

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 18 August 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

18 AUGUST 2011

Item No	Application Ref/ Officer	Proposal/Site Description
1	11/01467/FUL Mrs B Robinson	Revised application for change of use of agricultural land for the siting of 32 holiday lodges, laundry lodge, reception lodge, car parking, the formation of two ponds and the siting of an additional lodge on phase 1 of the scheme. at Woodland Lakes Carlton Road Carlton Miniott North Yorkshire for Coppergreen Developments. RECOMMENDATION: GRANTED
2	08/02840/OUT Mr J Saddington	Outline application for extension to existing business park. at Land Off Mount Pleasant Way Stokesley North Yorkshire TS9 5NZ for Armstrong Richardson. RECOMMENDATION: GRANTED
3	11/01373/FUL Miss A J Peel	Revised application for the construction of a dwelling, garage and new vehicular access. at Land To The Rear Of Hilltop Cottage & Pinfold Cottage Raskelf North Yorkshire YO61 3LF for Church Commissioners For England. RECOMMENDATION: GRANTED

1.

11/01467/FUL

**Revised application for change of use of agricultural land for the siting of 32 holiday lodges, laundry lodge, reception lodge, car parking, the formation of two ponds and the siting of an additional lodge on phase 1 of the scheme.
at Woodland Lakes Carlton Road Carlton Miniott North Yorkshire
for Coppergreen Developments.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is part of a field immediately to the north-east of an existing holiday park which set back approximately 700 metres from the road. The existing site has 19 timber clad holiday cabins, arranged in two groups around formal grassed areas. It includes both two storey and single storey units.

1.2 The surroundings include a network of roughly rectangular fishing lakes. To the south-east and south of the site they are surrounded by bunds with well established tree planting. To the south west and north they have level surrounds, with extensive tree planting. To the south of the existing site there is a car park and services for the fishing lakes, including a brick built cafe/bar/restaurant.

1.3 Access to the site is via a hard surfaced road 'Coney Garth Lane' from the A61 just west of Carlton Miniott. The road is single track, with passing places in situ. There is no fence or hedge between the track and the field.

1.4 Between the main entrance from the A61 and the application site, the land is an open field. On the opposite side of the access road the neighbouring field to the north undulates to a gently rounded mound.

1.5 The western end of Carlton Miniott includes a pub, the Dog and Gun. Further west there is a public house at Busby Stoop.

1.6 The proposal is an addition to the holiday park, including 32 timber clad holiday cabins units arranged in two main groups, around ponds and a small grassed area, respectively. The northerly group includes 9 each of Derinian and Thorverton types, both of which meet the definition of caravans.

The southerly group has 3 each of Poplar and Chestnut type, which are slightly larger than the above, and 9 of Birch, which are two storey. The two storey units are positioned on the western side, closest to the existing units.

An additional Birch unit is proposed to be sited within the phase I, in the north west corner.

For information a summary of the building types is as follows:

Derinian (9) 12.2 x 6 metres. dual pitched roof

Thorverton (9) 12.2 x 4.2 metres dual pitched roof

both of these types are two bed and meet the definition of caravan.

Poplar (x3) 12.2 x 6, monopitch roof.

Chestnut (x 3) 13 x 6 9 (with overhang) - monopitch roof.

Birch (x9) 10.3 x 6.4 x 7 metres high. Two storey - dual pitch roof. Covered verandah at ground and first floor.

1.7 A bund approximately 3 metres high is proposed on the north-east boundary, with extensive planting.

A landscaping plan is submitted showing 'tall native woodland mix' inc willow ash oak and cherry, on bunds, hawthorn and dogwood on lower banks.

1.8 There is an access into the site from Coney Garth Lane, located between existing and new layout leading to a car park with 33 spaces. A Reception cabin is included at the entrance. The car park is tarmac as is the main path dividing the groups with stone set edged gravel paths providing the main access to cabins. The development includes a service cabin just beyond the car park and waste bins provided within the car park area. There is small play area adjacent to the northern group.

2.0 RELEVANT PLANNING HISTORY

2.1 Development of fishing lake and associated shop and cafe approvals granted in the 1990s, with subsequent additions to cafe and development of tackle shop, up to 2007.

2.3 05/02197/FUL Construction of 18 holiday cabins, 1 service cabin and formation of a pond Granted 15.12.2005

2.4 06/02094/FUL Revised application for the siting of 5 log cabins and 13 static caravans Granted 28.11.2006

2.5 08/00220/FUL Revised application for the siting of 6 log cabins and 13 caravans Granted 14.04.2008

2.6 11/00122/FUL Change of use of agricultural land for the siting of 32 holiday lodges, laundry lodge, reception lodge, car parking, the formation of two ponds and the siting of an additional lodge on phase 1 of the scheme Withdrawn 21.04.2011 (Reason for withdrawal related to the concerns about screening).

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 CP4 - Settlement hierarchy
- Development Policies DP10 - Form and character of settlements
- 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 CP21 - Safe response to natural and other forces
- Development Policies DP43 - Flooding and floodplains
- Planning Policy Statement 4: Planning for Sustainable Economic Growth

4.0 CONSULTATIONS

4.1 Parish Council - • Refused - "There is concern that the sewerage system would not be able to cope with these additional holiday dwellings. There are ongoing problems with sewerage backing up in the village and it is felt that the additional dwellings could exacerbate the problem.

