

# **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 10 November 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

**10 NOVEMBER 2011**

Item No	Application Ref/ Officer	Proposal/Site Description
<b>1</b>	11/00198/FUL Mrs B Robinson	<p><b>Retrospective application for the change of use of land and the formation of hardstanding in conjunction with the storage of 5 fairground lorries as amended by plans received by Hambleton District Council on 27 September 2011.</b></p> <p><b>at Church Farmhouse Thornton Le Street North Yorkshire YO7 4DS</b></p> <p><b>for Mr &amp; Mrs D Crow.</b></p> <p>RECOMMENDATION: Granted</p>
<b>2</b>	11/00873/FUL Mr A J Cunningham	<p><b>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.</b></p> <p><b>at Wellington Heifer Inn Church View Ainderby Steeple North Yorkshire</b></p> <p><b>for Glencairn Investments Ltd.</b></p> <p>RECOMMENDATION: Granted</p>
<b>3</b>	11/02251/FUL Miss A J Peel	<p><b>Extension to existing sow house.</b></p> <p><b>at Westholme Farm Islebeck Lane Islebeck North Yorkshire</b></p> <p><b>for Mr D Sanderson.</b></p> <p>RECOMMENDATION: Granted</p>
<b>4</b>	11/02260/FUL Miss A J Peel	<p><b>Construction of a sow house.</b></p> <p><b>at Westholme Farm Islebeck Lane Islebeck North Yorkshire</b></p> <p><b>for Mr Don Sanderson.</b></p> <p>RECOMMENDATION: Granted</p>
<b>5</b>	11/01528/FUL Miss A J Peel	<p><b>Construction of 3 dwellings with domestic garages.</b></p> <p><b>at Land Adjacent To Snowdens View Crayke Road Easingwold North Yorkshire</b></p> <p><b>for Mr R F Barugh.</b></p> <p>RECOMMENDATION: Granted</p>
<b>6</b>	11/01785/FUL Mrs H M Laws	<p><b>Demolish existing flat roof extension, construction of a single storey extension, first floor extension, terrace and associated landscaping works.</b></p> <p><b>at Carpenters Arms Felixkirk North Yorkshire YO7 2DP</b></p> <p><b>for Provenance Inns.</b></p> <p>RECOMMENDATION: Granted</p>

7	11/01506/FUL Mr J Saddington	Demolition of former public house and construction of 12 dwellings with garages served by a new access road. at Swaledale Arms Morton On Swale North Yorkshire DL7 9RJ for Yorvik Homes.  RECOMMENDATION: Granted
8	11/01837/FUL Mr A Cunningham	Retrospective application for change of use of an A1 shop to a mixed use of an A1 shop and an A3 café. At 93-94 High Street, Northallerton For Nero Holdings Ltd  RECOMMENDATION: Granted
9	11/01695/FUL Mrs B Robinson	Retrospective application for a change of use of equestrian land to a mixed equestrian use and use as a private gypsy pitch for one family. at OS Field 5045 Skutterskelfe North Yorkshire for Mr & Mrs T Foster.  RECOMMENDATION: Granted
10	11/01835/FUL Miss A J Peel	Proposed installation of photovoltaic panels to existing dwelling. at 28 South Terrace Sowerby North Yorkshire YO7 1RH for Mr J Parks.  RECOMMENDATION: Granted
11	11/01862/FUL Mrs H M Laws	Construction of swimming pool/games/restaurant building. at Goosewood Caravan Park Goose Lane Sutton On The Forest North Yorkshire for Flower Of May Holiday Parks Limited.  RECOMMENDATION: Granted
12	11/01989/FUL Mr J E Howe	Change of use of an agricultural nursery to a caravan park with associated hardstanding, parking and landscaping. at Hollin Barn Nurseries Sutton Road Thirsk North Yorkshire for Mr R Atkinson.  RECOMMENDATION: Granted

# 1.

11/00198/FUL

**Retrospective application for the change of use of land and the formation of hardstanding in conjunction with the storage of 5 fairground lorries as amended by plans received by Hambleton District Council on 27 September 2011. at Church Farmhouse Thornton Le Street North Yorkshire YO7 4DS for Mr & Mrs D Crow.**

## 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The application is brought back for consideration by the Committee after further investigation of access issues, the application was previously considered on 31 March 2011 and 23 June 2011 and a further site visit will have taken place prior to the 10 November 2011 Committee.

1.2 The site is an open area to the west of an existing house and range of commercial workshop and domestic outbuildings, located opposite the entrance to the village of Thornton le Street. The site entrance is on a westward bend in the A168. There is currently a wide entrance to the site, with steel gates in a brick wall which also encloses the front of the house. The house and outbuildings are in the same ownership. The house is separately let.

1.3 The surroundings are mainly rural. There is a scatter of roadside houses alongside the entrance to the village, on the east side of the A168, together with a vehicle recover garage. On the west side of the road there is a gentle rise in the land away from the road. To the north there is a well grown hedge alongside the road, and a more distant backdrop of mature trees. To the south the site is bounded by a post and rail fence from the adjacent agricultural land with some small trees, and new coniferous planting along the fence in places.

1.4 The proposal is a formation of a vehicle hardstanding for the parking of 5 fairground lorries. The parking area is 30 x 18 metres, immediately to the northwest of the existing outbuildings. The remaining area to the south, and in front of the outbuildings is hard-surfaced, with two smaller areas of grass on the west side. The buildings are excluded from the site.

1.5 Supporting information is submitted with the application which sets out the nature of the business, in which vehicles with rides tour the country with travelling fairs, and are mainly parked up/stored for the winter months. It is stated that maintenance and regular inspections takes place mainly whilst on the road and on the proposed site there will be occasional minor maintenance. A schedule of limited maintenance which may be carried out on site has been provided. See paragraph 5.29.

1.6 The applicants confirm that consent is not sought for a 'showman's yard' (which would normally include some residential use), and the site will not be used as a stopover for other showmen.

1.7 The applicant has an existing showman's living/storage compound adjacent to the Applegarth car park in Northallerton. The site is split between 3 family members, operating independently in the same business.

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

1.9 In recent weeks, a fresh set of swept path analyses for vehicle movements have been provided, based on a topographical survey and showing movements based on a pulling 'tractor' unit, one large trailer and small kiosk.

## 2.0 RELEVANT PLANNING HISTORY

2.1 2/75/158/0005 Formation of a vehicular access

2.2 2/78/158/0005A Use of part of existing agricultural building in connection with a small plant hire business. Refused.

2.3 2/78/158/0005B Display of a non-illuminated signboard. Refused.

2.4 2/83/158/0005C Alteration and extension to existing dwellinghouse. Granted

2.5 2/84/158/0005D Construction of a building for storage purposes in connection with a small plant hire business. Refused

2.6 2/86/158/0005E Use of existing outbuildings for the repair, sale and hire of horticultural implements and small building equipment to include the formation of a car parking area and alteration to existing vehicular access. Granted subject to a Planning Obligation in respect of visibility at the entrance of the site.

2.7 2/99/158/0005F Alterations and extension to existing workshop for use in connection with existing land in connection with a shop fitting business amended by plans received by Hambleton District Council. Granted subject to a condition regarding the location of parking space for heavy commercial vehicles.

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

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

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

## 3.0 RELEVANT PLANNING POLICIES:

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

PPS1 - Delivering Sustainable Development 2005

PPS7 - Sustainable Development in Rural Areas

PPG13 - Transport (as amended to 2011)

Development Policies DP32 - General design

Planning Policy Statement 4: Planning for Sustainable Economic Growth

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Development Policies DP1 - Protecting amenity

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP15 - Rural Regeneration

Development Policies DP25 - Rural employment

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

Development Policies DP30 - Protecting the character and appearance of the countryside

Core Strategy Policy CP17 - Promoting high quality design

#### 4.0 CONSULTATIONS.

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

4.2 Additional Parish Council observations (28.4.2011). Comments above are resubmitted, together with further comment

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

4.3 Parish Council comments (20.10.2011) Attached as requested, and summarised below. The Parish Council emphasises its fundamental opposition to this retrospective application on the wide range of grounds described below, in the attachments and within earlier correspondence and presentations to the Planning Committee

Observations go on to set out concerns on grounds of

- i) policy,
- ii) impact on the surroundings and noise nuisance from maintenance,
- iii) highway safety, including lack of consideration for longer vehicle trains,
- iv) enforcement action should have been taken.
- v) inaccuracies in the application
- vi) 'hidden agenda', reference made to concerns about ongoing breaches of planning control at the site, distress to local community, lack of direct involvement of local community by the Highway Authority, Village Design Statement is being produced. First draft is provided for information.
- vii) extensive screening requirement suggests the site is not suitable, especially if leylandii planting is involved.
- viii) Other queries - never ending process, lack of motivation to conclude, query whether space is short on the Northallerton site. Thin end of the wedge. LDF principles of sustainability should not be ignored. What if more than 'seasonal' use results. Why preference for this user, basically commercial vehicles. What if user changes.

4.4 The Parish Council also submit (20.10.11) a draft Village Design Statement

4.5 Parish Council comments (25.10.11) Attached as requested.

A summary is submitted of the Councils can be stated to be objections on grounds of policy, unauthorised activity, failure to consider Highway risks, access by very large vehicles over double white lines make the site totally unsuitable, inaccuracies in planning application, doubts about future intentions, benefits to traffic management in Northallerton are irrelevant, rural village should not be used to decant an urban problem.

4.6 Queries and points raised by the Village Action Group (8.6.2011).

- i) Noting inaccurate statements in the application papers and questionable accuracy of drawn details in respect of planting proposals as well as highway layout
- ii) The potential for the parking of shop fitter lorries parked in the approved position to obstruct the access to the fairground lorries.
- iii) Vehicles parked on the proposed hardstanding to over sail the hardstanding on to the grass

- iv) Visual intrusion from the A168 and neighbouring property noting that there are 14 properties with views of the site
- v) The lack of a local need for the proposal which does not bring any jobs with vi) That redundant equipments and vehicles could be left on the site
- vii) That the proposed parking would be in addition to the parking associated with the previously approved shop fitters business
- viii) Proposed tree planting at the rear of Church Farmhouse runs through the garden and not along a boundary as suggested by the plan

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

(A response to these issues is given at paragraph 5.44)

4.7 NYCC Highways – Latest response following swept path analysis received by HDC 27.9.2011.

“The Highway Authority have carried out an extensive investigation into the various highway issues relating to this application. The issues covered are

- 1) The measurement of the speed of vehicles approaching the access and the immediate area.
- 2) the calculation of the required visibility splay from the speed measurements taken in 1 above and comparing against the standards for the Design Manual for Roads and Bridges and Manual for Streets 2 (DMRB and MfS2 ). Details shown below.
- 3) The investigation has established that the position of the current access is one which achieves maximum visibility in both directions for the vehicles accessing / egressing the site.
- 4) vehicle over run on the grass verges of the access. This is dealt with in the recommendation.
- 5) The swept path analysis for the vehicles proposed to access and egress the site. Speed Survey carried out on 8 September 2011 15:22Hrs Weather overcast : wet.  
Mean speed 37 mph  
85%ile speed 41 mph

Maximum Speed 45 mph  
Minimum Speed 28mph

Existing visibility to right of access 2 x 130m (towards Thirsk)  
Existing visibility to left of access 2 x 223m (towards Northallerton)  
DMRB visibility splay required for 85%ile 44mph is 2 x 120m

Manual for Streets visibility required for 85%ile 41mph is 2 x 121.8m ( Desirable)  
Manual for Streets visibility required for 85%ile 41mph is 2 x 94.5m ( Absolute minimum)

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

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

Conditions requested – including access improvements.

#### 4.8 Environmental Health

“As per our previous comment this department have considered the above application and note that the area will be used for periodic maintenance of the fairground lorries. The maintenance of vehicles can give rise to a noise disturbance. In light of the proximity to noise sensitive dwellings and, notwithstanding the proximity to a major road, it is recommended



that if consent is granted that a condition be attached to limit the hours of maintenance, as follows: Monday to Friday 8am to 6pm; Saturday 8am to 1pm and no activities on Sundays or Bank Holidays”

4.9 CPRE - In the view of CPRE this application should be rejected.

1 The business for which the lorries are used is that of a travelling fair. The vehicles are therefore large and difficult to manoeuvre.

2 The business is currently based in Northallerton with excellent facilities for employees to go to work and the proposed move would mean more car journeys as the site is devoid of suitable public transport.

3 Thornton-le-Street is a quiet residential village of typical character for the area. Large vehicles would affect the character and amenity of the village. The following extracts from the LDF and other council policies are pertinent Secondary Villages In the designated “Secondary Villages”, limited development may be acceptable where it clearly supports a local need and contributes to the sustainability of the local community. The proposal contravenes this policy Thornton-le-Street does not meet this classification nor is it a designated service centre. In neither case does this project support a local need or contribute to the sustainability of the local community Other Areas In other settlements and in the countryside (i.e. outside the Service Centres, the designated Service Villages and Secondary Villages), development will only be permitted in exceptional circumstances. One such exception will be where development would provide affordable housing in smaller settlements, meeting a local need, which cannot be met in a more sustainable location. The primary basis for the designation of these Service Villages is that they currently have the best range of services and public transport to their Service Centre, based on an audit of services. In a nutshell, these villages have a school, a food shop, a community hall, sports and recreation facilities and a bus to a Service Centre arriving before 9 am and returning after 5 PM (thus allowing for journeys to work); The designated “Secondary Villages” have a more limited scope for development and are not proposed as a focus for service delivery. Some limited development in these villages may however support their sustainability and the maintenance of existing services such as village schools and also help to meet rural needs. The proposal contravenes this policy specifically the proposal will not contribute to the services in Thornton-le-Street. CP2 Development and the provision of services should be located so as to minimize the need to travel. Convenient access via footways, cycle paths and public transport should exist or be provided, thereby encouraging the use of these modes of travel for local journeys and reducing the need to travel by private car and improving the accessibility of services to those with poor availability of transport. The proposal contravenes this policy CP4 Development or activities of a scale and nature appropriate to secure the sustainability of each settlement, as identified in Spatial Principle 3 and in the Core Strategy policies, will be supported within the Development Limits of the settlements in the hierarchy designated in the following table. Development in other locations (in settlements or in countryside) will only be supported when an exceptional case can be made for the proposals in terms of Policies CP1 and CP2, and where: i. It is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy; or ii. It is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or iii. It would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or iv. It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or v. It would make provision for renewable energy generation, of a scale and design appropriate to its location; vi. It would support the social and economic regeneration of rural areas. The proposal meets none of these criteria

4 We are advised that the entrance to the main roads from Thornton-le-Street is difficult and can be dangerous and we have been told of fatal accidents at these junctions.

5. We are aware of many instances of farms developing transport activities for the furtherance of farming and such projects are essential. The current application is however totally unconnected with farming and must therefore be seen as a scheme to avoid continuing in business inside a designated service area, presumably because the costs of such are higher than those of using a farmyard in a sparsely populated and beautiful area.

The CPRE considers this development contradicts the policies of local Government and will be strongly detrimental to the area. It should be prevented. We also notice that this is a retrospective application. This may well be because the applicant considers that having started to use the site refusing permission for the activity will be more difficult. Such tactics are depressingly common and must be resisted. CPRE considers that permission for the transfer of this activity from the town to the country is undesirable and the application for the development should be refused

Neighbours and site notice.

4.9 One 'neutral' letter received

Comment - For some years a fleet of articulated trailers was run from the site and 5/6 units/trailer parked there, and no reason to complain arose. Vehicle movements now reduced and property is tidy. Hope that HDC will take note of environmental details, hours of work, noise levels.

4.10 Individual objection letters were received from 5 households.

Grounds of objection are grouped together and summarised as follows:-

4.11 Visual intrusion – vehicles can be seen from many households in the village. Vehicles can be seen at a distance from the road. Difficult to screen. Screening will take a long time to establish.

4.12 Noise and nuisance – concern about noise and disturbance arising from repairs to the fairground rides.

4.13 Highway Safety – Concerns due to location of the access on a bend and close to a double bend and across double white lines. Obstruction will be caused by large lorries turning in and out of site. Lorries will be slow moving and will halt traffic. Lorries will tend to use the whole road. Speed and quantity of traffic on the road, including extra traffic when this road is used as a diversion at times when A19 closed. Potential for use by different arrangements of showmen's vehicles.

Conflict with existing vehicles on the site.

4.14 Principle of the use in this location – this is an industrial use that does not belong in a rural village. Should be in Northallerton. Does not bring employment. No social or economic benefit to the area.

4.15 Hardstanding – application is inaccurate about formation of hardstanding and information about the amount of stone brought onto the site is doubted, due to the level of activity, and numbers of lorries seen at the time. The ground is clearly raised by up to 600mm.

4.16 Object (Carter Jonas 8.3.11)

On behalf of 14 households, representing 25 individuals.

a) Policy issues – No exceptional case has been made for development in otherwise unsuitable and unsustainable countryside, contrary to CP1, CP2, CP4, CP11, CP15, and DP9. The applicant has not been demonstrated that the proposal is not capable of being accommodated within development limits of a defined settlement, nor will it sustain a rural community or meet a local need.

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

b) Highway safety –Detail lacking. Swept path analysis is necessary. Vehicles have been reversed into the site. Fairground vehicles larger than standard HGVs, and may tow ancillary

vehicles. Any addition to the numbers of vehicles allowed on site will compound problems. Suitable improvements will not be possible within land in the applicants' ownership.

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

Winter only use will maximise prominence of site.

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

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

#### 4.17 Subsequent observations (Carter Jonas 22.3.2011)

(in connection with analysis of vehicle movements in and out of the site from the south).

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

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

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

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

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

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

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

#### 4.18 Further observations (Carter Jonas 9.5.11)

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

#### 4.19 (Carter Jonas 14.10.2011)

(in response to revised info including swept path analysis).

Disappointing lack of supporting commentary re: parameters and context.

Vehicle access is contrived, assumes perfect positioning. Needs to take account of time taken for manoeuvres, and potential for conflict with traffic flow speeds and subsequent vehicle stopping distances. No speed survey information. No visibility splays indicated. Does not consider maximum length of articulated vehicle that could enter the site. Potential for stationary vehicles to block access for other vehicles which might need to enter the site.

#### 4.20 Additional concerns

In addition to the above, concern has been expressed by neighbours about ongoing activity at the site, and related enforcement issues.

Concern has been expressed by neighbours about ongoing activity at the site, and related enforcement issues.

## 5.0 OBSERVATIONS

### Policy Principles

5.1 The applicants are accepted to be travelling showpeople, and Circular 04/2007 Planning for Travelling Showmen, highlights that the need of this group are unusual in

planning terms, with particular requirements in relation to housing and pertinent to this case “permanent bases for the storage of their equipment” (paragraph 1) and maintenance space for equipment. The Circular set out its main intention of which item 1 was “to increase the number of travelling showpeople’s site in suitable locations with planning permission in order to address current under-provision”. It requires local authorities to make suitable provision, respect the traditional way of life, and highlights the need to help travelling show people in efforts to make their own provision in locations that are suitable in planning terms, with sustainability as a key consideration.

