitting a Unilateral Undertaking (under Section 106 of the Planning Act) relating to the payment of funds. On completion of the Unilateral Undertaking the application will comply with Policy DP37.

#### SUMMARY

It is considered that the proposal complies with the policies within the Local Development Framework and is appropriate in terms of location, scale and design. It is also considered that the development will not have a harmful effect on the surroundings, or any nearby neighbours.

#### 7.0 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. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The first floor window on the south elevation of the building shall at all times be glazed with obscured glass.
4. Notwithstanding the provision of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' no windows shall be constructed in the north and south elevations of the dwelling hereby permitted, other than those detailed on elevation plan No. 03, without the prior written consent of the Local Planning Authority.
5. The use of the premises hereby permitted shall not be commenced until a fence or similar screen of a design and height approved by the Local Planning Authority has been constructed along the north boundary of the site, the fence shall be retained at all times and no part thereof shall be removed without the prior written consent of the Local Planning Authority.
6. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered received

by Hambleton District Council on \*\*\*\* unless otherwise agreed in writing by 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.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Policies CP1 and DP1.
4. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Policies CP1 and DP1.
5. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Policies CP1 and DP1.
6. 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) .
7. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.