- There is not sufficient information regarding the clearance of rubbish etc which will be generated by the development
- There is concern regarding the speed of some vehicles exiting from the site onto the A61 in Carlton Miniott and extra traffic to and from the site would presumably be generated by the additional lodges. It is felt that information is required regarding whether the entrance from the site onto the A61 is (in)adequate and safe and whether there is any provision for

extra signage on the site warning traffic exiting onto the A61 that they are approaching a main road and are required to give way.

From the documents we have received relating to the new Application (Ref. No. 11/01467/FUL) it would appear that these concerns have not been addressed and satisfied and, in view of this, the Parish Council has no alternative but to once again recommend that the application be refused"

4.2 Yorkshire Water - conditions requested + note regarding public foul water sewer network in Carlton Miniott and maximum permissible flow rate

4.3 E Agency - awaited

4.4 Ramblers - Comment. Public bridleway is hard surfaced, with passing places. Pedestrian and horse users conflict with cars and may have to leave the path. It is requested an alternative bridleway be created as a segregate bridleway immediately adjacent to the north side of the existing right of way.

4.5 Wildlife Trust - awaited

4.4 NYCC highways - No objection

4.5 NYCC Footpaths - awaited

5.0 OBSERVATIONS

5.1 The nature of the development is a tourism use. National guidance PPS 4 advises of support for provision and expansion of tourist and visitor facilities in appropriate locations, preferably in or close to service centres or villages and balanced against need to protect landscapes. It makes particular reference for the need to ensure chalet developments are not prominent and any visual intrusion is minimised by effective high quality screening, and that flood measures are in place.

5.2 These principles are reflected in the adopted policies of the Local Development Framework which are that under policy CP4 criteria i) development with an essential need to locate in the countryside, including recreation and tourism uses, can be considered under as a possible exception to CP1, where they will help to support a sustainable rural economy and subject to impact on the surroundings and the other requirements of the Local Development Framework. Other policies against which the proposal will be considered are (CP2) minimising the need to travel, the impact on the rural surroundings (CP16, DP30), support for rural communities (CP15 DP25), design (CP17 DP32), drainage issues (CP21 DP43), and any highway safety concerns.

5.3 Location and sustainability

The location is just beyond the outskirts of a service village, where local services, including a public house, are within walking distance and where there is also access to bus services into Thirsk, and Northallerton, where there are links to mainline train services. There are recreational facilities immediately adjacent to the site, ie fishing and the existing café/bar. The site would be fairly readily accessible to potential employees in Carlton Minniot, or Thirsk.

Overall, the location has scope to minimise the need to travel by car, and to support for village facilities and will in turn support the local rural economy, including the provision of some jobs.

5.4 Landscape Impact

The development is surrounded on three sides by existing landscape planting which although relatively recent in origin is well established and provides general screening from distant views from the A61 and A167. From the A61 immediately north of the site, there is some screening of the site by roadside hedging, although there is a significant gap to the north west of the site entrance in particular. From this point the small rise of the intervening land provides a certain amount of screening. The proposed bund will provide immediate

screening for the body of the units, and the 'domestic' activity there, and the proposed planting will provide long term screening, and a more natural appearance in the landscape. Particularly taking into account the timber clad finish of the units and the use of dark coloured window frames (to be confirmed) the units will not be obtrusive in the rural landscape. The development will extend significantly closer to the village than the existing, however it remains approximately 500 metres away, and is within the northerly extent of the existing woodland planting and environs of the fishing lakes. In the context of these points, and taking into account the bund screening previously referred to, it will not be unduly imposing on outlook from the village, or harmful to its setting.

5.5 Design

The individual units are in the main simple timber clad cabin types that are appropriate to holiday use in a rural area. They are set around open water features and fairly extensive natural planting is proposed. The design of the scheme is therefore appropriate to the local setting and as indicated above will in general preserve the openness of the rural surroundings. The two storey units proposed have potential to be more imposing, and care is needed in their siting. In this instance they are located in the south-west corner of this development where they will be most distant from views from the village, on lower ground level and will benefit from camouflage from existing trees in the background. Provided that white windows are avoided, upper parts that might remain in view prior to full development of tree planting, will blend adequately with the natural surroundings.

5.6 Drainage

The water authority have laid down strict requirements to manage flow of foul sewage into the public system, and specified a specific maximum flow rate of 6.9 l/sec. The applicants have stated that they are able to control to this flow comfortably within the capacity of their existing provision (Flygt Maxi pumping station). There is scope under separate legislation to carry out any necessary works to the public sewer, and a planning condition can ensure that the appropriate investigations to check capacity take place.

With regard to surface water drainage, the applicants state that the existing system was designed to accommodate this second phase of development and flows can be limited to 3.7l/sec. The applicants state that controlled run-off can be to existing water course (details requested) and also state surplus can be accommodated by charging the ornamental ponds.

Overall it appears therefore that there is scope to deal successfully with the drainage issues arising from the site.

5.7 Highway safety

The existing access is over a wide verge, allowing good visibility, and the NYCC as highway authority have no objection to the development. On this basis it is not considered that there is any risk to highway safety arising from the intensification of use that will result from the development. Within the site, parking is provided separately from the holiday units, and does not give rise to conflict, for example with children playing.