5.2 Much of the guidance in Circular 04/2007 relates to residential sites and is not of particular relevance to this proposal. A survey of North Yorkshire Accommodation Requirements of Showmen (December 2009) showed a requirement for 54 plots (including residential) to meet the backlog of need in North Yorkshire.

Recent developments in National Planning Guidance

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

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

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

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

5.7 The proposal must be assessed the tests of Local Development Framework Policies CP1, CP2 and CP4.

5.8 Policy CP4 recognises that there must be exceptions to this principle of excluding new development from the countryside, for example where there is an essential requirement to locate in the countryside. Essentially the purpose of CP4 is to exercise strong restraint on development in locations outside the sustainable settlement hierarchy (second paragraph of CP4). Restraint is applied through three tests, all of which must be met to justify development.

5.9 Test One: “Exceptional Case” in terms of CP1 and CP2. Making an “exceptional case” does not mean showing how a proposal meets the criteria and provision of CP1 and CP2. The Plan states that the benefits sought by CP1 and CP2 are more likely to be achieved by locating development within the sustainable settlement hierarchy (Core Strategy paragraph 4.1.9). The assumption is that development in locations outside the sustainable settlement hierarchy would likely be contrary to CP1 and CP2. “Exceptional Case” therefore means providing evidence as to why a proposal that does not comply with the intentions of CP1 and CP2 should be permitted.

5.10 CP1 is a very general policy providing fundamental criteria to be applied as a starting point to all developments aimed at ensuring all development is sustainable and located to help promote sustainable communities. It needs to be applied in a balanced manner. Making an “exceptional case” in terms of CP1 is, therefore, about providing evidence as to why development should be located in a less sustainable location. Consequently, the aim should be to assess how serious a breach of CP1 a proposal is, which should be weighed against the “exceptional case”.

5.11 CP2 is another broad policy which sets down the Local Development Framework’s intention toward transport and accessibility. CP2 aims to ensure that all development is located so as to minimise the need for travel, particularly by private car. The “exceptional case” in terms of CP2 is, therefore, about providing evidence as to why a proposal which would be contrary to the intentions of CP2 (i.e. a proposal which would increase the need for travel) should be permitted. Again, the aim should be to assess how serious a breach of CP2 a proposal is, which should be weighed against the “exceptional case”.

5.12 In applying Test One; the proposals at Thornton le Street are considered to present a breach some parts of CP1 and achieves compliance with other parts. The scheme may result in an increase in vehicle movements for the proposed use, whilst reducing the scope of movements under its previous equestrian use. The storage of fairground lorries may result in greater visual impact in the landscape but the impact but also has the potential to support the economy.

5.13 Applying CP2 and the aim of minimising the need for travel it is considered that the use for storage of fairground lorries has no reason to be a generator of significant numbers of vehicle movements by private car. Consequently, the proposed development does not breach CP2.

5.14 In light of the above considerations, it is considered that the proposals achieves marginal compliance with CP1 and CP2 and thereby satisfies Test One.

5.15 Test Two: means being able to meet at least one of the criteria i) to vi) in CP4 and provide the evidence to prove this. This is additional to the policy test to demonstrate an exceptional case.

5.16 The scheme may achieve some limited support from criteria (i) of CP4 as the use is one which requires land for the storage of vehicles which in turn can be expected to support the business of the fairground operator and therefore the economy in which they are based. There has not been explicit evidence supplied to support case and no evidence has been submitted to show that the need for this site is “exceptional” in the context of Policy CP4. As such the proposal fails Test Two.

5.17 Test Three: requires proposals not to conflict with the environmental protection and nature conservation policies of the Local Development Framework (final paragraph of CP4). Policy CP16 defines the main elements of the District environmental qualities. In this case the open countryside character and the character of settlements are features that must be considered. As set out below the impact on both the open countryside and character of the settlement are not considered to be so significant to justify refusal of planning permission.

5.18 The scheme achieves compliance with Test Three. The Local Development Framework policy CP4 requires all three tests to be satisfied. As it is considered that Test Two is failed the scheme is considered to be contrary to the provisions of CP1, CP2 and CP4.

5.19 Section 38(6) Planning and Compulsory Purchase Act (2004) requires that if regard is to be had to the development plan in any determination, that determination shall be in accordance with the plan unless material considerations indicate otherwise. Section 38(5) requires that where policies in the development plan conflict the conflict must be resolved in favour of the last adopted document.

5.20 The other documents have been introduced since the adoption of the Local Development Framework Core Strategy and Development Policies, these are the North Yorkshire Accommodation Requirements of Showmen (December 2009), the consultation draft of the document to replace the Circular 04/07 Planning for Travelling Show People and the Ministerial Statement "Planning for Growth".

5.21 The new documents are a material consideration which must be considered and given appropriate weight. Also other policies of the Local Development Framework particularly Policy CP15 and DP25 are to be addressed.

5.22 Local Development Framework contains Policy DP25 which deals specifically with the issue of economic development outside development limits. Considering the criteria of Policy DP25,

i) The proposal can be seen to be small in scale and

ii) replaces an existing use which included parking of heavy commercial vehicles,

iii) The proposed use could be located within Development Limits. However opportunities to locate within Development Limits are limited by the availability of a supply of suitable land to meet its specific requirements. The use needs a relatively large space, for mainly seasonal occupation, during which the vehicles will not be generating income. Although the applicants have not supplied detailed evidence on this matter it is acknowledged that the supply of suitably sized and priced sites within Development Limits will be limited and that serviced employment land which is located in sustainable locations should be reserved for uses which employ staff on a full time basis. It is for reasons such as these that Government's Circular guidance has been provided, to accommodate these types of use.

iv) The use relates to a well established family business in the area, which provides some support to the local economy for example jobs within the business, and outside jobs in the form of professional maintenance of the equipment. It is not specifically related to the rural economy, however subject to other issues, this might be considered of minor weight to the overall circumstances.

v) There is no evidence that the development would adversely impact on the economy of the Service Centres.

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

#### Summary of policy principles

5.24 The need for the Local Authority to make provision for travelling show people is a material consideration. Notwithstanding the conflict with Policy CP4 it is considered the development could be accepted as an exception to CP4 subject to there being no conflict with the environmental protection and nature conservation policies (CP16/CP17) of the Local Development Framework, and other relevant policies especially amenity of residential occupiers nearby (CP1 and DP1), and road safety concerns.

#### Landscape and visual impact

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

5.26 The proposed hardstanding has been implemented, and from time to time fairground lorries have been parked on the site. They are visible on approach from the south, over

hedges and against the background of trees. From the north they are moderately well screened from the roadside by reasonably high hedges.

5.27 Neighbouring residents have indicated that they are visible from the west side of the nearby village, emphasised by relative ground levels. The vehicles are large and some are brightly coloured. The parking area is well away from the roadside and from the nearest houses (approximately 80 metres), and for this reason views will be relatively distant. At the present time the visibility from passers-by in cars is of relatively distant vehicles, against the background of trees, and although the vehicles are visible, they are not so unacceptably obtrusive as to justify refusal on this account alone. Additional landscape screening will further mitigate any impact, to the general benefit of the rural surroundings.

5.28 The houses most affected, on the west side of the village have a generally broad rural outlook and whilst the lorries when parked will be partially visible, their impact will be considerably softened by hedging on the roadside, which will serve to break up views of the vehicles, even in periods without leaf cover, as well as any local screening within individual gardens.

Overall the general effect on outlook will be not be so dominant as to be significantly harmful to general residential amenities, and the field of view from individual properties will retain its predominantly rural character

#### Noise nuisance

5.29 The main part of the use is storage/parking of the lorries and the applicants have confirmed that of necessity the majority of any maintenance will take place “on the road” during the show season. A schedule has been provided which sets out maintenance that might be carried out on site, and noting maintenance works which are carried out off-site by professional engineering and other works. The proposed schedule is as set out below:-

#### Church Farmhouse: Schedule of maintenance works

Works that would take place – On the road or at Church Farmhouse

- Repairing of light holders
- Minor spot welding and soldering
- Sanding of surfaces after spot welds
- General cleaning
- Polishing of metal
- Spot painting (not specialist spraying)
- Lacquering
- Changing plugs
- Replacing bulbs
- Replacing light starters
- Fitting of covers
- Repairing damaged covers
- Application of vinyl stickers
- Replacing of tyres
- Replacing seat belts
- Removal of scratches
- Repairing pads on seats
- Fitting new speaker boxes
- Fitting new light caps
- Repairing/patching of damaged fibreglass
- Replacing damaged wire

#### Off-site Maintenance Works (by specialists)

- JSW (Northallerton)-Metal Work- for example the making and fitting of drawbars, metal work on chassis
- Alan Hardcastle (Northallerton)- Mechanic- Maintenance work on lorries
- Harkers Hydraulics (Northallerton)-Hydraulic work- e.g. maintenance of hyab
- John White (Middlesbrough)- Painter- he does all the spray painting of lorries
- Peter Jones (Peterlee)- Mechanic- Services the lorries

- Any major overhaul works on the rides are undertaken by the ride manufacturers"

The works that may be carried out on site are minor, and are not likely to cause a significant noise nuisance. Experience of the same use in Northallerton has not produced any complaints about noise or other nuisance.

If considered necessary an hours of work condition will further protect amenity.

Highway Access and safety.

5.30 There is general and technical concern that the proposed access by large lorries will increase risk to road safety. The Highway Authority have carried out an extensive investigation into the various highway issues relating to the application and has applied key Government Guidance by reference to the Design Manual for Roads and Bridges (DMRB). Their conclusion is that the proposal when considered against the background of the established national guidelines will not present a risk to road safety.

5.31 Swept path analysis for the lorries concerned has been provided by the applicants, and a speed survey conducted by the Highway Authority. The swept path analysis showed a need to further widen the access, to avoid overrun to verges, which is now included with the proposal, and can be controlled by condition. The Highway Authority is satisfied that the inter-visibility available is commensurate with the standard required in all respects. They also note that the guidance takes account of the level and nature of any development adjacent to the highway. The examination of the proposal has been extensive and the recommendations of the Highway Authority show that the assessment concludes that the access arrangements are appropriate for the proposed development.

5.32 Attention has been drawn to the use in the swept path analysis of a single large trailer and small kiosk combination, and to the range of showmen's vehicles and trailers combinations that may legally use the roads. In this case the proposal is for storage of 5 individual large lorries, and the applicants have expressed willingness to agree to a condition to prevent larger combinations from being brought on to the site.

5.33 Obstruction of the turning areas within the site could arise due to HGV's unrelated to the fairground business being parked within the turning area. This stems from an earlier approval on the site for a shop fitting business. It is proposed that this is addressed by means of a Planning Obligation under Section 106 of the Planning Act to ensure any such visiting vehicles are not retained on site.

5.34 A series of questions have been raised by the Parish Council relating to the access and highway matters. The responses are set out below.

Parish Council questions (indented)

1. Regarding the right turn out of the gates, the **vehicle** would need to be (at least) partially **in the opposing (northbound) lane for some 50 metres** and would intrude into the safe stopping distance of oncoming vehicles. This would take notably longer than 10 seconds, another very significant factor which needs to be taken into account
2. The **northbound SSD should be checked** from a point some 50metres south of the junction given this manoeuvre (right turn out) (Drg NW/HOW/THORN.1/02).



Highway Authority response to questions 1, 2 and 5

The visibility available has been assessed in line with the Design Manual for Roads and Bridges (DMRB). DMRB required based on the 85%ile speed recorded of all traffic travelling in a northerly direction ( 41mph) at the access to the site, the DMRB requires 120 metre of clear visibility from a point 2 metres back from the channel. The actual visibility available to the south is 130 metres and 223 metres to the north.

3. Recent speed survey results are shown but **only for one direction, we are not even informed which direction** - there appear to be elements of vital information missing - we need both directions of approach.

Highway Authority response to question 3

A speed survey was carried out in a northerly direction only as the visibility available to the south falls short of the requirements in DMRB for a 60mph road which is a minimum of 215 metres. Therefore, in line with DMRB a speed survey was carried out to determine the appropriate visibility requirement based on the actual speed of vehicles. DMRB specifies for 85%ile speeds of 44 mph the visibility available must be a minimum of 120 metres.

4. Whilst the Police don't record damage-only accidents, we have **incontrovertible evidence of the recent incidents/accidents** and these are **indicative of the problems at this site** which again are important considerations in assessing the safety of this site's access/egress, especially when taking account of the distances involved in 1. above.

Highway Authority response to questions 4 and 6

When considering the personal injury accident record in relation to a planning application, consideration is only given to those accidents which are directly associated with the application site. The accident record for the A168 at Thornton le Street shows that there have been two personal injury accidents to the south of the southern most bend in the village adjacent to Church Farmhouse. One of the accidents took place approximately 160 metres south of the bend at a field access and involved an overtaking manoeuvre with a right turning vehicle. The second accident resulted in a rear end shunt due to the presence of temporary road works; again this accident was approximately 80 metres south of the bend and access to Church Farmhouse.

It is not a legal requirement to report damage only accidents to the Police therefore such incidents are not recorded as the numbers are unreliable

5. Resident David Hunter's **letter** sent in the post to **Mr Bowe raises even more questions** that need further examination by Highways and Hambleton District Council.

See Highway Authority response to question 1 and 2 above.

6. **Why is NYCC saying there have been 'no accidents' when their own records show there have been?** This information is obviously relevant to any decisions being considered whether to allow the change of use of this site and unusually long (26m) and multi-trailer vehicles entering and exiting via this dangerous

bend in the A168, opposite the entrance to Thornton le Street village.

See Highway Authority response to question 4 above.

**Why does Highways Area 2 Recommendation refer to 'alleviating the potential for traffic management issues associated with the applicants existing site in Northallerton'.**

Highway Authority response

As part of the Highway Authorities recommendation a note is provided to the planning officer part of which makes reference to possible alleviation of the potential for traffic management issues associated with the applicants existing site in Northallerton.

The existing site in Northallerton is accessed from the narrow street adjoining the High Street at the North End of Northallerton. The North End of Northallerton is a regularly congested area and it is considered that the removal of fairground vehicles from this area of the town may assist in alleviating congestion in this area.

The full train of vehicle plus maximum number of trailers allowed and maximum length has not been not fully considered, as per HDC Planning Committee instructions – ie vehicle plus 3 trailers and c. 26 metres long

Highway Authority response

It is considered by the Highway Authority that the matter of the length of the vehicles proposed to be used at the application site can be dealt with by the Planning Authority as a condition if the application is granted.

The swept path analysis shows a 26m long vehicle, as included in the application.

**How will consultations and decisions take account of regular and substantial increases in traffic volumes when the A19 is closed and traffic diverted onto the A168 bringing even more heavy lorries along this already dangerous stretch of A168?**

Highway Authority response

As explained above the access has been considered in line with DMRB which takes into account the type of road and traffic speeds

What proposals to improve the turning area are included in the application?

Highway Authority response

The application includes a hardstanding area for the turning of vehicles. The Highway Authority is satisfied that any turning manoeuvres within the site do not impact upon the highway.

**Who would knowingly decide to intensify the use of this stretch of the double white-lined A168 by introducing exceptionally long, slow-moving, multi-trailer vehicles?**

#### Highway Authority response

The application site has had previous use for a number of heavy goods vehicles. As explained above the access has been considered in line with DMRB Neighbour observations.

5.35 The concerns of neighbours can be categorised in three main areas, including policy principles, amenity impact, and highway concerns together with concerns about factual matters to do with the application, enforcement issues and the latterly submitted draft Village Design Guide.

General principle of commercial development outside development limits.

5.36 As has been noted above, the use is unusual in planning terms and does not rely upon nor would it benefit from the relationship with other business uses that would be achieved in a service centre. It is also relevant that the use is related to the existing site located in Northallerton, where the associated residential uses are concentrated. The Northallerton site is very heavily used, and can be seen to be fully occupied at the relevant times of year, before the vehicles go on the road. There is no scope for additional overflow parking there, and adhoc parking sometimes occurs on the roadside, for example on local industrial estates.

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

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

#### Other policies

5.39 The Parish Council has introduced its draft Village Design Statement, which is in the course of preparation. The Village Design Statement draws attention to the character of the village with particular relevance to this site, it highlights the role of the Metcalfe Garage and Church Farmhouse as a gateway to the village.

#### Amenity - landscape

5.40 The visibility of the parking area from the south in particular is acknowledged, however as above, these views are relatively distant, and if suitably screened their impact will be further reduced. Concerns about young coniferous planting, which is not a woodland/hedgerow type that would be found in this area, have been expressed. In this particular instance however where the hedge would be seen against the background of a stand of mature trees and buildings, this type of hedge will be useful for its winter screening, and if contained to a suitable height, and interspersed with woodland species of a more natural form, will not be incongruous in the landscape. Additional planting can be designed which will reinforce existing hedge screening on the north side of the site.

5.41 Overall, effective screening could be achieved without undue harm to the natural surroundings and would have the benefit of being relatively quick to establish, overcoming some of the concerns on this account.

#### Amenity of neighbours

5.42 Outlook - The parking area is relatively distant, and notwithstanding that it is in sight of the occupiers, vehicles parked upon it could not be shown to be exceptionally imposing or intrusive on residential property. It may be that some concerns originate in the particular characteristics of these lorries, which can have unconventional protrusions and projections reflecting the equipment they carry, and the traditional fairground artwork associated with

them. It is clear however that when closed and secured for storage these elements will not be obtrusive, and notwithstanding occasional opening for minor maintenance, as specified, they will not normally be incongruous or obtrusive.

5.43 Disturbance - Concerns have been expressed about the possibility of intrusive ancillary activity, i.e. dismantling and running of machinery for maintenance and testing purpose. The development of the proposed schedule of minor works which might be undertaken on site and can be controlled by condition, is considered to allay these concerns, particularly if reinforced by an hours of work condition. It can also be reiterated, as noted above that identical usages have been carried on at the Northallerton site, without complaint from neighbours in similar proximity.