Concerns have been raised about combined use of the access road which is also a bridleway. The road has good visibility, due to lack of hedging and in this respect the hazard arising from shared use is modified. The views of the NYCC Footpaths officer have been sought on this matter.

5.8 Neighbour observations

The Parish Council and an interested party from the village have expressed concerns about drainage, in particular the capacity of the foul sewers in the village which are subject to existing pressures.

As discussed above, there is scope to ensure that the additional flow of waste is managed to limits set by the drainage authority which they find acceptable and if necessary to require the enlargement of the existing sewer. It appears therefore that there is likely to be a technical solution to this issue, and it would not preclude approval, if found acceptable in other ways.

5.9 Rubbish collection

The application indicates a bin store within the car park area. The applicants have been requested to supply information about rubbish collection from the site, and the views of Environmental Health sought with regard to its adequacy.

5.10 Highway safety

As noted above the NYCC have no objections on highway safety grounds, however the applicants have been asked whether they would be willing to follow the suggestion of the Parish Council that a warning sign be placed on approach to the exit. The views of the NYCC on this proposal will also be sought.

5.11 Economic development

The proposal seeks to provide addition tourist accommodation in a central location to the District which has the potential to increase visitor spend and thereby assist with the aims of CP15 and DP25 to sustain rural communities. The proposal accords with and receives support from the guidance from Government in Planning for Growth.

SUMMARY

The proposal is an economic development of appropriate design in an acceptably sustainable location with capacity to limit the use of the private car and without significant harm to the local landscape or the amenity of neighbours 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 3840-01 Rev B, and 3480-03/PL rev A, 03/EL rev A, 04 rev A, 05, 06 rev A, 07 rev A received by Hambleton District Council on 12 July 2011 and 3480-08 Rev C received on 2 August 2011.
3. No part of the development shall be occupied after the end of the first planting and seeding seasons following commencement of the development unless the bunding shown on plan ref 3480-08 rev C and landscaping scheme shown on plan ref MP01 B, in conjunction with management scheme (ref, date) has been implemented in full. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
4. The site shall be developed with separate systems of drainage for foul and surface water.
5. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before the development commences.
6. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Furthermore the details shall include the mechanism by which foul flows entering the public sewer will be attenuated to a maximum of 6.9 litres per second ie the current flow rate.

7. Unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
8. Prior to the first use of the development the vehicular access, parking and turning facilities shall be formed in accordance with the submitted drawing (Reference 3840-01 Rev B). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. The development must comply with the following requirements that: (i) the caravans or cabins/chalets are occupied for the holiday purposes only; (ii) the caravans or cabins/chalets 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 caravans/cabins/chalets 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.

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. 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.
4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
5. To ensure that the site is properly drained and surface water is not discharge to the foul sewerage system which will prevent overloading.
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. To provide for appropriate on-site vehicle parking facilities with associated access and manoeuvring areas, in the interests of highway safety and the general amenity of the development.
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 Development Plan.

2.

08/02840/OUT

**Outline application for extension to existing business park.
at Land Off Mount Pleasant Way Stokesley North Yorkshire TS9 5NZ
for Armstrong Richardson.**

1.0 PROPOSAL & SITE DESCRIPTION

- 1.1 This application was deferred at Planning Committee on 13th November 2008 in order to allow the Allocations DPD to be progressed through to adoption prior to a formal determination of this particular application. The Allocations DPD was adopted in December 2010 and consultation has taken place on a revised site layout.
- 1.2 Outline planning permission is sought for an extension to the existing Stokesley Business Park for blanket B1, B2 and B8 use. The approval of access, layout and scale are all sought as part of this application. Landscaping and external appearance of the buildings are to be reserved matters, nonetheless the supporting Design and Access Statement presents a clear design context which would be repeated throughout the site giving synergy to the proposed business park extension.
- 1.3 Vehicular and pedestrian access to the site would be gained from Mount Pleasant Way, a spur road of adoptable standard passing the north elevation of the adjacent Armstrong Richardson site. The combined floorspace is 7,248 sq m although the majority of units are to be relatively small in the region of 600 sqm. The revised plan shows 11no office buildings and 2no industrial buildings.
- 1.4 The layout of the site is a reaction to the shape of the site and the highway layout. The proposals would include a mix and size of buildings which provide a range of accommodation for potential businesses. The proposed buildings would be a maximum of two storeys.
- 1.5 The application site extends to approximately to 2 hectares of cropped agricultural land that is bound on the north-east and south-east by mature hedging and trees whilst the new Armstrong Richardson building stands immediately adjacent to the south-west. Arable farmland extends beyond the site to south-east.

2.0 RELEVANT HISTORY

- 2.1 06/01236/FUL – Erection of three buildings to be used for offices, production and workshops on the site (Granted – December 2006).

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
PPG4 - Industrial and Commercial Development and Small Firms (2nd Edition 1992).
PPG13 - Transport (3rd edition 2001).

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP10 - The scale and distribution of new employment development
Core Strategy Policy CP10A - The scale of new employment development by sub-area
Core Strategy Policy CP11 - Distribution of new employment development
Core Strategy Policy CP12 - Priorities for employment development
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP20 - Design and the reduction of crime

Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP43 - Flooding and floodplains

4.0 CONSULTATIONS

Great & Little Broughton Parish Council

4.1 Wish to see the application refused. This is 'creeping' development and reduces the open nature of landscape. It will be difficult to conceal even with extra trees/landscaping, which if the application is approved should be evergreens. A three storey building is inappropriate for the site.

4.2 Comments are awaited in respect of the amended plans.

NYCC Highways

4.2 The Transport Assessment (TA) for the proposed development has identified that the existing junction at Ellerbeck Road and B1257 will not operate efficiently from the opening year of the application. Operation of the junction is likely to be effected before this development is established due to existing and committed development.

4.3 As the site already has permission for B2 use with a small proportion of B1 development it is considered that the most appropriate option is to minimise the effects of vehicular traffic generated both from the proposed development and the rest of the site.

4.4 The developer has been asked to investigate mitigation measures to reduce the impact of traffic generated by the proposed development and the wider site on the highway network. The developer has identified a number of scheme which are either in the County Council programme or on its reserve list which could contribute to reducing vehicular trips. These include: an on road cycle route along Station Road and footway improvements around the A170 roundabout and along B1257 to Ellerbeck Road.

4.5 Improvements to the public transport network have also been identified as likely to help reduce the vehicular impact. The developer will also need to promote use and encourage sustainable modes of travel by establishing the travel plan which has been outlined in the T.A.

4.6 It is considered that the proposed 'soft' mitigation measures to reduce overall traffic generation from Stokesley Industrial estate are an appropriate alternative to engineering works to improve junction capacity.

4.7 Comments are awaited in respect of the amended plans.

Environment Agency

- 4.8 The site should be outside of the functional floodplain when climate change allowances are included.
- 4.9 Flood levels – The most appropriate node point should be used, and confirm reason for use of defended/undefended scenario. E.g. at node Elle_007 adjacent to site, the 1:100 level including defences and climate change is estimated at 70.36m AOD, whereas a level of 69.72m AOD is quoted in the FRA. This seems to relate to node point BROU_001 which is on Broughton Beck upstream of the confluence with the diversion channel.
- 4.10 Surface water attenuation and discharge proposals – Attenuation should be to 1:1 year greenfield rate, with attenuation to 1:100 year event. Confirm that appropriate storage options are available.
- 4.11 The area designated for above ground storage during 1:100 year storm events should not be in the same place as that area designated for compensatory storage due to displacement.
- 4.12 Emergency procedures should be agreed with those responsible and the actions formalised. How will occupiers be made aware of and acknowledge the flood risk? The current proposals appear to be more of a recommendation.
- 4.13 When the above points are clarified or confirmed we can provide further comments.
- 4.14 Comments are awaited in respect of the amended plans.

Northumbrian Water

- 4.15 No objections to the original scheme.
- 4.16 The application form indicates Surface Water to “Main Sewer”. This does not belong to Northumbrian Water.

HDC Economic Development

- 4.17 In 2008 when Econ Dev originally commented on this proposal they were in support as there were enquiries for developable land in the area. Since then there has been a downturn in the economy and there is empty office space on the business park. In the period the plots on Burdon Way have also been developed - possibly filling some of the gaps and also allowing people to purchase their own sites rather than renting - this is something we have seen across the district in the last 2 years. The enquiries we have received have predominantly been for light industrial units of around 1,000 sq ft so it may be a consideration to alter the mix of office/Industrial on the development or consider some industrial units with integral offices. However the development unfolds it will be essential that each site has sufficient car parking to ensure cars do not park on the local highways.

Publicity

- 4.18 Site notice erected and neighbours consulted in writing. The period for replies expired on 15 July 2011. No replies have been received.

5.0 OBSERVATIONS

- 5.1 The issues to be considered when determining this application are identified in the policies within the Hambleton Local Development Framework, as set out above, and relate in this case to: principle of developing the site for employment use; food risk;

design and layout; transport and car parking arrangements; sustainable energy; landscaping and developer contributions.

Principle of Development

- 5.2 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of new employment development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 5.3 To this end, the application site is allocated within the submitted LDF Allocations Development Plan Document as Policy SE1 (East of Stokesley Business Park). This site is allocated for employment uses (B1, B2 and B8) subject to:
- i) Development being of high quality in terms of business uses, design and landscape settings;
 - ii) Access being via the existing industrial estate;
 - iii) A 10m wide mixed plant landscaping strip being provided to screen this site from the B1257, the south and south east;
 - iv) Contributions from the developer towards providing improved footpath and cycle links to Stokesley town centre and to Great Ayton, improvements to public transport infrastructure and, if necessary, upgrading of the potable water network to enable a suitable supply to be made available to the new development; and
 - v) No development, other than essential infrastructure and water compatible uses, should take place within Flood Zone 3b, as defined by Environment Agency Flood Maps.
- 5.4 Furthermore, Policy DP9 of the Development Policies DPD states that *“Permission for development will be granted within the settlement Development Limits as defined on the Proposals Map, provided that it is consistent with other LDF policies”*. The re-defined Proposals Map within the Allocations DPD shows the application site to be within the Development Limits in order to reflect its recent Allocation. In light of the above considerations, the principle of the proposed development is considered to be acceptable.