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

- i) Inaccuracies of the planning application that do not hinder a full understanding of the proposal do not prevent the consideration of the application. Following very detailed consideration of this proposal it is considered that all the relevant aspects have been explored and information provided to address concerns or that a planning condition can be used to resolve the issues.
- ii) Regarding landscape proposals, these are indicative and do not preclude other details being prepared in accordance with any landscaping condition imposed.
- iii) The potential for parking of lorries in association with shop fitting business obstructing turning space within the site is understood, and additional details have been demonstrating that some on site parking is feasible without hindering access to the fairground lorries.
- iv) The proposal can be conditioned to ensure vehicles park on the relevant area only. Whilst minor 'infringements' are not likely to be a nuisance, if parking of vehicle strays significantly beyond a defined area, this could then be addressed by enforcement processes. A physical demarcation can be required by planning condition.
- v) Visual intrusion in the landscape of fairground lorries when viewed from the road which is relatively distant is an issue that is capable of mitigation by additional planting on land within the applicants ownership or control.
- vii) It is acknowledged that this business is not a significant generator of rural jobs, however due to the special circumstances outlined in earlier paragraphs, it is on balance considered that there is some special justification for the use, subject to other relevant policies.
- viii) The proposal is for the parking of fairground lorries only and a condition can require that other items are not kept in the area.
- ix) Tree planting at the rear of Church Farmhouse can take place in any position deemed suitable for screening purposes, even it there is not a defined boundary currently in place.
- x) Measures to contain lorries on the designated parking place could be instigated, and depending on their nature could have the further benefit of providing additional screening.

#### Other Issues

5.45 Apparent inaccuracies in the application.

Strong concerns have been expressed by neighbours at the disparity between the large numbers of lorries and material noted to have been brought to the site in course of the preparations that preceded the application, and resulting site levels, and the lack of detail in this regard provided by the applicant. It has been explained that in this particular instance the application is retrospective and hardstanding is to be considered as it now stands, and the evidence requested would not alter the ability of Planning Committee Members to make a decision on whether it is acceptable.

Enforcement issues.

5.46 Concerns have been expressed about activity at the site in the course of the application, and that Hambleton District Council has not acted on information provided. As an application has been pursued with on-going dialogue it was appropriate to await a conclusion of the application and can then act accordingly on any inappropriate activity based either on the terms of any approval, or in the light of a refusal, as required. In the interim the Councils ability to take formal action is limited by the fleeting nature of the activity and the absence of a formal decision about what is acceptable in this location.

## SUMMARY

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

### 6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be

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 10.026 001 Rev D and 10.026 003 Rev G received by Hambleton District Council on 27 September 2011 unless otherwise agreed in writing by the Local Planning Authority.
3. No more than 5 fairground lorries shall be stored within the application site and no fairground lorries shall be parked on the site except in the hatched so shown on plan ref 10.026 003 Rev G received by Hambleton District Council 27 September 2011.
4. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
5. No storage of lorries shall take place until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
6. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

7. There shall be no storage of any goods or equipment or vehicles on the site other than a maximum of 5 fairground lorries consisting of 1 cab unit and one trailer.

8. No caravan or sleeping unit of any sort shall be brought onto the site.

9. Repair or maintenance activities taking place on the site shall be limited to those set out in Schedule of Maintenance Works received by Hambleton District Council 20 June 2011.

10. Maintenance activities shall not take place unless between the hours of 8 am to 6 pm Monday to Friday; 8am to 1pm Saturday, and at no time on Sundays or Bank Holidays.

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

12. Unless otherwise approved in writing by the Local Planning Authority, the use shall not commence 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)(b) The existing access shall be improved by 1) the access being widened and constructed as shown in drawing 10.026 Revision G to accommodate the vehicles access / egress in a forward gear. 2) the curved access shall be kerbed. (ii)(c) The crossing of the highway verge shall be constructed in accordance with the Standard Detail number A2. (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. **INFORMATIVE** You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

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 for the Local Planning Authority to assess the acceptability of any alternative parking in accordance with the policies of the Local Development Framework.

4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Local Development Framework Policy DP32.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Local Development Framework Policy DP32.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP30.
7. To enable the Local Planning Authority to consider the impact of any alternative use under the policies of the Local Development Framework.
8. No exceptional case has been made to justify any residential use in this location, in accordance with Local Development Framework Policy CP4.
9. In the interests of the amenities of the surroundings and neighbouring occupiers in accordance with Local Development Framework Policy CP1, DP1.
10. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1, DP1.
11. In the interests of highway safety.
12. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

**Retrospective application for the change of use of land and the formation of hardstanding in conjunction with the storage of 5 fairground lorries at Church Farmhouse, Thornton le Street as amended by plans received by Hambleton District Council on 27 September 2011. 11/00198/FUL**

**Observations from Thornton le Moor with Thornton le Street Parish Council  
Submitted to Hambleton District Council Planning Authority  
20 October 2011**

**Summary - Parish Council Observations to the Planning Authority:  
The Parish Council emphasises its fundamental opposition to this retrospective application on the wide range of grounds described below, in the attachments and within earlier correspondence and presentations to the Planning Committee.**

**Foreword**

Hambleton District Council is nationally recognised as an excellent, forward thinking council leading the way in shared services to improve efficiencies. Indeed one of its former senior managers, Steve Quartermain, is now the national Chief Planning Officer.

HDC Officers and Members have consistently asserted their plans to '**Get it right**' on this application and avoid either an appeal or judicial review, with the Parish Council sharing their aspiration and to get the right decision, using the right processes in the right way resulting in credible decisions being made.

Officers and Members of the Planning Committee can see clearly from Thornton le Street's **Village Design Statement** more about this tiny village and what is there to 'enhance and protect', thus **helping decision makers to understand more about the environment surrounding this** and other **planning applications** in the village.



## **Introduction**

At first sight this seems a straightforward application for the storage of 5 lorries on a site that has previously had permission for a shop fitting business including 2 HGVs associated with this business.

The 2 NYCC Highways Recommendations suggest that 'other things are in play' by commenting that this 'proposal may result in alleviating the potential for traffic management issues associated with the applicants existing site in Northallerton'.

**The Parish Council's wide ranging reasons for refusing this retrospective application follow:**

### **REASON ONE - This retrospective application does not meet HDC's own policies or national policies**

Thornton le Street is **outside the Settlement Hierarchy** therefore DP9 means that development outside the Development Limits can only be approved if there is an exceptional need. **No exceptional need or business case has been established** and the approved site at **Northallerton** has continued to have **adequate space** for the vehicles parked without permission at the application site.

'it's not policy to grant inappropriate development'

'there would need to be a lot of other things in favour to get permission outside the Development limits – the benefits would need to greatly outweigh' (HDC Planning Policy Team 19/10/11)

HDC's record is 0% for **approving developments with no exceptional need outside the Development Limits** (Annual Monitoring Report 2009/2010 and verbal confirmation for current year from Policy Officer from Tim Wood, Development Management 19/10/11). With targets for 0% HDC has met its stated targets for these periods. **For the Planning Committee to approve this application would mean HDC contravening their own policies, as well as missing their targets. DP8** (defines Development Limits) **is mentioned as a planning constraint for the application site** within HDC's own 'map based system which looks at the planning database and indicates a planning policy relating to development limits'. (Maurice Cann, email 20/1/10)

## What does the incoming National Planning Policy Framework say?

'Planning decisions should **protect, and try to improve, wildlife and the habitats they live in, as well as landscape**, and old buildings

The Government wants planning decisions to be **based on up to date local plans, put together with communities**, and **based on adequate evidence**

And - The presumption also means that **where development is in line with the local plan**, it should be allowed without delay'.

**In this application, the opposite applies as it is not in line with the local plan (the LDF) and should therefore be refused without delay.**

Page 4, summary

doc.<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1972109.pdf>

**This proposal also contravenes para 18 of the Draft National Planning Policy Framework on page 5** - 'the revenue from development will help sustain local services, fund infrastructure and deliver environmental enhancement.

**The Parish Council draws attention to the observations of Carter Jonas in letters to HDC dated March 2011, June 2011 and (attached) October 2011 detailing why specifically this application does not meet national and local policies**

- CP1, CP2, CP4, DP9
- CP 11, CP 15
- DP1, DP 25, DP 30, DP 33
- PPS 4
- EC 11, EC 12
- Emerging guidance relating to travelling show people also seeks to control development in the open countryside and to use local criteria (ie LDF Policies) to guide the location of new development

**This begs the question - What is the purpose of the LDF which cost HDC £1m to produce?**

LOCAL DEVELOPMENT FRAMEWORK - **Development Plan Document, No. 4, March 2009**

- 4.13 Preparation of the LDF is very costly. Initially £500,000 was put in the fund. It has been supplemented by a further £500,000 of Planning Delivery Grant (PDG), **giving a total of about £1m to date**. If Housing and Planning Delivery Grant is awarded by the Government in the future this may be used to top-up the fund.
- **4.14 To March 2009 about £900,000 will have been spent** from the fund, mostly on evidence base work – essential to the **establishment of a sound plan**, additional staff including consultants and the costs of the Core Strategy and Development Policies Examination. (From HDC website)

**REASON TWO – This site in open countryside is the wrong place for this industrial operation**

The Parish Council accepts HDC's Environmental Health Officer's statement 14/10/11 that 'the maintenance of vehicles can give rise to a noise disturbance' but considers any conditions relating to restricting operations are **unenforceable** especially given the Planning Authority's recent history of not using enforcement at this site and the applicants' total disregard for planning protocols, the community and the countryside.

**Photographs sent to the Planning Authority also show the impact of the parking of bright blue fairground wagons in the open countryside. Decision makers**

should consider these photographs of unauthorised activity on this site, which also show how totally inappropriate this is within an open, rural environment adjacent to the historic **site of the Scheduled Ancient Monument** that covers much of the land surrounding the small village of Thornton le Street. Examples below







**REASON THREE - The risks and dangers associated with these vehicles using this access on the double white-lined corner of the A168 make it totally unsuitable and to approve this application would inevitably lead to further accidents or fatalities**

#### **Road Safety Issues**

**The Parish Council continues to be concerned that NYCC Highways have neglected to take account of a wide range of critical, risk- related issues in providing their Recommendation, for example**

**Accident records** held by NYCC Road Safety and informed by residents to both councils provide incontrovertible evidence of the risks and dangers on this stretch of road through Thornton le Street, particularly on the bend from which vehicles gain access to the village and to the application site. These injury-related accident records have been discounted by NYCC Highways - 'there have been no accidents in the last 5 years'. Barrie Mason, Assistant Director NYCC, letter to Parish Council 10/10/11

**Inappropriate use of 85<sup>th</sup> percentile** – our advisers suggest this is ill-advised as these are dangerous bends with the likelihood of fast approach speeds from the south in particular and also the need to see emerging vehicles and those waiting to turn off the carriageway from a reasonable distance -the latter need to be able to turn off the carriageway quickly and easily, without a contrived manoeuvre being necessary. **Photo below of motorbike speeding round the corner at the access to Church Farmhouse during Planning Committee site visit June 2011. This motorbike had just overtaken the car in the photo by crossing the double white lines twice.**



**Other critical information remains outstanding from NYCC Corporate Director David Bowe on issues not addressed by Highways**

1. Regarding the right turn out of the gates, the **vehicle** would need to be (at least) partially **in the opposing (northbound) lane for some 50 metres** and would intrude into the safe stopping distance of oncoming vehicles. This would take notably longer than 10 seconds, another very significant factor which needs to be taken into account

2. The **northbound SSD should be checked** from a point some 50metres south of the junction given this manoeuvre (right turn out) (Drg NW/HOW/THORN.1/02).
3. Recent speed survey results are shown but **only for one direction, we are not even informed which direction** - there appear to be elements of vital information missing - we need both directions of approach.
4. Whilst the Police don't record damage-only accidents, we have **incontrovertible evidence of the recent incidents/accidents** and these are **indicative of the problems at this site** which again are important considerations in assessing the safety of this site's access/egress, especially when taking account of the distances involved in 1. above.
5. Resident David Hunter's **letter** sent in the post to **Mr Bowe raises even more questions** that need further examination by Highways and Hambleton District Council.
7. **Why is NYCC saying there have been 'no accidents' when their own records show there have been?** This information is obviously relevant to any decisions being considered whether to allow the change of use of this site and unusually long (26m) and multi-trailerred vehicles entering and exiting via this dangerous bend in the A168, opposite the entrance to Thornton le Street village.

Causes of recorded accidents include

'Failed to judge other persons path or speed'

**This risk only adds to other unaddressed issues** that the Thornton le Street community and Parish Council are continuing to raise with Area 2 and Hambleton District Council, relating to their consideration of the Retrospective Application for the Formation of Hardstanding and Storage of 5 Fairground Vehicles at Church Farmhouse, (**ie an industrial operation in open countryside**).

**The Parish Council and Thornton le Street community is keen that NYCC and HDC avoid making decisions that will add further risk, resulting in yet more accidents and injuries.**



**Other accidents not considered by Highways that have happened already this year on this bad bend in the A168 -**

- Church Mouse Cottage (on the bend, directly opposite Church Farmhouse) - the driver refused Ambulance treatment (injury therefore not recorded?) driver said to be under the influence of drugs - the huge hole in the wall opposite Church Farmhouse was there for all to see, including Hambleton's Planning Committee at their site visit
- Cleves Bungalow - (on the bend, opposite Church Farmhouse) again vehicle ran into the wall
- **Church Farmhouse - vehicle ran through the fence into the garden - very recently, narrowly missing a children's slide in the garden; requiring the fence to be totally re-built - photo below**



**Why does Highways Area 2 Recommendation refer to 'alleviating the potential for traffic management issues associated with the applicants existing site in Northallerton'.**

**The full train of vehicle plus maximum number of trailers allowed and maximum length has not been not fully considered, as per HDC Planning Committee instructions – ie vehicle plus 3 trailers and c. 26 metres long.**

**Why does Highways think that the Planning Authority has dealt with the length of the vehicles** when it is Highways who are providing comments on the ability for these very long vehicles to manoeuvre into, around and out of the site onto the busy A168? Area 2 Highways email to Parish Council 14/10/11.

**It is in also in doubt how** 'it is now confirmed that the applicants are willing to accept a condition' and how Highways are 'able to confirm that the swept path analysis is correct '**as the swept paths do not relate to those instructed by the Planning Committee.** What combination or size of trailers is being referred to be conditioned or indeed what combination was used in the swept path analysis. **This therefore raises doubts whether the correct information is being used** as a basis for negotiating on conditions with the applicant.

Ref email 12/10/11 HDC Officer Bridget Robinson to resident David Hunter

**How will consultations and decisions take account of regular and substantial increases in traffic volumes when the A19 is closed and traffic diverted onto the A168 bringing even more heavy lorries along this already dangerous stretch of A168?**

What proposals to improve the turning area are included in the application?

**Who would knowingly decide to intensify the use of this stretch of the double white-lined A168 by introducing exceptionally long, slow-moving, multi-trailer vehicles?**

**REASON FOUR – The Parish Council considers that enforcement action should have been taken as this retrospective application does not meet Planning Policy requirements**

The Parish Council records once again its alarm that the Planning Authority has not taken enforcement action to stop the unauthorised use of this site since March 2010, during which time **the applicants have shown total disregard** including

- Ignoring planning authority processes and timeframes
- Failing to plan or consult before making changes



- Showing a total lack of respect for the countryside and the local community

Regular updates to HDC on unauthorised use have been sidestepped by officers with the Parish Council and community left feeling 'out of the loop' and certainly not well served or supported by their District or County Councils.

## **REASON FIVE**

### **Inaccuracies in the application, agent letters, plans and revisions**

Doubts as to the accuracy of information provided have continued since the applicant began unauthorised work on the site in March 2010 when the HDC Enforcement Officer was told that minor work was being undertaken when in fact hundreds of tons of new material had been seen by residents being introduced to form new hard standing. Buildings were taken down and burned on site after office hours.

Our advice from legal advisers and Yorkshire Local Councils Association is that '**the truth is fundamental in law**, including planning law' and '**accuracy is fundamental in all council work**'.

**Further inaccuracies have been continually reported to the Planning Authority over the 19 months since March 2010, many have not been fully checked by HDC/Highways, including**

- Statement by applicant that maintenance would not be carried out when it has continued at the site for over 18 months, without permission
- Massive **inaccuracies** in the agent's figures on **amounts of hardcore** introduced during engineering works versus what was seen being delivered – (if the figures were correct the **wagons would be parked on 0.66 inches of hard core**, which may be another safety issue for Highways to consider?)
- Mis-representation of applicants' status as married
- Reported 'no significant change to ground levels' Agent letter (May 2011)
- 'work was carried out by the previous owner' is untrue (Land Registry dates confirm otherwise)
- **Inaccurate/incomplete plans** - not fit for the purpose of credible decision making, eg
  - Unmeasured plans and small-scale plans submitted
  - **A168** eventually measured by Highways at **2 metres narrower than on the plans submitted** (and these were initially accepted by both NYCC Highways and the Planning Authority until HDC finally listened to community concerns, with subsequent embarrassing deferment on the day of the June Planning Committee meeting)
  - Inaccurate swept path analyses
  - Contrived swept path analysis that will not be possible or used in practice by experienced HGV drivers
  - Lack of commentary with swept path analyses
- Mis-information etc.

**County and District officers' comments appear to discount the relevance and impact of inaccuracies in this planning application - somewhat strange given HDC's own aspiration 'to get it right'?**

'Accuracy of applications is of course important, but where it does not affect the understanding of what is proposed, it will not compromise the Planning Authority's ability to make a decision'. Bridget Robinson letter to David Hunter 27/9/11

**How much inaccurate information can be ignored by a planning authority in making a recommendation, or a committee in making a decision?**

**Doubts continue to be raised and questions continue to go unanswered.**

**Planning Committee Members might be more cautious in their consideration of whether information is accurate and reliable. In making their consistent and credible decisions, it is they who will be responsible for creating a lasting legacy for the whole District and its communities. A legacy for the long term from decisions that take only minutes, unless they are considered with the care needed to 'protect and enhance' the open countryside and rural environment that forms much of Hambleton District.**

#### **REASON SIX – Is there a hidden agenda?**

**We are concerned that Officers lean towards Approve rather than recommending Refusal, eg Officer's first report recommending Approve**  
**If this is an application for storing 5 lorries**, why was enforcement action not taken immediately or at any stage since March 2010, when the use of land was changed without permission, as many LDF policies are so evidently not met? The Parish Council has continually raised issues about delays in addressing the continuing, unauthorised use of the site and states here its concern over the exceptionally generous allocation of time for the applicant over the last 19 months. This has caused unnecessary and ongoing distress within this small community. **Inequality** is referred to in the incoming Traveller Policy which plans to remove unfairness for the settled community, stop retrospective applications and travellers descending on sites without permission. This description is exactly what has happened at this site.

**Why is the applicant afforded time over many months for negotiating with Highways when the same team will not discuss the application or meet the community to hear their real road safety concerns?**

Our consultant at Mayer Brown has been in regular discussion with Colin Telfer over this issue and I am pleased to say that Colin now has the information he needs to provide his comments. (**Agent email** to HDC 27/9/11)

As I have explained previously **it would be inappropriate for representatives of the highway authority to meet with the residents to discuss the planning application**. As the highway Authority, the planners seek our views on the highway safety implications of various planning applications. In responding to the planners we have to give a **balanced, professional judgement** based factual and statistical evidence that will stand up to scrutiny by professional experts in the event that the application goes to appeal. It is not our role to reflect local opinion. Unfortunately my position on this matter cannot be changed. (**Area 2 Highways email** to Parish Council, 14/10/11)

As you will be aware the County Council is the local highway authority. The planning authority seek our views as a consultee on the highway safety implications of various planning applications. In responding to the planning authority we have to give a **balanced, objective, professional judgment** based on the information provided in the application that will stand up to scrutiny by professional experts in the event that the application goes to appeal. It is not our role to reflect local opinion. The planning system is designed to allow for public opinion to be fed into this process. It is the planners who consider all the evidence and representations before it. The planners must then attach such weight as it considers appropriate to the various issues, and make a decision on the planning application. I understand that there is local concern regarding the application and therefore the most appropriate course of action is for those who wish to express their views to write to the planning authority directly.

Based on the information above, on this occasion I am **unable to accept your invitation** to attend your village meeting to discuss the planning application at Church Farm House. (**Area 2 Highways email** to Parish Council, 9/9/11)

The community of Thornton le Street has continued to report its concerns about unauthorised use of this site to HDC's Planning and Enforcement Teams and Head of Legal Services. Many of these approaches appear to have been ignored with little confidence that concerns were being acknowledged or taken account of.

Given the **Localism Agenda**, Big Society and the **incoming Planning Framework** that all **encourage and advocate active communities that take responsibility for their own environments**, the Parish Council is somewhat surprised about the lukewarm response taken by the District and County councils to the settled community in this case.

**The Parish Council and the Thornton le Street community are concerned to 'protect and enhance' this environment** and keen to ensure that the authorities understand what there is in Thornton le Street to protect and enhance. The Planning Committee members had 2 opportunities to familiarise themselves with this modest village during their site visits but chose instead to park at the application site, making it more difficult to gather wider information to make consistent, credible decisions.

**Information to help Members is now being provided in the Village Design Statement which is being sent with this submission.**

**REASON SEVEN Where extensive screening is needed, it is most usually the wrong location for a development**

Multiple Leylandii planting is an inappropriate answer and totally alien to the rural environment and open countryside at the north of the flat land of the Vale of York. The leylandii planted to the west of the site and at the side of the drive should be removed as per Cllr John Prest's comments about a hedge outside a village house in Kirkby Fleetham (March 2011 Planning Committee meeting)

**'Leylandii – got to come out'**

**REASON EIGHT**

**Other doubts and unanswered questions remain for the Planning Committee and the Planning Authority to consider**

- **Never ending process** – no motivation for the applicant to move the application on
- **Overspill use of this site** – is this the case if space in Northallerton?
- **Thin end of the wedge** – if all this what else will come along on the back of it
- **What is the point of the LDF etc if just ignored** – sustainability, keep such urban uses in an urban location
- **What happens if the 'seasonal' use of the site changes** – the LPA will have no control
- **Why should the use be given special dispensation** – is basically storage and maintenance of commercial vehicles (and previous officers report accepts that)
- **What if user changes** – assurances go out of the window

### **What next with this application?**

The applicant, a travelling showman, wants to change the use of the agricultural land and park his 5 fairground vehicles there.

His agent says this is not an application for a Showman's Yard.

Solicitors Thorp Park however state that their clients 'are entitled to park their own motor caravans on their own property and this is not a breach of the planning permission...the showman's vehicles are classed as motor caravans as they invariably include living accommodation..' letter 7/7/10 to HDC Head of Legal Services

We do however, have some concerns that our client is not, in fact, in breach of the planning permission for parking two or more HGV vehicles. The vehicles currently being parked at the property are showman's vehicles rather than HGVs. They do not require a licence from VOSA and we understand that they are classed as motor caravans as they invariably include living accommodation for the showmen while they are touring. It is our understanding that Mr and Mrs Crow are entitled to park their own motor caravans on their own property and that this is not a breach of the planning permission. Please can you confirm your agreement.

### **This again confirms the doubts as to the intentions for the intended future this site.**

In determining this application, using current and/or future planning policies, referring to the settled or travelling community – it must be clarified whether decisions are being considered with the applicant in mind or with the site in mind. This should lead to transparency in the next Officer's report about which policies are being consistently considered in order to address the issues raised. The previous Officer's report included many mixed messages leading to confusion which the Parish Council, community and advisers found unhelpful.

The new and planned screening with leylandii suggests that a compound is being formed, another element of a showman's yard.

The longer term change to a showman's yard, replacing or supplementing that in Northallerton, has been inferred for Church Farmhouse in Thornton le Street over the last 19 months, as evidenced by actions from the applicant, agent and solicitor as well as inferred by the actions (or inaction) by some council officers and some Members.

### **Planning committee members need to take a longer view in determining this retrospective application and conclude with a transparent, credible decision that will stand the test of time and leave a positive legacy for this small, rural village and its surrounding open countryside.**

Planning Committee Members will undoubtedly be more cautious in their consideration of whether information provided is accurate and reliable. In making their consistent and credible decisions, it is they who will leave a **lasting legacy for the whole District and its communities.**

A legacy for the long term from decisions that take only minutes, unless the full evidence is considered with the **full care and proper diligence** needed to 'protect and enhance' the open countryside and rural environment that forms much of what the locals and tourists love about the beautiful Hambleton District.

**The Parish Council endorses HDC's aspiration to 'get it right' and the only way to do this is by Refusing this retrospective application, following HDC's own policies and showing respect for the open countryside in this exceptionally**

**scenic and rural part of Hambleton District known worldwide as Herriot Country.**

**Summary - Parish Council Observations to the Planning Authority:**

**The Parish Council emphasises its fundamental opposition to this retrospective application on the wide range of grounds described above, in the attachments and within earlier correspondence and presentations to the Planning Committee.**

**The Parish Council may have further comments after its meeting on Tuesday 25<sup>th</sup> October 2011 and when answers are received from NYCC Highways regarding the issues raised.**

**Attachments**

Carter Jonas letter, October 2011

Thornton le Street Village Design Statement

See also—resident David Hunter's letter 16/10/11 with photos

(Note - all of the above documents are available on the HDC Website as colour images)

**These further comments are for consideration by Hambleton District Council in addition to the observations sent on 20 October 2011; both documents should be considered in their entirety.**

Retrospective Application - Church Farmhouse, Thornton le Street 11/00198/FUL

**Observations from Thornton le Moor with Thornton le Street Parish Council Submitted to HDC Planning Authority, 26 October 2011**

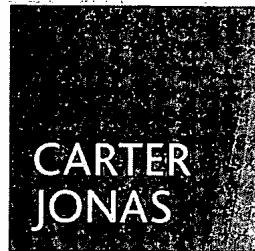
**Summary – The Parish Council emphasises its fundamental opposition to this retrospective application on the wide range of grounds described below, in the attachments and within earlier correspondence and presentations to the Planning Committee. Reasons why this application should be refused:**

1. This site is outside Development Limits and not mentioned in the settlements hierarchy; the application **fails to meet** many of **HDC's own Local Development Framework** policies or national policies relating to protecting and enhancing the countryside and sustainability
2. The applicant continues to **blatantly flout planning legislation** with the continued unauthorised use of the site whilst the community's grave concerns and enforcement continue to go unaddressed by the Planning Authority
3. NYCC Highways have **neglected to take account** of a wide range of critical, **risk-related issues** in providing their Recommendation
4. The **risks and dangers** associated with these very large multi-trailer vehicles using this **access on the double white-lined corner** of the A168 make it **totally unsuitable** and to approve this application would inevitably lead to further accidents or fatalities
5. The Parish Council is very concerned that County and District Council officers' comments appear to **discount the relevance and impact of inaccuracies** in this planning application although HDC wants 'to get it right'
6. **Conflicting information in the application raises doubts as to the intentions for the future this site**
7. NYCC Highways comment that this 'proposal may result in alleviating the potential for traffic management issues associated with the applicants existing site in Northallerton 'are irrelevant **.A rural village is not the right place for an industrial operation or for decanting an urban problem**



- 8. The full train of vehicle plus maximum number of trailers allowed and maximum length has not been not fully considered, as per HDC Planning Committee instructions in June 2011 – ie vehicle plus 3 trailers and c. 26 metres long.**
  
- 9. How can sound, reliable and credible recommendations or decisions be made by Hambleton District Council when doubts remain, information goes unchecked and critical questions are still unanswered?**

Our Ref: DIB/DM/  
Your Ref:



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

The Property People

Regent House  
13-15 Albert Street  
Harrogate, HG1 1JX  
T: 01423 523423  
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09 May 2011

Dear Mrs Robinson,

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

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

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

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

***Sequentially Preferable Alternative Sites***

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

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

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

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

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

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

#### ***Extent of the Use***

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

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

#### ***Thin End of the Wedge***

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

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

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

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

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

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

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

#### ***Landscape Impact***

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

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

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

#### ***Highway Safety and Access Issues***

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



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

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

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

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

### **Conclusions**

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

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

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

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

Yours sincerely

**David I. Boulton Dip TP MRTPI**  
Partner  
For and on behalf of Carter Jonas LLP

E: david.boulton@carterjonas.co.uk  
DD: 01423 707821

Cc: Councillor Bob Baker

## 2.

11/00873/FUL

**Alterations and extensions to existing pub to form pub, tea room/shop, manager's 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 Members will recall that this application was first presented at the Planning Committee Meeting on 21 July 2011. The application was deferred pending a site visit, and a request to the applicant for further information on the structural impact to the boundary wall to Ainderby Manor, and a more robust business case. The applicant has been requested to provide a more comprehensive business case resulting in an amended version being received by Hambleton District Council on 24 October 2011 (this confidential document has been issued to Members of the Planning Committee separately). A request has been made to the applicant's agent for further details relating to the impact to the boundary wall to Ainderby Manor. The response received from the agent was that sufficient information had already been submitted to outline the likely impact of the adjacent construction works. Photographs of trial pits dug adjacent to the wall have been received by Hambleton District Council on 28 October 2011.

1.2 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.

1.3 The proposed works are within the Development Limits of the Secondary Village of Ainderby Steeple as defined by Policy CP4 and is located within the Conservation Area. The Development Limits boundary runs diagonally east-west through a mid point in the car park.

1.4 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.

1.5 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.

1.6 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.

1.7 A distance of approximately 6m exists between the eastern elevation of the public house and the nearest point of Linden, which is the nearest dwelling house to the east. Linden has a first floor window serving a bedroom in the western gable which faces the Wellington Heifer. 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.

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

1.9 The eastern boundary of the site with 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 2/77/003/0005A - Use of part of living accommodation to form extension to existing Public House; Granted 1977.

2.2 2/81/003/0005B - Use of part of existing Public House storage area to form increased living accommodation; Granted 1981.

2.3 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 re-sited, 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.

4.6 CAMRA (York); expires 28.06.11 - 'Please regard this as a formal objection on behalf of the North West Yorkshire Branch of CAMRA – the Campaign for Real Ale to the the application as submitted.

i) If approved, we believe the application would make the pub unviable as a business; its reduction in size, and the likelihood of unviability thereafter, threatens to remove a valuable community asset from the village. The plans would remove the kitchen facilities, making the



serving of food impossible. The remaining area proposed as a bar/shop/tea room would be so small as to be unfeasible.

ii) The Wellington Heifer could and should be viable in full if operated and marketed correctly. It is in a prime location on a corner of the busy A684, the main route between Northallerton and Wensleydale. It is close enough to the former to take advantage of a large potential market for food, while the village of Ainderby Steeple is of sufficient size to be able to sustain a pub. Numerous other nearby villages have found it possible to support sound pub businesses in this way, despite many not having the advantage of being on a main route such as the A684.

iii) The application does not give any indication of efforts by the applicant to seek another owner/operator, as an alternative to removing a substantial part of it from public use.

iv) Although there is one other other licenced establishment some distance away, The Wellington Heifer is the only public house in Ainderby Steeple.

v) CAMRA takes the view that every effort should be made to maintain facilities locally to protect consumers and community pubs. Whilst we support the principle of diversification, this must not be at the expense of the ability to operate the pub as a going concern.

vi) The plans do not appear to give any indication of cellar space suitable for cask conditioned beer.

vii) All three leading political parties have stated their support for community pubs.

viii) If operated in a suitably imaginative and enterprising manner, the Wellington Heifer has the potential to provide a valuable amenity for the local community. Free of any tie to one of the major pub-owning companies, it should be in a good position to gain the discounted beers available to such businesses and offer a good choice of products including cask conditioned beers, and without the high level of rent commonly levied on such businesses.

For the reasons above, CAMRA therefore opposes the loss of this public house and believes it could continue to function viably as a public house. On behalf of CAMRA, I trust you will support this objection and refuse the application'.

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

4.8 Yorkshire Water - Response received recommending conditions relating to foul and surface water.

## 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, how the proposal would impact the provision of a community facility, 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, any highway safety issues that might arise, and outstanding issues raised as part of the consultation process.

- Principle of Scheme:

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.

- Changes to the community facility:

--- Policy Context:

5.3 Policy DP5 of the LDF supports the provision and enhancement of community facilities. Proposals that will lead to the loss of community facilities will only be permitted if: (i) there is

a demonstrable lack of community need for the facility, and the site or building is not needed for an alternative community use; or (ii) retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current occupier or by an alternative occupier; or (iii) an alternative facility is provided, or facilities are combined with other facilities, which meets identified needs in an appropriately accessible location.

--- Policy Considerations:

5.4 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. The applicant is therefore not seeking the cessation of the community facility. At the last Planning Committee meeting some Members wanted clarification that the proposal had been properly considered and would not ultimately lead to the loss of the community facility were the enterprise to fail. Consultee responses also raised similar concerns, particularly that the loss of catering facilities would disallow the future viable operation of a public house. The applicant has been made aware of this and maintains that the numbers of self-catering accommodation units cannot be reduced without threatening the viability of the enterprise. The applicant has also submitted a revised business plan (this confidential document has been issued to Members of the Planning Committee separately). This was in response to the Case Officer requesting details relating to: market research undertaken, the specific running of the tea room/shop, reflection on the weaknesses of the proposed scheme, reflection on the existing market who use the pub, local competitors, contingency plans, clearer financial forecasts. On the basis that the scheme is proposing to retain a community facility it is in compliance with Policy DP5 of the LDF. If Members consider otherwise, that the proposal would lead to the loss of the community facility a judgement needs to be formed as to the extent that any of the three criteria above are satisfied. In terms of point (i) Member's attention is drawn to the fact that it is clear from the Parish Council that there is community need for the facility however correspondence with Community Planning at HDC has not identified an existing need for an alternative community use for the building. When considering changes to the provision of this community facility it is however important for Members to note that changes to the use of the premises as a drinking establishment (A4 Use Class) to a shop (A1) or tea rooms (A3) can occur without the need for planning consent.

- Impact on Visual Amenity of Surrounding Area:

5.5 The inclusion of a manager's 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.

- Impact on Neighbour Amenity:

5.6 The full impact on the amenity of nearby residential property particularly Ainderby Manor, 1-3 Manor Cottages, Linden and Kollies (fronting Church View) is 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.

- Impact on Highway Safety:

5.7 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.

- Issues Raised in Consultation Process:

5.8 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. Revised drawings have been received on 20 July 2011 addressing these issues. 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.

5.9 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.

5.10 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.

5.11 Issues relating to the water supply are taken into account. Yorkshire Water have not raised an objection to the scheme.

5.12 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'. Supporting drawings and calculations have been received on 15 July 2011, and photographs of trial pits have been received on 28 October 2011.

## SUMMARY

The proposed development would not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area, would not raise any highway safety issues, is acceptable in principle and would maintain a community facility. 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 as amended by details received by Hambleton District Council on 20 July 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 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.
10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.
11. The site shall be developed with separate systems of drainage for foul and surface water.
12. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority .

The 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 safeguard the amenity of neighbouring property in accordance with Policy DP1 of the Hambleton Local Development Framework.
10. To ensure that the development can be properly drained.
11. In the interest of satisfactory and sustainable drainage.
12. To ensure that the development can be properly drained.

### 3.

11/02251/FUL

**Extension to existing sow house.  
at Westholme Farm Islebeck Lane Islebeck North Yorkshire  
for Mr D Sanderson.**

#### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks consent for the construction of an extension to an existing agricultural building at Westholme Farm, Islebeck. The extension measures approximately 45.7 metres x 15.2 metres with a height of 5 metres and will be attached to the south east elevation of an existing building in the main farmyard area. The site is located immediately south of the C-class road running from Bagby to the centre of Dalton. It is occupied by a farmhouse and various agricultural buildings.

1.2 There is a second application (11/02260/FUL) for the construction of an agricultural building which is currently under consideration. The proposed building and extension will provide accommodation for an additional 140 sows. The proposed buildings are to be constructed of a steel frame, with concrete panels and Yorkshire boarded walls and fibre cement roof. The buildings will be naturally ventilated with Yorkshire boarding walls and internally subdivided into pens.

1.3 The site will be accessed via the existing farm entrance. The estimated increase is one feed delivery per week, and one additional livestock transport per week.

1.4 The closest residential property, excluding the farmhouse is at the Islebeck Turkey Breeding Farm which is located 400m to the north east, followed by Sowerby Parks Farm which is 500m to the north.

1.5 The application will be considered by Planning Committee as the applicant's wife is an elected member.

#### 2.0 RELEVANT PLANNING HISTORY

2.1 93/0996/FUL : Construction of a building for pigs : Permission Granted 1993.

2.2 10/00983/FUL : Construction of an agricultural storage building : Permission Granted June 2010.

2.3 10/00985/FUL : Construction of a building for the housing of livestock : Permission Granted June 2010.

2.4 11/00087/FUL - Construction of a pig finishing unit: Permission Granted March 2011.

2.5 11/00088/FUL - Construction of a pig finishing unit: Permission Granted March 2011.

2.6 11/00089/FUL - Construction of an agricultural building for the storage of grain (as amended): Permission Granted March 2011.

2.7 11/02260/FUL- Construction of a sow house: Under consideration.

#### 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 DP4 - Access for all  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP28 - Conservation  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP42 - Hazardous and environmentally sensitive operations

#### 4.0 CONSULTATIONS

4.1 Parish Council – Awaiting response, expiry 7 November 2011.

4.2 NYCC Highways – Awaiting response, expiry 7 November 2011.

4.3 Internal Drainage Board – The new buildings are located outside the Cod Beck IDB and will drain to a soakaway. Since they will occupy a greenfield site the rate of run-off will not exceed 1.4l/s/ha to prevent excess run-off discharging into the drainage district. The soakaway should be designed in accordance with BRE365 and infiltration tests should be undertaken to prove that the ground capable of accommodating the extra discharge. This is to comply with Cod Beck IDB Byelaw No 3.

4.4 Environmental Health – No observations, expiry 26 October 2011.

4.5 Site notice posted – Site notice posted 26 October 2011.

#### 5.0 OBSERVATIONS

5.1 The main issues are whether the proposed building is suitable in terms of scale, materials and design and whether it will have a harmful impact upon the surrounding countryside or the nearby neighbours.