Flood Risk

- 5.5 The northern part of the site is close to Flood Zone 2 as identified on the Environment Agency (EA) Flood Risk Maps. The revised site layout moves the proposed buildings further away from the Flood Zone in order to minimise risk.
- 5.6 DP43 outlines our approach to development and flooding requiring a demonstration that the sequential and exceptions tests required by national guidance have been undertaken. A revised FRA has been submitted in response to this requirement and has been passed to the Environment Agency for comment.

Design & Layout

- 5.7 Whilst external appearance remains a reserved matter, the proposed units will be designed to respond to the positive elements of urban design found on the more attractive sites within the business park. It is intended that the units are designed to provide a modern contemporary appearance incorporating extensive use of glass and steel but offset through blocks of colour or more traditional materials. The overall design concept is commensurate with the image the Council would wish to promote for the Stokesley Business Park.
- 5.8 A maximum of two-storey buildings are proposed although the height of the industrial units are unspecified at this stage. The heights of buildings can be minimised through

a non-traditional construction thus avoiding the need for pitched roofs which create unnecessary additional massing and height.

- 5.9 The proposed development would have a strong physical relationship with neighbouring industrial land and represent a natural expansion of the Business Park. Whilst the proposals maximise the available land, the development would be set within an established landscape framework and would be laid out to ensure a good standard of design in regards to the creation of a high quality business environment.
- 5.10 The proposed layout would provide an adequate separation from the adjacent Armstrong Richardson site. Other industrial units to the west of Ellerbeck Way are well divorced from the development and nearby industrial users should not be significantly affected by the project.

Transport, Footpath Links & Car Parking

- 5.11 The Transport Assessment (TA) for the proposed development has identified that the existing junction at Ellerbeck Road and B1257 will not operate efficiently from the opening year of the application. Operation of the junction is likely to be effected before this development is established due to existing and committed development.
- 5.12 The developer was asked to investigate mitigation measures to reduce the impact of traffic generated by the proposed development and the wider site on the highway network. The developer has identified a number of schemes which are either in the County Council programme or on its reserve list which could contribute to reducing vehicular trips. These include: an on road cycle route along Station Road and footway improvements around the A170 roundabout and along B1257 to Ellerbeck Road.
- 5.13 It is considered that these proposed 'soft' mitigation measures to reduce overall traffic generation from Stokesley Industrial estate are an appropriate alternative to engineering works to improve junction capacity. The applicant has indicated a willingness to deliver these off-site works. Consequently, a suitable Grampian style condition will be applied to ensure that the footpath links are delivered prior to first use of the development or alternatively a s.106 agreement will be entered into to secure an agreed sum. Discussions are ongoing.
- 5.14 In terms of car parking, NYCC maximum parking standards require 1 space per 40 sqm of gross office floorspace and 1 space per 75 sqm of gross industrial floorspace within the market towns, which equates to approximately 175 spaces. The proposed layout incorporates 230 car parking spaces, 55 above the maximum standard. However, experience suggests that the existing industrial estate has inadequate levels of car parking provision which is reflected within the comments of HDC's Economic Development Officer (see above). In addition, the recent revisions to PPG13 allow Local Planning Authorities to set a realistic local standard for car parking provision. In light of this background, the level of car parking proposed is considered to be acceptable.
- 5.15 A condition should be imposed to ensure that internal access roads are constructed up to southern boundary of the site, so as not to restrict the ability to develop the adjacent land.

Sustainable Energy

- 5.16 Policy DP34 requires all developments above 1,000 sq m to show that they have addressed sustainable energy issues, by reference to accredited assessment schemes and in the case of commercial developments must undertake an energy assessment and consider the feasibility of incorporating CHP schemes. Additionally there is a requirement that at least 10% of their energy requirements are from onsite

renewable energy generation or otherwise demonstrate similar energy savings through design measures.

- 5.17 The applicant is currently investigating the most efficient way of providing the 10% on site renewable energy and hope to provide the local planning authority with a general methodology. The applicant has indicated that their own aspirations for a high quality scheme include on-site renewables. Given that the application is in outline format, it is recommended that a suitably worded condition be applied to secure a suitable scheme for onsite renewable energy generation.

Landscaping

- 5.18 As part of the allocation at SE1 (the application site and adjoining land to the south) a 10m wide mixed species landscaping strip is required to the east, south east and southern boundaries of the allocation site. Where a landscaping strip exists this should be made up to 10m. The applicant has indicated a willingness to satisfy this requirement. A suitable landscaping condition should be imposed.

6.0 SUMMARY

- 6.1 The proposed extension to Stokesley Business Park is considered to be acceptable in principle as are the site-specific issues such as scale, access and its impact on the character and appearance of the locality. The proposal therefore accords with the aims and policies of the Hambleton Local Development Framework.

7.0 RECOMMENDATION

- 7.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following conditions:-

Reserved Matters - Time

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun before the expiry of which ever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

Reserved Matters - Details

2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (b) the external appearance of each building, including a schedule of external materials to be used and (c) the landscaping of the site.

Reason: To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.

Approved Plans

3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing numbered: IS-002 Rev.C received by Hambleton District Council on 14 March 2011 and 08.029 100 Rev.A received by Hambleton District Council on 3 September 2008 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17 and DP32.

Energy Efficiency

4. Prior to the development commencing, a detailed scheme to incorporate energy efficiency and/or renewable energy measures within the design-build which meet 10 percent of the buildings energy demand shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.

Reason: 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.

Footpath & Road Construction

5. Prior to first use of the development, the carriageway and associated footpaths adjacent shall be constructed to adoptable highway standards up to the application site's southern boundary in order to allow for unrestricted access to land to the south.

Reason: To provide a fully functioning vehicular link and allow for delivery of the proposed allocated employment site.

Foul & Surface Water Drainage - Details

6. 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.

Reason: In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21

Foul & Surface Water Drainage - Implementation

7. 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 6 above.

Reason: In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21

NB/ Highways conditions and possible conditions relating to flood storage to be added.

3.

11/01373/FUL

Revised application for the construction of a dwelling, garage and new vehicular access at Land To The Rear Of Hilltop Cottage & Pinfold Cottage Raskelf North Yorkshire YO61 3LF for Church Commissioners For England.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This revised application seeks permission for the construction of a dwelling, garage and new vehicular access at Land to the rear of Hilltop Cottage and Pinfold Cottage in Raskelf. This is a re-submission of the previously refused scheme. The application was refused by Planning Committee as it was considered that 'the proposal is contrary to Local Development Framework Policy DP10 as the scheme will result in harm to the intrinsic quality of the undeveloped nature of the site and to the detriment of the character of the settlement' and 'the proposal is contrary to the Local Development Framework Policies CP17 and DP32 as the scheme does not achieve a high quality of design'. The applicant appealed the decision and the Planning Inspectorate considered that the scheme was acceptable except that the Unilateral Undertaking for the Public Open Space contributions had not been signed. The Unilateral Undertaking has been drafted and submitted alongside this new application.

1.2 The site of the proposal lies within the settlement limits of Raskelf. The site is currently the lawned sections of the back gardens of a pair of semi detached cottages. The lawns slope down the length of the gardens but are above the level of the surrounding land. This application includes the amendments to the plans originally submitted on the 29th July 2010 addressing the design issues. These include: reduction in garage height by 300mm; omission of study over garage and lounge extension and removal of external stairs; omission of attic accommodation; elongation of the main house by 1.6m to include the bedroom and study lost by the above.

2.0 RELEVANT PLANNING HISTORY

2.1 10/01712/FUL - Construction of a dwelling, garage and new vehicular access. Refused 20 August 2010. Dismissed at appeal.

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 CP2 - Access
- Development Policies DP3 - Site accessibility
- Core Strategy Policy CP4 - Settlement hierarchy
- Development Policies DP8 - Development Limits
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Development Policies DP37 - Open space, sport and recreation
- PPS 3 - Housing (June 2011)

4.0 CONSULTATIONS

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

a) The garden is not of 'low amenity value' and 'surplus to requirements'. The reason the garden is unused is that the Church Commissioners have not let Hill Top Cottage and have thus engineered this situation themselves. If a tenant had been allowed to let the cottage this situation would not have arisen.

b) The proposed garden will not be in proportion with the properties along the original linear village.

c) The character of Pinfold Cottage and Hilltop Cottage will be spoiled by removing half of their gardens and make them less attractive places to live, comment received 18 July 2011.

4.2 NYCC Highways – No objections to the proposal. Conditions recommended, received 27 July 2011.

4.3 Yorkshire Water – No objections. Conditions recommended, received 1 July 2011.

4.4 Environmental Health – No comments to make on the application, received 18 July 2011.

4.5 Neighbours consulted and site notice posted – Observations received from two nearby neighbours who made the following comments:

a) No significant changes to the scheme.

b) Inappropriate design.

c) Dwelling is too large and difficult to sell.

d) Loss of garden space for Pinfold Cottage and Hilltop Cottage.

e) Impact on pedestrian and highway safety.

f) Infilling of greens sites.

g) Inadequate parking.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the policies within the Local Development Framework and relate, in this case, to the sustainable nature of the site location, the scale, design and materials proposed and the impact, if any, on adjacent residential amenity and highway safety.

5.2 The appeal decision relating to the previously refused application has been attached to this report. It is important to note that the Planning Inspectorate concluded that 'the appeal proposal would make a positive contribution towards the village streetscape opposite Roedeer Cottages, and would accordingly result in no material harm to the visual character of its surroundings, having regard to its relationship with neighbouring buildings and other local features, and its intrinsic design. I am satisfied that it would not be at variance with Policies DP10 and DP32 of the adopted Hambleton Local Development Framework (LDF) Development Policies 2008, nor of Policy CP17 of the LDF Core Strategy 2007' (see point 12). The previous planning application (10/01712/FUL) was refused due to the inappropriate design and harm to the character of the settlement. This application matches the scheme previously submitted. Therefore, taking into account the views of the Planning Inspectorate it is considered that the development is acceptable in terms of design and will not have a harmful impact upon the character of the surroundings.

5.3 The Planning Inspectorate also concluded that the development would not harm the amenities of the nearby neighbours (see point 16) and would not be contrary to the changes set out in PPS3 Housing (see points 5 and 6). The Planning Authority agrees with the views of the Planning Inspectorate.