5.2 The proposal has the potential to cause some impact on the visual amenity of the landscape by introducing an extended building of significant size. However, the proposed extension reflects the scale and design of the existing buildings and is sited within the main farmyard area. It will be constructed of materials appropriate to its agricultural use and to the character of the site. Hence, it is felt that the extension will not have an unacceptable harmful impact upon the surrounding countryside. There are no neighbouring dwellings unattached to the holding which would be affected by the development.

5.3 The application is recommended for approval, providing no significant concerns are raised by the consultees listed above.

#### SUMMARY

The scheme is considered acceptable and will not have a harmful impact on the amenities of any neighbours within the vicinity of the farm. Furthermore, the proposal will not harm the character and appearance of the surrounding countryside. The development is therefore able to comply with the policies of the Hambleton Local Development Framework.

#### 6.0 RECOMMENDATION:

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



1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered IP/DS/02 and IP/DS/03 received by Hambleton District Council on 14 October 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. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP16, DP30, CP17 and DP32.

## 4.

11/02260/FUL

### **Construction of a sow house. at Westholme Farm Islebeck Lane Islebeck North Yorkshire for Mr Don Sanderson.**

#### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks consent for the construction of an agricultural building at Westholme Farm, Islebeck. The building measures approximately 45.7 metres x 15.2 metres with a height of 5 metres and will be located to the south east of the main farmyard area. The site is located immediately south of the C-class road running from Bagby to the centre of Dalton. It is occupied by a farmhouse and various agricultural buildings.

1.2 There is a second application (11/02251/FUL) for an extension to an existing building which is currently under consideration. The proposed building and extension will provide accommodation for an additional 140 sows. The proposed buildings are to be constructed of a steel frame, with concrete panels and Yorkshire boarded walls and fibre cement roof. The buildings will be naturally ventilated with Yorkshire boarding walls and internally subdivided into pens.

1.3 The site will be accessed via the existing farm entrance. The estimated increase is one feed delivery per week, and one additional livestock transport per week.

1.4 The closest residential property, excluding the farmhouse is at the Islebeck Turkey Breeding Farm which is located 400m to the north east, followed by Sowerby Parks Farm which is 500m to the north.

1.5 The application will be considered by Planning Committee as the applicant's wife is an elected member.

#### 2.0 RELEVANT PLANNING HISTORY

2.1 93/0996/FUL : Construction of a building for pigs : Permission Granted 1993.

2.2 10/00983/FUL : Construction of an agricultural storage building : Permission Granted June 2010.

2.3 10/00985/FUL : Construction of a building for the housing of livestock : Permission Granted June 2010.

2.4 11/00087/FUL - Construction of a pig finishing unit: Permission Granted March 2011.

2.5 11/00088/FUL - Construction of a pig finishing unit: Permission Granted March 2011.

2.6 11/00089/FUL - Construction of an agricultural building for the storage of grain (as amended): Permission Granted March 2011.

2.7 11/02251/FUL - Extension to existing sow house: Under consideration.

#### 3.0 RELEVANT PLANNING POLICIES:

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

Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP2 - Access  
Development Policies DP4 - Access for all  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP42 - Hazardous and environmentally sensitive operations

#### 4.0 CONSULTATIONS

4.1 Parish Council – Awaiting response, expiry 7 November 2011.

4.2 NYCC Highways – Awaiting response, expiry 7 November 2011.

4.3 Internal Drainage Board – The new buildings are located outside the Cod Beck IDB and will drain to a soakaway. Since they will occupy a greenfield site the rate of run-off will not exceed 1.4l/s/ha to prevent excess run-off discharging into the drainage district. The soakaway should be designed in accordance with BRE365 and infiltration tests should be undertaken to prove that the ground capable of accommodating the extra discharge. This is to comply with Cod Beck IDB Byelaw No 3.

4.4 Environmental Health – No observations, expiry 26 October 2011.

4.5 Site notice posted – Site notice posted 26 October 2011.

#### 5.0 OBSERVATIONS

5.1 The main issues are whether the proposed building is suitable in terms of scale, materials and design and whether it will have a harmful impact upon the surrounding countryside or the nearby neighbours.

5.2 The proposal has the potential to cause some impact on the visual amenity of the landscape by introducing a new building of significant size. However, the proposed building is sited close to a group of existing agricultural buildings of a similar scale and design. It will be constructed of materials appropriate to its agricultural use and to the character of the site. Hence, it is felt that the building will not have an unacceptable harmful impact upon the surrounding countryside. There are no neighbouring dwellings unattached to the holding which would be affected by the development.

5.3 The application is recommended for approval, providing no significant concerns are raised by the consultees listed above.

#### SUMMARY

The scheme is considered acceptable and will not have a harmful impact on the amenities of any neighbours within the vicinity of the farm. Furthermore, the proposal will not harm the character and appearance of the surrounding countryside. The development is therefore able to comply with the policies of the Hambleton Local Development Framework.

#### 6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered IP/DS/02 and IP/DS/03 received by Hambleton District Council on 17 October 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. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP16, DP30, CP17 and DP32.

## 5.

11/01528/FUL

**Construction of 3 dwellings with domestic garages.  
at Land Adjacent To Snowdens View Crayke Road Easingwold North Yorkshire  
for Mr R F Barugh.**

### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks consent for the construction of three dwellings and domestic garages. The dwellings are two storey properties with living accommodation in the roof space. Each property has a lounge, dining room, kitchen, utility room and cloak room at ground floor level, and three bedrooms, study and four bathrooms between the first and second floors. Unit one has a detached double garage and units two and three have a detached twin garage.

1.2 The scheme has been amended to remove the dormer windows from unit 2, include a single storey side extension to unit 3 and set the dwellings a further 3.3 metres back from the front boundary of the site, all at the suggestion of the Planning Authority.

1.3 The site is located on the northern side of Crayke Road, Easingwold and is just inside the development limits boundary. There are neighbouring properties to the north and west of the site and open fields to the south. The north and east boundaries of the site are landscaped with hedgerows and trees, the west boundary with a timber fence, and the south (front) boundary with a hedgerow.

### 2.0 RELEVANT PLANNING HISTORY

2.1 2/80/041/0228 - Outline application for the construction of a dwellinghouse. Refused February 1980.

2.2 2/02/041/0919 - Outline application for the construction of 2 dwellings. Refused 19 April 2002.

### 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 DP4 - Access for all
- Core Strategy Policy CP4 - Settlement hierarchy
- Development Policies DP8 - Development Limits
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design
- PPS 3 - Housing (June 2011)
- Core Strategy Policy CP7 - Phasing of housing
- Development Policies DP12 - Delivering housing on "brownfield" land
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Development Policies DP37 - Open space, sport and recreation

### 4.0 CONSULTATIONS

4.1 Parish Council – Comments on the amended scheme: Wish to see refused due to consideration of the amended plans and also the following reasons:

- a) High level of complaints from residents of Thornlands
- b) The footprint of the dwellings has been set further back within the plot increasing privacy concerns
- c) The tree line boundary at the rear of the plot, screening existing properties at Thornlands should be retained
- d) The Town Council wish to request an HDC site visit

4.2 NYCC Highways – No objections, conditions recommended, received 23 August 2011.

4.3 Yorkshire Water - No objections, conditions recommended, received 14 September 2011.

4.4 Neighbours consulted and site notice posted – Comments received from nearby neighbours relating to the original scheme and the revised scheme:

- a) Inaccuracies in application.
- b) Use of land – storage of building materials in connection with applicants previous vocation as a house builder/garden area.
- c) Land contamination.
- d) Lack of maintenance to trees along the north boundary of the site. Retention of these trees important for privacy.
- e) Loss of light.
- f) Ownership of boundary hedge along the north boundary of the site.
- g) Loss of privacy. Revised plans magnifies the problem.
- h) Loss/damage of hedgerows. Is permission required? No landscaping scheme.
- i) Main living areas on the properties in Thornlands are south facing with large windows and lower cills. Proposal will impact on views from Thornlands.
- j) Detached garages are out of keeping with the surroundings.
- k) Impact on streetscene, design of dwelling, too obtrusive. Contrary to several LDF policies.
  - l) Highway safety, gates prevents access to the parking areas.
- m) Area of green space should be retained.
- n) Previous applications have been refused.
- o) Preference for brownfield sites and this is Greenfield.
- p) Outside development limits boundary.
- q) Allocations DPD expressed concerns about a development at this site.
- r) Prominent location and the scheme would not enhance this approach.
- s) Would not protect form and character of settlement.
- t) Drainage and sewerage problems.
- u) Housing targets are likely to be met within the existing allocations. Difficult to justify this development.
- v) Are such large properties required? Smaller or affordable units might be more appropriate.
- w) Disappointed with Parish Council's original view that the application should be approved.
- x) Support the revised view of the Parish Council wish to see the application refused. The important privacy issues for Thornlands residents and other considerations which should lead to a refusal
- y) Not within walking distance of Easingwold Town Centre.

## 5.0 OBSERVATIONS

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

5.2 Although there comments regarding the positioning of the development limits, the Planning Authority can confirm that this site is located within the Development Limits of Easingwold as shown in the Development Policies and Allocations Annex 5 Proposals Map document, adopted 21 December 2010.

5.3 Easingwold has been designated as a Service Centre within the Settlement Hierarchy at CP4 and is therefore, in principle, considered to be in a suitable location for further

development. During the allocations stage it was considered that the site was not large enough for allocation but could still be suitable for development and the site should therefore be retained within the development limits as a windfall site. The fact that the site was not allocated as a development site within the Allocations Document is not a material consideration of any significant weight in the determination of this application.

5.4 The Annual Monitoring Report states "PPS3 suggests that allowances for windfall housing development should not normally be included in determining the housing land requirement for the first 10 years of the plan. Guidance also states, however, that historic windfall numbers and expected future trends can provide evidence that a realistic assessment of land supply should include an allowance for windfall development. Although no allowance for windfalls has been made in the Adopted Allocations DPD, windfall completions will be carefully monitored to investigate whether there are any genuine local circumstances which would justify including a windfall allowance in the future".

5.5 The policies within the Core Strategy and Development Document will be used to consider this development, rather than the policies within the Allocations DPD. It is noted that the site is located on the outskirts of Easingwold but the local services are still accessible by means other than the private car, i.e. walking or cycling.

5.6 This site is a highly visible roadside site within Easingwold and it was considered that the dwellings as originally proposed were sited too close to the front boundary of the site and they would have an overbearing and dominating impact on the streetscene, increasing rather than reducing the effect of the adjoining development. It was therefore suggested that the dwellings were set back to a position similar to the neighbouring dwellings to the west and the plans have therefore been amended to reflect this.

5.7 The units are large detached dwellings however it is considered that they look appropriate within the streetscene given the scale of the neighbouring dwellings and the backdrop of houses on the Thornlands development to the rear. The properties will be constructed of brown/red multi brick, red clay pantiles and timber windows and doors which are considered to be appropriate to the surroundings. It is felt that the properties are of good design and the scheme will not have an unacceptable impact upon the visual amenities of the surroundings.

5.8 There is some dispute over the existing use of the land as the application states it is unused land but the neighbours consider it to be used as domestic garden or as a builders yard. Policy DP12 states that "brownfield" land should be used for development in preference to "greenfield" land, where possible. There has been no authorised change of use of the land and although some materials have been stored on the land during and after the construction of other dwellings in the vicinity (by the current landowner who runs a building company) it is appropriate that the site be considered as "Greenfield" or Not Previously Developed with regards to PPS3 and Policy DP12. The site lies within the Development Limits of Easingwold and is therefore sited within a sustainable location.

5.9 The proposal will form a frontage property along the roadside which is characteristic of the area and there will be sufficient private amenity space and parking facilities for all three units. It is therefore considered that the site is sustainable for additional residential development complying with the policies set out within the Local Development Framework and the guidance in PPS3.

5.10 The proposed dwellings will be sited to the south of properties on the Thornlands development and it is to be noted that these properties were constructed with consideration of the views to the south. These dwellings therefore have the main living areas to the rear (south facing) and with large windows with low cills. These properties have rear gardens which are also south facing. There is a belt of trees along the south boundary of the site which were planted as part of a landscaping scheme for the Thornlands development.

5.11 The proposed dwellings will be set further back into the site following the amendments requested however both the main buildings and the two storey offshoots to the rear will still achieve the 21 metre separation distance. Although concerns have been expressed that the proposed dwellings will directly face onto the properties at Thornlands and as such will result in a degree of overlooking, it is considered that there will be adequate separation between the dwellings and therefore the development will not cause unacceptable levels of overlooking or overshadowing. It is considered that the scheme will impact upon the neighbours, particularly those to the north of the site due to obstruction of the open views from those properties, however the loss of a view is not a planning consideration and the site is a sufficient size to accommodate three dwellings of this size without significantly impacting upon the amenities of the nearby neighbours.

5.13 There are no habitable room windows at first floor height in the side elevations of the dwellings and the properties are considered to be at a suitable distance from the properties of "Snowden View" to the west.

5.14 NYCC Highways have assessed the proposal and considered that the scheme is acceptable and will not impact upon highway safety. They have suggested standard conditions which should be attached to any approval to ensure that the works are carried out to the necessary standards. The proposal includes driveways, parking areas and garages and these are considered to provide a sufficient level of off street parking. Due to the prominent location of the site it is considered appropriate to attach a condition to remove the permitted development rights which allows the Planning Authority more control over further alterations to the dwellings. This includes alterations to the boundary treatments and the construction of any gates to the front of the site. On this basis it is considered that the development will not have a harmful impact upon highway safety. It is noted that at present there is no condition or planning restrictions to prevent works to or the removal of the boundary hedge to the front of the site.

5.15 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 Planning Obligation has been entered into by means of a unilateral undertaking (under Section 106 of the Planning Act) relating to the payment of funds (£16539) in lieu of Open Space.

5.16 Application ref: 2/02/041/0919 was considered with regards to the Hambleton District-Wide Local Plan policies which have now been superseded by the Local Development Framework policies. The previous application was refused as sufficient sites had been completed since 1991 or had been granted planning permission to meet the housing land requirement set out in Policy H1 of the Hambleton District-Wide Local Plan. This current application has therefore been considered against the up to date policies and cannot be refused for the reason above.

5.17 Noting the concerns of neighbours it is observed that Yorkshire Water have no objections to the development and have attached standard conditions to ensure that foul and surface water drainage systems are formed appropriately in order to protect the local aquatic environment and Yorkshire Water infrastructure. Also a Preliminary Assessment of Land Contamination was submitted as part of the application and this has been assessed by the Environmental Health department. No comments or objections have been raised.

5.18 Taking into account all of the above; it is considered that the proposed housing development is appropriate to the site and surroundings and will not cause unacceptable harm to the streetscene, the amenities of the nearby neighbours or Highway safety. The application is therefore 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 streetscene, surroundings or a significant impact upon the nearby neighbours or Highway safety

## 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. 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.
4. No dwelling shall be occupied until the boundary fences have been constructed in accordance with the submitted drawings (Reference 13A). The boundary fences shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority
5. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0800 hours and 1800 hours Monday to Saturday and there shall be no such work on Sunday or on any public holidays unless by prior written consent of the Local Planning Authority.
6. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be the subject of any form of tree surgery other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
7. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative

works, or the depositing of material on the site 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:

(ii)(c) The crossings of the highway verge and footway shall be constructed in accordance with Standard Detail number E6. (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.

9. 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 120 metres in an easterly direction measured along the channel line of the major road from a point measured 2 metres down the centre line of each of the accesses. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until: (i)

The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. (ii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include: The provision of a footway on the site's frontage on Crayke Road connecting to the existing footway to the west of the site. The footway shall be constructed in accordance with Standard Detail number A1.

11. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 10 above. The provision of a footway on the site's frontage on Crayke Road connecting to the existing footway to the west of the site. The footway shall be constructed in accordance with Standard Detail number A1.

12. There shall be no site clearance, demolition, excavation or depositing of material in connection with the construction of the development until full details of the extension of the 30 mph speed restriction on Crayke Road to the eastern boundary of the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved details shall, at the applicant's expense, undergo the legal process required. Subject to the successful completion of this legal process the measures will be implemented at the applicant's cost prior to the development being brought into use.

13. 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 Site Plan drawing number 13A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

15. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway (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.

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

17. 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.

18. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

19. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 11A, 12A, 13A and 14A received by Hambleton District Council on 21 September 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. 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.

4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Local Development Framework Policies CP1, DP1, CP17 and DP32.
5. In order to protect the amenities of residential property in the locality in accordance with Local Development Framework Policy DP1.
6. In order to protect the amenities of residential property in the locality in accordance with Local Development Framework Policy DP1.
7. In the interests of highway safety.
8. In the interests of highway safety.
9. In the interests of highway safety.
10. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
11. In the interests of the safety and convenience of highway users.
12. In the interests of the safety and convenience of highway users
13. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
14. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
15. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
16. In the interest of satisfactory and sustainable drainage
17. To ensure that the development can be properly drained.
18. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.
19. 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) CP17 and DP32.

## 6.

11/01785/FUL

**Demolish existing flat roof extension, construction of a single storey extension, first floor extension, terrace and associated landscaping works.  
at Carpenters Arms Felixkirk North Yorkshire YO7 2DP  
for Provenance Inns.**

### 1.0 PROPOSAL & SITE DESCRIPTION

1.1 The Carpenters Arms is located within the Felixkirk Conservation Area boundary. The road through the village borders the pub to the south; to the west are fields and to the north, east and south west lie the boundaries of adjacent residential properties. An area of paddock lies to the rear of the building, adjacent to the car park. Railway carriages currently used for storage lie at the rear of the pub and are fenced off from the car parking area.

1.2 A recently approved and yet to be implemented planning application, granted permission for the construction of a detached L-shaped building creating a courtyard arrangement on the area of paddock. The building contains 8 units of accommodation to be occupied in association with the pub. A larger area of parking was approved requiring the removal of the existing railway carriages and the fencing that currently separates the car park from the paddock.

1.3 The current application proposes to alter and extend the building in order to improve the facilities provided at the pub. These works include a two storey extension to the rear elevation of the existing two storey building to provide guest accommodation (2 rooms) at first floor. An existing room will be available as manager's accommodation. The extension, together with a larger single storey extension, will provide a garden room at the rear of the pub with an external terrace beyond.

1.4 The application originally proposed the creation of a roof terrace to be accessed only by the occupants of one of the guest bedrooms but this terrace has been deleted from the scheme. A balcony area remains to serve this room.

1.5 The internal layout of the pub is to be rearranged at ground floor, which involves the relocation of the kitchen to the western side of the pub. This requires an increase in length and height of this part of the building. The new single storey extension between this element and the new two storey element proposes a flat sedum roof with glazed lantern and glazed walls facing west and north. A single storey extension is proposed at the eastern side of the building on the rear elevation to create a new entrance and toilet facilities. The proposed additional gross internal floorspace created is 195sqm, which is an approximately 60% increase.

1.6 Parking at the site is to be increased by 4 spaces from 48 to 52.

### 2.0 PLANNING HISTORY

2.1 2/52/21/PA – Alteration and extension to existing public house to provide additional kitchen, bar toilet and storage facilities and the construction of a domestic double garage. Permission granted September 1982.

2.2 2/52/21A/PA – Revised details of extensions to existing public house to include additional living accommodation. Application withdrawn 1983.

2.3 2/87/052/0021B – Extension to existing public house. Permission refused May 1987.

- 2.4 2/87/052/0021C – Extension to living accommodation of existing public house. Permission granted May 1987.
- 2.5 2/87/052/0021D – Extensions to existing public house. Permission granted June 1987.
- 2.6 2/90/052/0021E – Extension to existing public house to provide additional living accommodation. Permission granted January 1991.
- 2.7 2/95/052/0021F – Renewal of consent for an extension to existing public house to provide additional living accommodation. Permission granted March 1996.
- 2.8 2/05/052/0021G - Alterations and extensions to existing pub to include 3 holiday chalets and associated car parking. Permission granted 5/5/2005.
- 2.9 09/02542/FUL, Revised application for the construction of 3 lodges to be used in connection with existing public house. Permission refused 5/2/2010 for the following reasons:  
The proposal is contrary to Local Development Framework Policies CP1, CP2 and CP4 as in the absence of evidence to prove to the contrary the accommodation is not necessary to meet the needs of tourism with an essential requirement to locate in a smaller village or the countryside and therefore the proposal is not an exceptional case in the terms of the above Policies.
- 2.10 10/01553/FUL, Alterations to existing public house and change of use of private sitting room to public bar area as amended by plan received by Hambleton District Council 19 August 2010. Permission granted 23/8/2010
- 2.11 10/02378/FUL - Proposed change of use of two bedrooms (first floor) to form private dining area for customers use. Permission granted 22/11/2010.
- 2.12 11/00481/FUL - Construction of 8 bedrooms, car parking, 2 storage buildings and formation of entrance lobby. Permission granted 28/4/2011.

### 3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP3 - Community Assets
- Core Strategy Policy CP4 - Settlement hierarchy
- 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 DP4 - Access for all
- Development Policies DP5 - Community facilities
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP16 - Specific measures to assist the economy and employment
- Development Policies DP25 - Rural employment
- Development Policies DP29 - Archaeology
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- Development Policies DP33 - Landscaping

#### 4.0 CONSULTATIONS

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

- The roof terrace would increase the noise to Church Farm House, Orchard View, Belwood House and School House.
  - The roof terrace would affect the privacy of the above named properties.
  - The greatly increased floor area would destroy the nature of the village pub and detract from existing local accommodation businesses.
  - The plans show a marquee that would have a detrimental effect on parking.
  - There is concern about the increased numbers attending the pub that would put pressure on the existing restricted car parking.
- The council suggest that the roof terrace is removed, the increased floor area is scaled back and the open terrace is removed from the plans.

4.2 NYCC Highways – Concern must be expressed with regard to the visibility that is available at the existing car park access serves the existing public house. However as this proposal is unlikely to result in an unacceptable intensification of use the Highway Authority has no objection to this proposal. A condition is recommended.

4.3 NYCC Historic Heritage - I would advise that a suitable scheme of archaeological recording should be undertaken over this site/area in response to the proposed development. This is in order to ensure that a detailed record is made of any deposits that will be disturbed.

4.4 HDC Environmental Health Officer – I have concerns over the use of the rear of the premises late into the evening and night. The applicant proposes a structural feature of large glass doors to the rear garden room which will be fully extended to allow the internal room to merge into the open terrace and garden. The applicant advises that 'the main intention is to use garden room for dining purposes' and that 'although not a function room there will be occasions where functions are held in this area.' The subsequent frequency of use is not something the planning authority can have control over. The applicant has advised that the garden room would have background music playing, however any live music would be subject to licensing requirements.

The premises are close to residential properties. I have concerns that noise from the venue late into the night might cause noise disturbance to local residents. The area background levels drop dramatically late evening early night and backgrounds can reach as low as 18 / 20 dB. Any noise created for example laughing, raised voices will be more audible against these low levels. Although the rear area is shielded by the building itself and the associated landscape walls this will not stop noise transmission completely and will only reduce it. The open terrace is also at a raised height above ground level, making the barrier less affective when considering noise coming from clients stood on the terrace.

In order to protect local residents I would recommend that:

- At 9pm the rear glazed doors to the garden rooms are closed to retain to building structure and reduce the likelihood of noise transmission to local areas.
- The rear external terrace and garden areas shall not be permitted to be used after 10pm. (Although some provisions exist under the Licensing Act 2003 these only cover the sale of alcohol and not consumption)
- The applicant has suggested that no fixed seating will be provided to the lawn. I would recommend this is conditioned to prevent external use of this amenity by groups of people late into the night. The choice of non fixable seating should be of type that can be removed to prevent use.
- The use of a Marquee shall not be permitted without further permission from the planning authority.

- The applicant has advised that the compressor serving the ground source heat pump will be enclosed in a building of solid construction. I would recommend that the building shall be so constructed as to attenuate internal noise levels (measured as a LAeq 15 Min) to ensure that any noise emitted shall not exceed the existing background noise levels (Measured as a LA90, 15 Min) by more than 10dB when measured at the nearest noise sensitive property at the quietest time of the night. (Please be aware that rural background noise levels at night can reach as low as 18dB(A).

4.5 Site notice/local residents –responses have been received from 4 local residents whose concerns are summarised as follows:

1. the opening of a wide section at the rear of the pub has the potential for additional noise disturbance;
2. the terrace should be roofed over to act as a barrier to noise;
3. extractor fans installed on the eastern elevation will affect neighbouring properties in that direction. Cellar fan and extractor fan noise from the premises has been problematic enough in the past;
4. there is an opportunity for the developer to re-examine the location of the rear access, which as proposed funnels customers through a point closest to an adjacent garden;
5. the roof terrace is putting the general public on a first level floor where there is a view over the surrounding properties;
6. in the evening the village is extremely quiet; when people walk to their cars you can hear the conversations, doors of cars opening & closing etc. To have the public in an outside area not enclosed this will cause a tremendous noise nuisance to all the surrounding properties;
7. we object to the roof terrace part of the plans and this section should be refused;
8. objecting on the grounds that the intention of the terrace would be to let people drink outside the pub at a raised height. This would enable noise to travel right across the Village into the late evening. It would also impinge on the privacy of neighbouring properties.

## 5.0 OBSERVATIONS

5.1 The issues to be considered include the sustainability of the proposed extension; the cumulative effect of a further increase in the scale of the development at the site; the scale and design of the proposed extension; the effect of the development on the character and appearance of the surrounding landscape; the impact on the amenity of nearby residents and parking at the site.

5.2 PPS4 emphasises support for small scale economic development in rural areas where it provides the most sustainable option. Extensions are also supported where the scale of the extension is appropriate to its location and where the extension may help to ensure the future viability of such businesses. Local Authorities are required to support schemes that comply with sustainable development objectives, taking into account the need to protect landscapes and environmentally sensitive sites.

5.3 In terms of the Council's policies, 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. The application site lies well beyond the Development Limits of Thirsk or any other settlement within the Hierarchy. Policy CP4 requires justification for development to be permitted in a less sustainable location such as Felixkirk. The proposed development is an expansion and diversification of the existing commercial operation at this location, which is aimed at supporting and developing the existing business to ensure its long term viability and is considered to be acceptable in principle.

5.4 Planning permission was granted in April this year for 8 letting bedrooms to be occupied in association with the public house. The proposed extension results in a further 2 letting rooms and an increase in the floorspace of the public house facilities with the aim clearly of expanding the business and increasing the number of customers. The Parish Council expresses concern regarding the increased scale, which will result in a larger business operation and a greater amount of activity at and around the site and an increase



in traffic generation. There are no objections in principle to the expansion of the existing business but it is important to consider the impact this will have on features of acknowledged importance such as the character and appearance of the adjacent rural landscape, the amenity of neighbouring residents and highway matters.

5.5 The development approved in April has been designed to provide a courtyard layout at the rear of the pub characteristic of traditional outbuildings and which represents a positive opportunity to secure a significant improvement to the appearance of the site. Policy DP32 states that in terms of scale, volume and massing, development should result in built forms that contribute positively to the townscape or surrounding buildings, whilst respecting the scale of spaces and buildings in the area and that development should relate to and respect any historic context of the site. The proposed extension is not a significant increase in the footprint of the building but as it relocates the kitchen away from the centre of the building the opportunity arises to link the customer area with the open space at the rear. The rear of the existing building is of particularly poor quality and the proposed extensions greatly improve this appearance in accordance with Policy DP32.

5.6 There is concern regarding the increased scale of the business and the potential for an increase in noise disturbance as a result of additional customers and overnight guests. Many of the submitted objections relate to the proposed roof terrace, which has now been deleted from the scheme. Observations regarding the amended plans are still awaited and any received will be reported at the meeting.

5.7 A condition was imposed on the planning permission granted in April preventing any amplified music from playing outside the building. No time limits were imposed on the use of the outdoor area. The proposed glazed doors opening out onto the proposed terrace provide a greater opportunity for customers to use the outdoor area, therefore having greater potential for disturbance of the neighbours. The doors, when open, would provide the opportunity for amplified music to be heard outside the building hence the recommended condition of the Environmental Health Officer that the doors be closed at 9pm. The officer does not object to the continued use of the terrace until 10pm but customers would not have direct access onto the terrace and would have to walk out of the rear entrance and into the rear garden, which may not be reasonable to operate in practice. The background noise levels in Felixkirk are particularly low and it would be possible to create a noise disturbance to neighbouring properties as a result of customer voices and laughter but it is likely that the proximity of the letting rooms to the terrace will lead to the self management of any noise disturbance. It is recommended that conditions are imposed to require the closure of the doors and to cease the use of the terrace at 10pm.

5.8 An additional 4 car parking spaces are proposed, which results in a total of 52 spaces to be used by customers of the pub, restaurant and 10 letting bedrooms. This is considered to be acceptable.

5.9 It has been demonstrated that the proposed rooms are a sustainable form of development that would benefit the local rural economy without serious detriment to interests of acknowledged importance. It is recommended that permission be granted.

5.10 Amended plans have been and will be reviewed and reported at the meeting.

## SUMMARY

The scale of the extension is appropriate to the location. The development is acceptable in respect of siting and design and will not have an adverse impact on character and appearance of the surrounding countryside, the amenity of neighbouring residents and highway safety. The scheme is in accordance with the policies of the Hambleton Local Development Framework.

## 6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. 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 letting bedrooms hereby approved shall not be occupied other than by customers in association with the Carpenters Arms Public House.
4. No marquee shall be sited at the pub nor shall there be any use outside the buildings of equipment for the amplification of sound at any time, unless with prior written approval of the Local Planning Authority.
5. The glazed doors of the extension hereby approved shall not be opened after 10pm on any day and the outdoor terrace hereby approved shall be not be used by customers after 10pm on any day unless with the prior written approval of the Local Planning Authority.
6. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
7. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered \_\_\_\_ received by Hambleton District Council on 26 August 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. To ensure that the approved accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy in accordance with the objectives of LDF Policies CP4.

4. To protect the amenity of residential property in the locality in accordance with LDF Policy DP1.
5. To protect the amenity of residential property in the locality in accordance with LDF Policy DP1.
6. In accordance with LDF policies and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
7. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

## 7.

11/01506/FUL

**Demolition of former public house and construction of 12 dwellings with garages served by a new access road at the Swaledale Arms, Morton on Swale, North Yorkshire for Yorvik Homes**

### 1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Full planning permission is sought for the construction of 12 dwellings and associated infrastructure, which equates to a density of approximately 37 dwellings per hectare. The existing public house will be demolished in order to make way for the proposed development.
- 1.2 The proposed accommodation will be two storeys in height and is comprised of 3no two-bed terraced dwellings with parking; 2no three-bed semi-detached dwellings; 2no three-bed detached dwellings and 5no four-bed detached dwellings, all with private amenity space.
- 1.3 Each new property will have a minimum of 2 designated parking spaces, with plots 3 to 7 having additional garage space. Plots 8 & 9 have car port arrangements which allow them to be plotted closer to the road. The overall parking ratio equates to 2.4 spaces per dwelling.
- 1.4 A single point of vehicular and pedestrian access is proposed off the A684. An existing bus stop will need to be relocated to accommodate the proposed access arrangements.
- 1.5 It is proposed to construct plots 1 to 7 inclusive using red facing brick; plots 10, 11 and 12 using a neutrally coloured render system to and plots 8 and 9 using a mix of brick and render. Interlocking concrete pantiles will be applied to plots 1 to 9 inclusive and reconstituted grey slate to plots 10, 11 and 12. Windows will be white Upvc whilst doors will be coloured steel faced composite.
- 1.6 It is proposed to develop 2no affordable housing units which equates to 16.6% of the proposed dwellings. The proposed affordable units are comprised of 1no 2-bed unit end-terrace and 1no 2-bed mid-terrace. The tenure mix has not been specified within the application. In addition, the partnering Housing Association has yet to be selected, although the applicant has indicated that it is likely to be Broadacres.
- 1.7 It is proposed to retain the existing trees, hedges and fences to the north, east and west boundaries which will be supplemented with additional new vertically boarded timber fencing and landscaping. The existing artstone retaining wall adjacent to the A684 will be replaced by a new facing brickwork retaining wall.
- 1.8 The application site is located within the Development Limits of Morton on Swale which is identified as a Service Village within the Core Strategy's settlement hierarchy. The overall site dimensions are approximately 36 metres wide by 88 metres deep, extending to 0.33 hectares in a rectangular shape.
- 1.9 The site generally flat and is currently occupied by the vacant former public house and a large tarmac car park. The existing building was constructed in the 1850's

although it has been repeatedly extended over the years with numerous pitched and flat roof extensions thus creating a large and unattractive building. The building generally comprises neutrally painted rendered walls beneath a natural grey slate duo pitch roof and has white Upvc split casement windows.

- 1.10 Apart from the existing Public House building the remainder of properties in the immediate area are residential with a mixture of detached, semi detached and terraced units and of course the converted farm buildings to the west. There are a mixture of bungalows and two storey cottages and dwellings which vary considerably in Architectural style and age.
- 1.11 The site's north boundary is adjacent open countryside is formed by a mature Hawthorn hedge approximately 2.3m in height with a timber post and rail fence. The east boundary again is made up of mature hedges and a couple of trees against timber fences with private residential gardens beyond. The south boundary adjoins the A684 and allows vehicular and pedestrian access into the application site with the remainder made up by a low artstone retaining wall defining the back of the footpath. Finally the west boundary is made up of mature shrubs, hedges and the occasional tree set against vertically boarded and post and rail timber fences with the redeveloped Morton Hall farm buildings beyond.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 None relevant.

## **3.0 RELEVANT PLANNING POLICIES**

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

### National

PPS1 - Delivering Sustainable Development  
PPS3 - Housing  
PPS9 - Biodiversity & Geological Conservation  
PPG13 - Transport  
PPS22 - Renewable Energy

### Development Plan

CP1 - Sustainable development  
CP2 - Access  
CP4 - Settlement hierarchy  
CP6 - Distribution of housing  
CP8 - Type, size and tenure of housing  
CP9 - Affordable housing  
CP16 - Protecting and enhancing natural and man-made assets  
CP17 - Promoting high quality design  
CP18 - Prudent use of natural resources  
CP19 - Recreational facilities and amenity open space  
CP21 - Safe response to natural and other forces

DP1 - Protecting amenity  
DP2 - Securing developer contributions  
DP3 - Site accessibility  
DP4 - Access for all  
DP6 - Utilities and infrastructure  
DP8 - Development Limits

DP9 - Development outside Development Limits  
DP12 - Delivering housing on "brownfield land"  
DP13 - Achieving and maintaining the right mix of housing  
DP15 - Promoting and maintaining affordable housing  
DP29 - Archaeology  
DP30 - Protecting the character and appearance of the countryside  
DP31 - Protecting natural resources: biodiversity/nature conservation  
DP32 - General design  
DP33 - Landscaping  
DP34 - Sustainable energy  
DP36 - Waste  
DP37 - Open space, sport and recreation  
DP38 - Major outdoor recreation  
DP39 - Recreational links  
DP43 - Flooding and floodplains

Hambleton Biodiversity Action Plan  
Corporate Plan  
Sustainable Communities Strategy

#### **4.0 CONSULTATIONS**

##### **Morton-on-Swale Parish Council**

- 4.1 Wish to see the application approved. The site is at present an eyesore and we welcome and support the application. Require clarification on a number of points: are the sewer capabilities adequate and will it mean digging new surfaces or the road up? Are Plots 1, 2, 10, 11 and 12 affordable housing? Plots 8 & 9 states 3-bed detached with car ports but shows garages on the plan.

##### **NYCC Highways**

- 4.2 Final comments awaited.

##### **NYCC Education**

- 4.3 Has identified an anticipated need for three new school places arising from the development. This will result in a shortfall of seven school places and therefore a contribution of £40,788 has been requested.

##### **Yorkshire Water**

- 4.4 Recommend conditions. However, foul sewer cannot accept any surface water drainage. Applicant should investigate surface water drainage options including the overflow arrangements. This can be dealt with post-Committee.

##### **Bedale and Upper Swale Internal Drainage Board**

- 4.5 Note the comments on the Utilities Report and the lack of capacity on the 150 sewer which is believed to take some of the existing surface water. The site lies outside the drainage district but the Boards Byelaws preclude any increase in run-off as a result of the development. Therefore the planned use of a sustainable system of drainage is supported. Any run-off from development draining into the IDB will be attenuated at 1.4l/s/ha of newly developed area.

##### **Police Architectural Liaison Officer**

- 4.6 Recommendation 1 - My first recommendation is that the site makes a formal application for "Secured By Design" accreditation.
- 4.7 Recommendation 2 - that the houses for Plots 1 & 2, and 10 to 12, be re-designed to incorporate in-curtilage car parking and not communal parking, even if this means the loss of a house to accommodate this.
- 4.8 Recommendation 3 - That the car ports be changed to a formal garage with lockable doors for Plots 8 & 9.
- 4.9 Recommendation 4 - Doors and windows should meet the specified standards.

### **Network Rail**

- 4.10 With reference to the protection of the railway, Network Rail has no objection in principle to the development; our only comment would be that the applicant should be aware that any development for residential use adjacent/close to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for the dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.
- 4.11 I would advise that in particular the soundproofing should be the subject of a condition, the reasons for which can include the safety, operational needs and integrity of the railway.