5.4 North Yorkshire County Council Highways have no objections to the proposal. The comments of the neighbours have been taken into consideration regarding highway safety and parking arrangements but the Highways Authority are satisfied with the proposal subject to detailed conditions to ensure highway and pedestrian safety are not compromised.

5.5 The Planning Inspectorate concluded that planning permission could be granted for the development subject to appropriate conditions. However there was no evidence of a signed obligation under section 106 in relation to the making of a financial contribution for off-site open, sport or recreation provision (see point 17). The appeal was therefore dismissed. The applicant has submitted a unilateral undertaking (under Section 106 of the Planning Act) relating to the payment of funds. It is therefore considered that the proposal complies with Policy DP37.

5.6 With regards to the remaining comments from the neighbours; the scheme does not fall with the criteria whereby affordable housing must be provided. The Planning Authority cannot control the size of the dwelling, in terms of bedroom numbers, but can only assess the design, scale, materials and positioning of the dwelling and its impact on the appearance of the surroundings. The decision of the Inspector on the previous appeal is a significant material consideration. It is important to note in determination of this application that a decision that contradicts that of the Inspector could be seen as unreasonable behaviour.

5.7 Taking into account all of the above; it is considered that the proposed development is acceptable and the scheme is recommended for approval.

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.

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. 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. 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 in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
4. 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:
 - (ii)(c) The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E6.
 - (iv) That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15.
 - (vi) The final surfacing of any private access and parking area within 2 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.

5. 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 20 metres measured along both channel lines of the major road Back Lane from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

6. 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 1020014-01 Rev.D). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

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

10. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences

11. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) received by Hambleton District Council on 27 June 2011 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In the interests of highway safety.
4. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
5. In the interests of road safety.
6. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
9. In the interest of satisfactory and sustainable drainage
10. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading
11. In order 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) .



Appeal Decision

Site visit made on 22 February 2011

by **R Ogier BA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 March 2011

Appeal Ref: APP/G2713/A/10/2142508

**Land to the rear of Hilltop Cottage and Pinfold Cottage, Raskelf,
Easingwold, North Yorkshire YO61 3LF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by The Church Commissioners for England against the decision of Hambleton District Council.
 - The application Ref 10/01712/FUL dated 6 July 2010, was refused by notice dated 20 August 2010.
 - The development proposed is a single detached dwelling on the site of existing domestic gardens.
-

Decision

1. I dismiss the appeal.

Preliminary matter

2. The report on the subject application submitted to the Council's committee on 19 August 2010 specified as part of the formal recommendation conditions to be imposed on the grant of planning permission. However, the recommendation is shown as for the refusal of planning permission. The appellant submitted the same report with the appeal together with what appears to be a second version of the report, containing a formal recommendation to approve the application subject to conditions. The Council confirms in its appeal statement that the officer recommendation at the committee was for approval.

Main Issues

3. The first main issue is the effect of the proposed development on the visual character of its surroundings, having regard to its relationship with neighbouring buildings and other local features, and its intrinsic design. The second is whether planning permission should be granted in the absence of a signed section 106 obligation relating to a financial contribution towards off-site open space, sport or recreational provision.

Reasons

First issue – effect on surroundings

4. The proposed dwelling, a two storey house with partially-attached garage, would be built on parts of the rear gardens of Pinfold Cottage and Hilltop Cottage. Pinfold Cottage has a garden side frontage to a main public road, the name of which is unclear to me, leading southwards out of the village of

Raskelf. The frontage is demarcated by a long-established brick retaining wall and faces a terrace of twentieth century houses, Roedeer Cottages.

5. The general level of the appeal site is slightly above that of the adjoining street. The Council suggests that the largely undeveloped nature of the site gives it a quality that benefits the surrounding area. The Raskelf Parish Council mentions a recent change of national planning policy in relation to garden land as set out in PPS3 *Housing*. The change has resulted in garden land losing its previously-developed land status, but it does not preclude its development under all circumstances.
6. I accept that the appeal site gives the street a degree of natural amenity through its openness and vegetation. Yet the value of the site in public amenity terms is not in my perception so obvious nor the trees and shrubs so distinctive as to rule out in principle a proposal that would merely change the balance between buildings and garden space on the site frontage. In these circumstances the proposed development would be an insertion into rather than an intrusion upon an extended gap in the built frontage. The proposed dwelling would be framed by the planting of appropriate trees behind the frontage wall that would give value in terms of softening the street profile.
7. The Council refers to it being a local tradition for buildings to sit on natural ground rather than in excavated space. A dwelling on the appeal site based on existing ground levels would be much more prominent than either Roedeer Cottages opposite or the bungalows on Back Lane to the south. However, that is not to my mind a good reason for ruling out the development of the site in principle. The appellant proposes some excavation on the site to set the proposed house at a level close to Roedeer Cottages. The question arises as to whether that approach would be acceptable in terms of the overall appearance of the proposed development and site, and its relationship with its surroundings.
8. A consequence of the excavation of the site to a lower level would be the erection of a retaining wall at its northern end, to separate the site from the retained gardens of the cottages to the north. It appears that the proposed siting of the house and garage towards this wall is a factor influencing the Council's view that the proposed development would be cramped. However, to my mind it is necessary to take a broad assessment of the street layout and the relationship between buildings, gardens and roads when assessing whether or not the appeal development lacks adequate space. I am satisfied that when viewed in terms of its general relationship with Pinfold and Hilltop Cottages and with the bungalows to the south, the character of the site and the street would remain relatively spacious.
9. I accept the view of the Council and Parish Council that the excavation to establish the lower site level might put the existing frontage wall at risk of physical damage. It might under such circumstances be difficult to maintain the existing wall's 'patina of age' in the execution of any repair or rebuilding works. However, I find no convincing reason why a repaired or partial/whole replacement wall need appear incongruous, provided that the choice of replacement bricks and bonding forms part of a carefully-managed high quality building approach. The existing wall has no statutory protection from demolition, the appeal site is not in a conservation area and the local street scene is characterised by a variety of forms of development, being mainly twentieth century housing. The wall could be adapted where it adjoins the