### **Campaign for Real Ale (CAMRA)**

- 4.12 Object to the application on the grounds of loss of rural amenity and the lack of any attempt to market the property by the current owners - a development company - as a going concern.
- 4.13 The application is incorrect as it describes the building as the "former Swaledale Arms public house" - in fact, it continues to be the Swaledale Arms which is currently not trading. The owners could reopen the business as a going concern following suitable renovation works but have chosen not to do so.
- 4.14 The Planning Support Statement does not provide any supporting evidence of what the owners or their predecessors have done to operate or market the public house as a going concern for a realistic price.
- 4.15 We would contend that the current owners have never had any interest in operating the Swaledale Arms as a business. There is no evidence of any investment by them in its upkeep or of efforts to retain what could be a valuable local amenity.
- 4.16 Located as it is in a prominent location on the main A684 within close proximity to the catchment area of Northallerton, Leeming, Bedale and the A1, there is no reason why the Swaledale Arms could not operate as a viable business with suitable imaginative operation and management.

### **Publicity**

- 4.17 The application was advertised within local press, by site notices and directly to the neighbouring residents. The period for replies expired on 20 September 2011. One letter of objection was received from the occupants of Stone Bowers Cottages on the grounds that:-

- a) The Swaledale Arms should be retained.
- b) The site is outside the development limits.
- c) Loss of privacy to Stone Bowers Cottages.

## **5.0 OBSERVATIONS**

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

- a) Loss of Community Facility
- b) Location of New Housing
- c) Design & Density
- d) Protecting Amenity
- e) Sustainable Construction
- f) Highway Safety & Car Parking
- g) Drainage
- h) Public Open Space
- i) Affordable Housing
- j) Education

### **Loss of Community Facility**

5.2 The Swaledale Arms has been closed since the beginning of July 2006. The site is currently vacant and has deteriorated significantly in recent years due to a lack of maintenance. The applicant claims that The Swaledale Arms became economically viable having suffered a legacy of closure and failed businesses.

5.3 Policy DP5 “Community Facilities” – stipulates that proposals that will lead to a loss of community facilities will only be permitted if:-

- i) there is a demonstrable lack of community need for the facility and the site or building is not needed for an alternative community use; or
- ii) retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current occupier or by any alternative occupier; or
- iii) an alternative facility is provided or facilities are combined with other facilities which meets identified needs in an appropriately accessible location.

5.4 Again, the applicant states that the pub has been marketed as a going concern for a number of years without success. However, no evidence to support these claims has been submitted with the application.

5.5 CAMRA have objected to the application on the grounds redevelopment of the site will result in a loss of a rural amenity and that business should be properly marketed as a going concern. CAMRA identifies that the “Planning Support Statement” does not provide any supporting evidence of what the owners or their predecessors have done to operate or market the public house as a going concern for a realistic price.

5.6 It is important to note that only one of the criteria contained within Policy DP5 needs to be satisfied in order to justify for the loss of a community facility. The views of the Parish Council and the local community have been sought in order to identify the importance of the existing pub. The Parish Council are actively in support of the site being redeveloped for housing, whilst only one local resident objects to the application. Furthermore, two pubs currently operate within close proximity to the application site, The Wellington Heifer in Ainderby Steeple and the Old Royal George in Morton on Swale itself. It would be difficult to argue that three village pubs in such close proximity to each other are essential to the continued vitality and viability of



village life within Morton on Swale. Consequently, it is considered that there is a demonstrable lack of need for the community facility and Policy DP5 is satisfied.

### **Location of New Housing**

- 5.7 Policy DP8 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”*.
- 5.8 The application site is located within the development limits of Morton on Swale as defined on the Proposals Map of the Allocations DPD.
- 5.9 In addition, the proposed development constitutes reuse of a brownfield site within a sustainable location close to existing services and amenities. Consequently, the location of the proposed development is considered to be acceptable in locational terms.

### **Design & Density**

- 5.10 Policy DP32 stipulates that *“the design of all development must be of the highest quality. Attention to the design quality of all development will be essential...Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings and promote local identity and distinctiveness.”*
- 5.11 Generally, the proposed scheme is considered to be of good design in accordance with the principles of PPS1. The design reflects the more traditional vernacular of the Morton on Swale but meets modern aspirations whilst sufficient car parking and private amenity space are to be provided. Clear steps have been taken by the developer to produce an innovative and attractive scheme that will add to the value of the village’s built environment.
- 5.12 The proposed layout achieves adequate levels of space about the proposed dwellings in order to avoid problems of overlooking and overshadowing between the proposed properties.
- 5.13 In terms of density, the minimum range of between 30 dwellings per hectare is no longer quoted within national planning policy. Nonetheless, PPS3 does state that local planning authorities should have regard to, inter alia: 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. The proposed scheme equates to a density of 37 dwellings per hectare, which in the context of the site’s central location and the nature of the accommodation proposed is not considered to represent over-development.
- 5.15 The Police Architectural Liaison Officer has expressed concern that the car parking to the rear of plots 1, 2, 10, 11 and 12 should be redesigned so that the spaces can be seen from the ground floor windows of the proposed dwellings. Whilst this general principle of design is supported, the proposed development is relatively small cul-de-sac arrangement and will have the feel of a private development. Consequently, natural surveillance will come about as resident move through the site and via neighbouring properties. Therefore, the proposed layout is considered to be acceptable.
- 5.14 The broad principles of the site layout and the proposed house types are considered to be acceptable and in compliance with Policy DP32.

### **Protecting Amenity**

- 5.15 Policy DP1 requires all development proposals to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, odours and daylight.
- 5.16 To the west, Plots 1 and 3 stand over 18m from nos 1 and 2 Swaledale Court which exceeds the Council's best practice separation distance of 14m between side and rear elevations.
- 5.17 To the east, Plots 9 stands approximately 7m from the side boundary of 1 Stone Bowers Cottage whilst Plot 8 stands approximately 8m from the same boundary. An objection has been received from a resident of Stone Bowers Cottages that Plots 8 and 9 will overlook their rear garden space.
- 5.18 Plots 8 and 9 will overlook the rear garden space of Stone Bowers Cottages and result in a loss of amenity through overlooking. The applicant has been asked to provide amended plans to show the first floor bedroom windows repositioned to the side elevation of the dwellings and to annotate the drawings to show obscure glazing in both the bedroom and landing windows. Subject to these amendments, the proposed development is considered to comply with Policy DP1.

### **Sustainable Construction**

- 5.19 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.20 The application does not include firm proposals that demonstrate compliance with Policy DP34. Consequently, if Members are minded to approved the application a suitably worded condition would need to be imposed in order to deliver energy savings via sustainable construction techniques and/or infrastructure.

### **Highway Safety & Car Parking**

- 5.21 The site will be accessed directly off the A684. The proposed visibility splays accord with the guidance of "Manual for Streets" and therefore no objection has been raised by the Local Highways Authority.
- 5.22 Amended plans have been received in accordance with the Local Highway Authority requirements, as detailed within the consultation section of this report. The final comments of the Local Highway Authority are awaited.
- 5.23 The NYCC maximum parking standards require two spaces for two and three bed dwellings, three spaces per four bed dwelling and one visitor space per five dwellings within rural areas, which equates to approximately 31 spaces. The proposed layout incorporates 25 car parking spaces with 5 garages, 1 less than maximum standard. The overall level of car parking is considered to be acceptable.

### **Drainage**

- 5.24 It is important to note that Yorkshire Water have not objected to foul drainage being accepted into the existing system, however it must not exceed 6 (six) litres per second. Surface water would need to be drained to soakaway and via other SUDS methods. An appropriate method of foul and surface water drainage can be secured via planning condition.

## **Public Open Space**

- 5.25 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. Contributions will be dependent on increased demand resulting from the development.
- 5.26 Given that no public open space can be provided on site, the applicant has agreed to pay a commuted sum of £42,323.42 towards off-site provision.

## **Affordable Housing**

- 5.27 Policy CP9 stipulates that housing development of 2 dwellings or more within the Northallerton hinterland should make provision for 40% affordable housing which is accessible to those unable to compete on the local housing market. Although, the actual provision on site will be determined through negotiations, taking into account viability and the economics of provision.
- 5.28 The application proposes 2 affordable homes which equates to 16.6%. Following negotiations with Officers, the applicant has verbally indicated a willingness to increase the affordable housing offer to 3 dwellings. This equates to 25%.

## **Education**

- 5.29 Policy DP2 requires contributions from developers towards additional children's services/facilities where existing services in the area have insufficient capacity to cater for the potential increase in the number of children (criterion v).
- 5.30 The Local Education Authority has identified an anticipated need for three new school places arising from the development. This will result in a shortfall of seven school places and therefore a contribution of £40,788 has been requested.
- 5.31 As with any s.106 contribution, the exact amount will be determined through negotiations, taking into account viability and the economics of provision. The developer has submitted a Viability Appraisal showing a contribution towards education provision is not possible. However, the proposed sum of £42,323.42 proposed for POS contributions could be attributed in total or in part to education. Members are invited for their views in this respect.

## **6.0 SUMMARY**

- 6.1 Subject to the receipt of further design amendments, the signing of a s.106 agreement for the delivery of 3no affordable dwellings and a sum of £42,323.42, towards public open space, sport and recreation facilities and/or education provision, the proposed development is considered to be in accordance with the above policies of the Hambleton Local Development Framework. The scheme involves the use of brownfield land within a sustainable location and is appropriate in terms of design, scale and massing to its location without detriment to established residential amenity.

## **7.0 RECOMMENDATION**

**GRANTED** subject to the following conditions:-

### **1. Commencement**

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

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

**2. Approved Plans**

The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered ???? received by Hambleton District Council on ???? 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.

**3. Materials**

The external surfaces of the development shall not be constructed other than of materials, details and samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

**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.

**4. Boundary Treatments**

The development shall not be commenced until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority

**Reason:** To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

**5. Boundary Treatment Construction**

No dwelling shall be occupied until the boundary walls, fences, hedgerows and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

**Reason:** To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

**6. Permitted Development Rights Removed – Boundary Treatment**

Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development', no fences, gates or walls shall be erected within the curtilage of any dwellinghouse between any wall of that dwellinghouse and a road.

**Reason:** In order to maintain the appearance of the development and secure the proper implementation of the landscaping scheme in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

## 7. Landscaping Scheme

Notwithstanding the submitted details and prior to the development commencing, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.

**Reason:** In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

## 8. Secured By Design

Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

**Reason:** In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998

## 9. Sustainable Construction

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.

## 10. Levels

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.

**Reason:** To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

## 11. Separate Drainage Systems

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

**Reason:** In the interest of satisfactory and sustainable drainage.

**12. No Piped Discharge of Surface Water**

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.

**Reason:** To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

**13. Foul Water Drainage**

No development shall take place until details of the proposed means of disposal of foul drainage have been submitted to and approved by the local planning authority.

**Reason:** To ensure that the development can be properly drained.

**14. Implementation of Foul Drainage Works**

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.

**Reason:** To ensure that no foul water discharges take place until proper provision has been made for its disposal.

**15. HIGHWAYS CONDITION AWAITED**

## 8.

11/01837/FUL

**Retrospective application for change of use of an A1 shop to a mixed use of an A1 shop and an A3 cafe.  
at 93 - 94 High Street Northallerton North Yorkshire DL7 8PP  
for Nero Holdings Ltd.**

### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This retrospective application seeks planning consent for change of use of two shops to form a mixed use shop and cafe at 93-94 High Street, Northallerton. The site is within the primary retail area of Northallerton Town Centre and is within the Conservation Area.

1.2 The change of use relates to the ground floor of the premises and is seeking consent to operate a mixed A1/A3 use where the enterprise comprises a mix between take-out and eat in business. The use was commenced in January 2011. The internal ground floor space of the premises totals 160 square metres.

1.3 The operational hours of the premises would be: 8am - 6pm, Monday to Saturday and 8.30am to 5.30pm on Sundays and Bank Holidays.

1.4 The enterprise employs 4 full time equivalent members of staff.

1.5 The sales mix from the premises comprises:

- 60%: sale of coffee for consumption both on and off the premises.
- 10%: cold drinks.
- 15%: sandwiches.
- 15% cold food.

1.6 A small proportion of food is reheated but no primary cooking occurs on the premises.

### 2.0 RELEVANT PLANNING HISTORY

2.1 08/04462/FUL - Alterations to 2 shop fronts to form 1 shopfront as amended by letter and plan received by Hambleton District Council on 26 January 2009; Granted 2009.

2.2 09/01054/LBC - Application for listed building consent for installation of a new front door and staircase to first floor; Granted 2009.

2.3 09/01057/FUL - Installation of a new front door; Granted 2009.

2.4 10/02126/LBC - Application for Listed Building Consent for alterations to door to front of existing shop; Granted 2010.

2.5 11/00067/ADV - Application for advertisement consent to display two non illuminated signs and two awnings as amended by plans and email received by Hambleton District Council on 27 January 2011 and 16 February 2011; Granted 2011.

2.6 11/00068/LBC - Application for listed building consent to display two signs and two awnings as amended by plans and email received by Hambleton District Council on 27 January 2011 and 16 February 2011; Granted 2011.

### 3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP14 - Retail and town centre development  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP8 - Development Limits  
Development Policies DP21 - Support for town centre shopping  
Development Policies DP32 - General design  
Hambleton Market Towns Design and Conservation Guide for repair and alterations works Supplementary Planning Guidance - adopted 21 December 2010  
Conservation Area Appraisal Northallerton Supplementary Planning Document - adopted 21 December 2010

#### 4.0 CONSULTATIONS

4.1 Northallerton Town Council; expires 21.09.2011 - No observations on the proposal.

4.2 NYCC Highways - The Highway Authority has no objection to the proposal.

4.3 Environmental Health - 'I have looked at the above planning application on behalf of Environmental Health Services and have no objections or comments to make'.

4.4 River Wiske Internal Drainage Board - No adverse comment.

4.5 Neighbours notified and site notice posted; expires 17.10.11 - One partly relevant response received as part of 11/00068/LBC: 'As discussed by phone with planning I believe Caffè Nero have disregarded all planning regulations and have opened the cafe regardless. Following research I believe this should be Category A3 not A1 regarding the floor space inside used for cafe /restaurant business and as such should have a change of use applied for'.

#### 5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of the proposed use in this location, any impact on neighbour amenity, and any highway safety issues that may arise.

- Principle of Use in this Location:

5.2 Policy DP21 of the Hambleton Local Development Framework (LDF) strives to seek a balance between retail and non-retail uses with the aim of maintaining the variety and vitality of the primary retail area. In Northallerton non-retail commercial uses will be permitted where they will not constitute more than 25% of the frontage (measured by total distance). The Hambleton Retail Monitoring Position Statement of September 2010 highlights that at that time more than 30% of the primary frontage was comprised of non-retail commercial uses, and when based on numbers of units this figure amounted to 28%. Clearly the target balance for the primary retail area is already exceeded.

5.3 The applicant stresses in their Design and Access Statement the specific context of the enterprise in Northallerton and the importance of the mixed A1/A3 use. They advise that 'customer visits are still growing but are currently predicted to reach up to 2500 per week. At this stage the likely split between A1 and A3 elements is still a prediction based on the performance of other similar stores. Caffè Nero anticipates that this will grow up to 20% of the trade being A1 and 80% will be A3. Accordingly we anticipate that in due course there will be up to 500 customers of the A1 trade per week'. Whilst non-retail is clearly the dominant use of the premises it is important to reflect upon the retail element of the



enterprise as this brings the use more into line with the requirements of Policy DP21 of the LDF. Essentially the issue at stake is whether or not the premises are contributing to the variety and vitality of the primary retail area. The applicant identifies that the 500 projected customers of the A1 trade would exceed that generated by a pure A1 use of this floorspace in this type of town. Additionally the applicant stresses that the mixed use allows customers to make longer visits to the primary retail area, thereby providing support to surrounding retail units.

5.4 The approach to forming a judgement on the principle of the proposed use in this location is two fold. Taken on the dominant use as A3, the premises don't comply with the specific policy requirements, but as above can be seen to add to the variety of premises within the primary retail area which in general the policy supports. When considered in the context of the mixed A1/A3 use the proposal is more in line with the requirements of Policy DP21 and can be seen to support the vitality of surrounding premises. This is based on the projected customer base which could be argued to be inaccurate particularly in a volatile economic climate, however given the 400+ properties Caffe Nero operate across the country the Local Planning Authority consider the applicant are well placed to advise on these matters. On balance therefore the mixed use of 93-94 High Street would not only support the vitality of surrounding premises on the High Street, it would add to the variety of uses on offer and achieve the objectives of Policy DP21 of the LDF.

5.5 Commonly argument regarding the competition for existing premises is raised, however it is plain in advise to Local Planning Authorities that on premises of this size this is not a planning consideration that can be afforded weight.

- Impact on Neighbour Amenity:

5.6 No primary cooking of foods occurs on the premises. Taking into account the operational hours of the premises, the type of enterprise and that no objections have been received from Environmental Health, it is considered that the proposed use would accord with Policy DP1 of the LDF in that it would not raise any detrimental amenity issues.

- Impact on Highway Safety:

5.7 NYCC Highways have reviewed the application and not raised any objections to the proposal. The scheme is therefore considered acceptable in terms of highway safety.

- Conclusion:

5.8 Having taken the above into account it is considered that the use proposed accords with the policies of the Hambleton LDF. Hence this application is recommended for approval.

## SUMMARY

The proposed development would not be detrimental to the residential amenities of the neighbouring properties and the surrounding area, is an accessible location that meets sustainability objectives, would maintain the variety and vitality of the primary retail 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 permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton

District Council on 24 August 2011 and 31 August 2011 unless otherwise agreed in writing by the Local Planning Authority.

2. No primary cooking shall take place on the premises without the written approval of the Local Planning Authority.

The reasons for the above conditions are:-

1. 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) CP1, CP17, DP1 and DP32.

2. To safeguard neighbour amenity in accordance with Policy DP1 of the Hambleton Local Development Framework.

## 9.

11/01695/FUL

**Retrospective application for a change of use of equestrian land to a mixed equestrian use and use as a private gypsy pitch for one family..  
at OS Field 5045 Skutterskelfe North Yorkshire  
for Mr & Mrs T Foster.**

### 1.0 STIE DESCRIPTION AND PROPOSAL

1.1 The site lies approximately 3 miles west of Stokesley, and approximately 200m east of a scatter of houses in the proximity of Thoraldby Farm, and a commercial business, Noble Fuels, on the further side. The site is approximately 50 metres back from the road. There is single row coniferous screening along the east side of the track, and along the north boundary of the site. The track and the open parts of the site are hard surfaced.

1.2 Within the site there is on the west side an agricultural/commercial style building approximately 14 x 8.5 metres, with brick facing to lower parts and dark green corrugated sheeting to upper parts. On the south side of the site there is a range of stable buildings, 18 x 4 metres rendered and painted white. On the north side is a static van on a brick faced base, and a small touring van. The east side of the site is enclosed by a low brick wall with 2 metre (approx) brick piers, with ornamental metal gates between. At the time of site visit there was an additional touring van parked to the east of the stable building.