proposed point of access on Back Lane, to satisfy the highway authority's visibility splay requirements.

10. I find little direct relationship between the appeal development and Pinfold and Hilltop Cottages, which face Main Street. Whilst the appeal site faces Roedeer Cottages, those dwellings serve to enclose the street scene on its south western side without themselves being examples of local traditional vernacular architecture. Although the detached dwelling proposed would not replicate the terraced character of Roedeer Cottages, I am satisfied that it would not be inappropriate in its general form and size on the north-eastern side of the street.
11. The Council criticises the intrinsic design of the proposed dwelling. It seems to me that the proposed design incorporating cills and headers, chimneys, vertically-aligned timber framed sliding sash fenestration and gable verge detailing demonstrates an approach which acknowledges common features of traditional vernacular architecture. I saw no dominant architectural style or period either in the village as a whole or in the street in which the appeal site is located. No criticism is made by the Council of any specific elements of the design considered to be inappropriate. Although the Parish Council considers the dwelling to be too large, I am satisfied that it would be proportionate to its surroundings both in terms of its height and bulk.
12. I conclude in all the foregoing circumstances that the appeal proposal would make a positive contribution towards the village streetscape opposite Roedeer Cottages, and would accordingly result in no material harm to the visual character of its surroundings, having regard to its relationship with neighbouring buildings and other local features, and its intrinsic design. I am satisfied that it would not be at variance with Policies DP10 and DP32 of the adopted Hambleton Local Development Framework (LDF) Development Policies 2008, nor of Policy CP17 of the LDF Core Strategy 2007.

Second issue – section 106 obligation

13. The Council's statement refers to a Supplementary Planning Document (SPD) *Open Space, Sport and Recreation* which is at the consultation stage of preparation. It is not included in the appeal documentation. Its draft and non-development plan status reduces the weight to be given to it. Policy DP37 of the LDF Development Policies 2008 requires new housing developments to contribute towards the achievement of local standards for open space, sport and recreation, with contributions dependent on increased demand resulting from the development. The policy's supporting text at paragraph 7.4.5 refers to 'developer contributions' (implicitly financial ones) and paragraph 7.4.7 anticipates the preparation of the SPD already mentioned.
14. Both the Council's officer report and its appeal statement indicate that agreement has been reached with the applicant/appellant for the payment of a financial contribution towards the provision of off-site open space, sport or recreational provision. The statement refers to a contribution of £2,009 made though a unilateral undertaking under section 106 of the Town and Country Planning Act 1990 (as amended) (UU), a draft of which was sent to the Council and is a supporting document to the grounds of appeal. No detailed comment is made by the Council on the merits of the draft UU. However the sum mentioned, although more than nominal in relation to the erection of a single dwelling, would nevertheless appear proportionate and reasonably related to

the development under consideration, which could potentially increase the local demand for open space, sport or recreational facilities.

15. No further reference has been made by the appellant to the existence of the draft UU even though there has been an opportunity to comment on it in response to the Council's statement. The making of such a contribution would serve a development plan objective. It is clear that a financial payment should not be sought by a condition of planning permission. The Council expressly requests that no planning permission should be granted unless a completed obligation is available. I therefore conclude that planning permission should not be granted in the absence of a signed UU or agreement, and that to do so would be contrary to the objectives of LDF Policy DP37.

Other matters and overall conclusions

16. A resident of Roedeer Cottages expresses concern that their dwelling would be overlooked by windows in the front façade of the proposed dwelling. Whilst the submitted site plans suggest that the eaves height of the proposed dwelling would be marginally higher than that of Roedeer Cottages, the proposed site plan indicates that the existing and proposed facades would be separated by a distance of over 20 metres. Any views cross the street from the first floor windows of the proposed dwellings would be made less distinct by this distance and by trees at the front of the appeal site. I am therefore satisfied that no material loss of privacy would arise from the appeal development for residents of Roedeer Cottages.
17. I have found in relation to the first main issue identified in this appeal no objection to the form or appearance of the proposed development, in respect of which, if all other considerations were favourable, planning permission could be granted subject to the imposition of appropriate conditions. However in relation to the second issue I have no evidence of a signed obligation under section 106 in relation to the making of a financial contribution for off-site open space, sport or recreational provision. In these circumstances a development plan objective to support such provision when granting planning permission for new residential development would not be satisfied. That matter outweighs my conclusion on the first issue and, taking into account all other matters raised in the written representations, the appeal does not succeed.

Richard Ogier

Inspector