1.3 The proposal is retrospective consent for change of use of agricultural land to private gypsy pitch for one family. The plans show one static unit, and one touring caravan.

### 2.0 RELEVANT PLANNING HISTORY

2.1 2/90/134/0040 Use of land as a riding school to include construction of stables and provision of associated facilities. Refused 16 November 1990. Appeal dismissed.

2.2 2/91/134/0040A Construction of an agricultural building for rearing calves. Refused 28 June 1991. (Access)

2.3 2/91/134/0040B Construction of agricultural building for rearing calves. Granted 22.8.1991 (improvements made to visibility).

2.4 2/92/134/0040C Siting of a residential caravan. Withdrawn.

2.5 2/93/134/0040D Use of existing agricultural building and land for the stabling and exercising of horses. Refused (access)

2.6 2/93/134/0040E Use of existing agricultural building and land for the stabling and exercising of horses. Granted 14 January 1994. (S106 agreement with owner of neighbouring land to keep hedge cut back).

### 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

Core Strategy Policy CP8 - Type, size and tenure of housing

Development Policies DP14 - Gypsies and travellers' sites

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

Development Policies DP30 - Protecting the character and appearance of the countryside

Core Strategy Policy CP17 - Promoting high quality design

#### 4.0 CONSULTATIONS

4.1 Parish Council - The Council recommend refusal. It is development in open countryside. A hedge has been taken out and a tarmac road put in without planning permission. Approval would set a precedent in this area.

4.2 Highways at NYCC – scope to improve visibility by works to hedgerow within the control of the applicant.

4.3 Northumbrian Water – no objections

4.4 Neighbours/site notice expiry 1609.2011.

One written response.

Would like to point out that no screening has taken place at the rear or side of the development. The noise level has increased and the view of open country side has been interrupted considerably from the front of (affected) house. I note the extensive screening from the road and would like to see more screening at the back and side of the property to camouflage the noise and buildings.

#### 5.0 OBSERVATIONS

##### National Policy

5.1 Circular 1/2006 is to be revised but this has not yet been done and the guidance is still valid. The Communities and Local Government secretary Eric Pickles told councils and the Planning Inspectorate in May of last year that the decision to abolish the regional planning regime for England should be a material consideration in terms of planning decisions. Mr Pickles's statement in May 2010 read that "Consequently, decisions on housing supply (including the provision of traveller's sites) will rest with local planning authorities without the framework of regional numbers and plans." The Government realises that Local Authorities are still required to assess need through their GTAA and to make provision accordingly (Government message November 2010). Therefore without an alternative evidence base the findings and recommendations contained within the GTAA should still be deemed a material consideration in the determination of this application, albeit one that may now carry less weight than before.

5.2 The Governments draft revised Circular on Planning for Traveller sites (Consultations until July 2011) continues to acknowledge the need to ensure fair and equal treatment for travellers in a way that supports the traditional and nomadic way of life whilst respecting the interests of the settled community, and the provision of traveller sites. The Circular would require the Local Authorities themselves to establish the need for sites and identify a 5 year supply of land.

##### Local Development Framework Policies

5.3 The site is outside of development limits, where development may be allowed as an exception to Policy CP1 and CP2 where it falls into a category of allowable exceptions under CP4 and the main consideration will then be whether under CP8 the proposal meets the criteria of DP14, in particular the need for the site and other criteria including i) distance from services, ii) acceptable environment, iii) appropriate size, iv) safe access, v) amenity of neighbours and the surroundings, vi) not on contaminated land.

##### Need for additional gypsy accommodation

5.4 Policy DP14 accords with the government's circular on gypsy and traveller caravan sites (1/06). The circular states that local authorities should help gypsies secure the kind of site they need, in locations that are appropriate in planning policy terms. Circular 1/06 requires local authorities to undertake an assessment of need for gypsy and traveller accommodation to ensure that gypsies secure the kind of site they need.

5.5 A Gypsy & Traveller Accommodation Assessment (GTAA) for North Yorkshire was undertaken by consultants Arc4 in 2007/08. It established a shortfall of 14 pitches in the Hambleton District. The Assessment noted the largest population being in the Stokesley area, of the 192 households estimated as being resident in Hambleton at the time of the survey 136 households (70.8%) were in the Stokesley area. This calculation of pitch requirements was based on CLG modelling as advocated in Gypsy and Traveller Accommodation Assessment Guidance (CLG, 2007). The CLG Guidance requires an assessment of the current needs of Gypsies and Travellers and a projection of future needs.

5.6 It is noted that the nearest traveller site is at Seamer which was factored into the Gypsy and Traveller Accommodation Assessment as an existing authorised site. This is a North Yorkshire County Council owned site in which Horton Housing have taken over to redevelop due to its poor state. There are three official residents on the site at the moment who have been on site since they took over management. The Seamer Site is designed to be a sixteen pitch site and Horton Housing have a waiting list with 10 applications all from the Seamer/Stokesley area.

5.7 In review of the findings of the GTAA, it is considered that there is a need for additional gypsy and traveller accommodation in the Stokesley area. This requirement extends to local authority controlled sites, private sites and transit sites. Consequently, the principle of the application site, as a private site, is acceptable due to a shortfall of provision within the locality.

5.8 The Draft Circular Planning for travellers requires the LPA to survey housing needs for travellers and in the absence of a new survey within the District, the shortage referred to above is considered the best available guide, and it is highly likely taking into account the very small no of approvals in the meantime that that shortfall continues and therefore while Circ 1/2006 may carry less weight than prior to the new draft, the clear need for this particular type of site remains.

#### Other Criteria of DP14

##### 5.9 Criteria i) Proximity to services

Whilst the application site is outside development limits, it is located within a relatively short distance of Stokesley, a substantial market town containing a wide range of shops and services. The distance is approximately 2.5 miles to the centre of the town, and is a suitable distance for cycling. There is a bus route between Hutton Rudby and Stokesley past the site. There is therefore scope to access the site by means other than by private car, although it has to be acknowledged that it is likely that some journeys would be by car. Whilst the site is more distant than is normally be considered desirable for residential use, any journeys to access services by car will be very short driving time, and similar to those of several other properties in the immediate vicinity. In allowing a recent appeal for a similar development at Bagby (ref 10/01258/FUL ) the Inspector's decision gave significant weight to the full range of services available (in that case Thirsk) at a relatively short distance. Overall, the location is considered to be reasonably near facilities, as required by the policy.

5.10 Criteria ii) and iii) require sites to offer an acceptable living standard, and be an appropriate size for the number of units.

In this case the site is in open country and within the site there is sufficient space for the development proposed, and adequate safe space for play and general amenity land. The site as outlined is suitable for the single family unit proposed. It is small and not directly related to a nearby settlement and questions of relative size do not arise.

5.11 Criteria iv) Safe access. An existing road access is available, and previously established as suitable in relation to stabling and calf rearing, both of which imply relatively intensive usage, and subject to a scheme to ensure the hedge is cut back as required by the Highway Authority, concerns about highway safety do not arise.

5.12 Criteria v) Amenity of neighbouring residents and the surroundings. There is good screening of the site from the roadside, and there is a distance of well over 100 metres to the

nearest residential properties. In the positions shown on the application, the proposed static and touring units are screened from neighbouring house by the existing buildings. Ancillary parking on the east side of the site would benefit from further screening along the line of the post and rail fence on the south boundary and there is scope to apply a condition requiring a suitable scheme.

5.13 Criteria vi) Contamination. The site is former agricultural land and a PALC form is provided showing no known contamination issues.

5.14 With regard to the concerns of the Parish Council, the location, though rural, is at a site where there is already an established building and approach track and taking into account the points above with regard to the established need for this type of site, and minimal impact on the surroundings or the amenities of nearby occupiers, scheme is considered to be acceptable. Any other proposals of a similar nature would have to be considered on their own merits.

## SUMMARY

Due to the special needs of Gypsy and traveller communities, the proposed use is an acceptable exception to Policies CP1 and CP2 as allowed by CP8 and DP14 and is able to comply with the other relevant policies of the Local Plan noted above.

## 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 HN/11/012002 received by Hambleton District Council on 5 August 2011 unless otherwise agreed in writing by the Local Planning Authority.
3. The number of mobile homes on the site shall be restricted to no more than one static caravan and one touring caravan.
4. The land hereby approved shall be used only as a residential gypsy site, as defined within ODPM Circular 01/2006, and not for any other type of domestic or business use.
5. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
6. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
7. Unless otherwise approved in writing by the Local Planning Authority, the use hereby approved shall not continue unless full details of an improvement

to the visibility splay to the west of the access have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Once created this area shall be maintained clear of any obstruction and retained for its intended purpose at all times.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) DP32.
3. To safeguard the character of the area and the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP16, DP1 and DP30
4. To ensure the site is occupied in association with the use of the site as a gypsy caravan site, safeguard the character of the area and safeguard the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP4, CP8, CP16, DP1, DP9, DP14 and DP30.
5. In the interests of the visual amenities of the locality in accordance with Policies CP16 and DP30 of the Hambleton LDF.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16, DP30.
7. In accordance with policy number CP1 and in the interests of road safety

# 10.

11/01835/FUL

**Proposed installation of photovoltaic panels to existing dwelling.  
at 28 South Terrace Sowerby North Yorkshire YO7 1RH  
for Mr J Parks.**

1.1 This application seeks consent for the installation of 10 photovoltaic panels to the south (rear) elevation of an existing dwelling. The panels each measure approximately 1.0 metre x 1.5 metres, will sit above the existing slate roof by approximately 70 mm and are black in colour. Commonly such installations do not require planning approval. The dwelling is an end terraced property located within the Sowerby Conservation Area and the Article 4 Direction Area where permitted development rights have been removed for many forms of development, therefore planning permission is required for this proposal.

## 2.0 RELEVANT PLANNING HISTORY

2.1 04/01355/FUL - Alterations and conversion of existing outbuilding to residential dwelling (as amended). Granted 14 December 2004.

## 3.0 RELEVANT PLANNING POLICIES:

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

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

## 4.0 CONSULTATIONS

4.1 Parish Council – As the property is in an Article 4 area and the proposal will be visible to people entering the village and town, and in light of a refusal of a similar proposal on the opposite side of Topcliffe Road the Councillors had no option but to ask for refusal, received 12 September 2011.

4.2 Neighbours consulted and site notice posted – No response, expiry 28 September 2011.

4.3 Press Notice – No response, expiry 26 September 2011.

## 5.0 OBSERVATIONS

5.1 The issues to be considered include the effect of the alterations on the character and appearance of the dwelling and the surrounding Conservation Area.

5.2 It is noted that an application for solar panels at 46 Topcliffe Road, to the west of the site, was refused in February 2011 as ‘the proposed solar panels are contrary to Local Development Framework Policies CP16, CP17, DP28 and DP32 due to the non-traditional material and prominent location which will fail to protect and enhance the historic character and appearance of the Thirsk and Sowerby Conservation Area’. The solar panels for the refused application covered the majority of the roof slope on the front elevation of a large and very prominent dwelling on Topcliffe Road. Due to the roughly triangular shape of the roof the solar panels could not be placed in a rectangular position which made them prominent and incongruous in the surroundings.



5.3 This application proposes to site the solar panels on the rear roof slope of the property, and although they will be visible from Topcliffe Road the dwelling is not as large or as prominent in the surroundings. They are proposed to form a regular shape that follows the shape of the roof of the individual property. It is considered that the black solar panels will be a noticeable change from the existing traditional slate roof as they will be more reflective than the existing slate finish. However, the application is for the siting of equipment for the production of renewable energy which the Local Planning Authority would encourage under appropriate circumstances as detailed in Policy DP34

5.4 It is considered that the scheme will have an impact on the appearance of the area. The test in Policy DP34 is that "Developments will be promoted which enable the provision of renewable energy through environmentally acceptable solutions. Whilst there is an impact on the Conservation Area on balance the impact is considered not so harmful that it would justify a refusal of planning permission due to its impact upon the traditional character and appearance of the Conservation Area.

#### SUMMARY

It is considered that the proposal complies with the relevant policies within the Hambleton Local Development Framework which encourages energy generation from renewable sources. The proposal is considered to be acceptable and will not have a significant harmful effect on the property itself, the streetscene or the surrounding Conservation Area.

#### 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 062.001 received by Hambleton District Council on 24 August 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. 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)

# 11.

11/01862/FUL

**Construction of swimming pool/games/restaurant building.  
at Goosewood Caravan Park Goose Lane Sutton On The Forest North Yorkshire  
for Flower Of May Holiday Parks Limited.**

## 1.0 PROPOSAL & SITE DESCRIPTION

1.1 The site is located 2 kilometres to the south east of Sutton-on-the-Forest village and approximately 11 kilometres to the north of the centre of York.

1.2 The site is occupied by a building that is used as a reception with a shop and toilet facilities. The caravan park has permission for static caravans and touring caravans. Planning permission was granted in July this year for the siting of an additional 100 holiday units on land to the south of the existing site.

1.3 It is proposed to construct a building on land adjacent and to the rear of the existing reception block to be occupied by a restaurant with associated kitchen and toilets; a swimming pool with plant room and changing facilities and a games room. A central bar area will serve all 3 uses.

1.4 The maximum dimensions of the building are approximately 28m x 24m with a ridge height of 5.5m. The building is to be finished in timber weatherboard cladding with a brick plinth on the front elevation with a lime render finish on the two entrance porches. The building has brickwork on the rear elevation and the side elevations are part brickwork and part timber weatherboard cladding. The roof is finished in steel sheeting with a red/brown pantile profile.

1.5 There is no separate access or parking area proposed with the building.

## 2.0 PLANNING HISTORY

2.1 C2/144/46 – The original permission of the existing site to the north was given for a holiday caravan park in 1978.

2.2 C2/144/46A – Details of layout and landscaping of holiday caravan site to include construction of toilet block – Granted September 1978. Conditioned to maximum of 100 touring caravans 1 March to 31 October each year.

2.3 2/144/46E – Permission granted for 12 residential static caravans including warden's residence at site in November 1985.

2.4 2/144/46F – Certificate of Lawful Use for storage of 45 caravans in summer and 25 caravans in winter issued February 2000.

2.5 2/00/144/46H – Vary condition to increase permitted siting of caravans from 12 to 37 units – Granted May 2000.

2.6 2/00/144/46J – Vary condition to permit extension of time for touring caravans on site for 11.5 months each year (not 14 to 28 January) – Granted December 2000.

2.7 Environmental Health Site Licence for 100 x touring caravans, 37 x holiday static caravans and 2 x year-round residential static caravans issued in January 2001.

2.8 2/01/144/46J – Outline application for construction of a dwelling for caravan park Manager – Granted August 2001.

2.9 2/02/144/46L – Construction of a storage building – Granted January 2003.

2.10 07/02061/FUL - Application for a change of use of existing agricultural land for the siting of 100 log cabins, formation of 5 lakes and a new vehicular access. Permission refused 20/11/2007 for the following reasons:

1. The proposed 100 log cabins would be contrary to policy CP4 and policy CP15 of the Core Strategy of the Hambleton Local Development Framework as the scale of the development would not sensitively relate to the surroundings.
2. The sustainability of the development proposed on such an isolated location outside defined development limits and unrelated to any local shopping, public transport or social facilities is considered to be directly contrary to policy CP1 of the Core Strategy Hambleton Local Development Framework and national advice set out in Planning Policy Statements 1 and 7 as well as the Good Practice Guide on Planning for Tourism (2nd edition July 2007) The application was allowed on appeal 22/5/2008.

2.11 11/00845/FUL - Revised application for extension to existing holiday park for the siting of 100 holiday units. Permission granted 5/7/2011.

### 3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP25 - Rural employment
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
- Development Policies DP32 - General design
- Development Policies DP33 - Landscaping
- Planning Policy Statement 4: Planning for Sustainable Economic Growth
- PPS7 - Sustainable Development in Rural Areas
- PPG13 - Transport (as amended to 2011)
- Good Practice Guide on Planning for Tourism - May 2006

### 4.0 CONSULTATIONS

4.1 Parish Council – wish to see application approved – potential increase in local employment.

4.2 NYCC Highways Dept – no objections

4.3 Yorkshire Water - no comments are required from Yorkshire Water, as existing package treatment plant system will be in use, with surface water to soakaway.

4.4 Kyle & Upper Ouse IDB – no comments received (expiry date for representations 26/9/2011)

4.5 Site notice/local residents – no comments received (expiry date for representations 2/6/2011)

## 5.0 OBSERVATIONS

5.1 The issues to be considered include whether, having due regard to the tourism needs of the area, the site would be a sustainable location for the proposed development; the effect of the development on the character and appearance of the surrounding landscape; the impact on the amenity of local residents and the accommodation of traffic on the local highway network.

5.2 PPS4 encourages support for sustainable rural tourism that benefits rural businesses, communities and visitors and which utilise and enrich, rather than harm, the character of the countryside, its towns, villages, buildings and other features. PPS4 also advises Local Planning Authorities to 'wherever possible, locate tourist and visitor facilities in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside should, where possible, be provided in, or close to, service centres or villages but may be justified in other locations where the required facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available for re-use.'

5.3 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. The application site lies well beyond the Development Limits of Sutton on the Forest. Policy CP4 requires justification for development to be permitted in a less sustainable location. The proposed development is to provide additional facilities for the existing commercial operation, which is aimed at supporting and developing the existing business and is therefore considered to be a sustainable form of development.

5.4 The proposed development adds value to the existing caravan park and contributes to its sustainability by providing facilities for holidaymakers on site. This element of sustainability could potentially be seen as harming support for local businesses in locality but the scale of the holiday park suggests that local businesses will continue to be supported.

5.5 The proposal to construct and provide the new facilities will create an additional source of employment for the caravan park, which is to be encouraged.

5.6 The applicants would be reluctant to accept a condition restricting the use of the building and its facilities to just the occupants of the caravan park, as they would not like to turn customers away. Although the use has the potential to become a destination in itself, it is not considered that it will be a significant traffic generator due to the relatively small scale of the facilities proposed. It could be argued that the use is sustainable if it provides a facility for the local community in and around Sutton on the Forest.

5.7 The building is large in scale and lies adjacent to the existing reception building, which has a much smaller footprint. The proposed building is stepped to the rear of the reception, which reduces its visual impact. Its relatively low height minimises its long range impact but the wide expanse of side gable will be clearly visible within the park itself. Existing tree planting will soften the impact of the new development and allow it to sit comfortably within the site. The use of timber weatherboarding reflects the appearance of a rural building. The use of brick provides a design link to the adjacent reception building. The building in terms of scale, design and materials is acceptable and will not detract from the appearance of the caravan park.

5.8 The building is positioned well within the site and there will be limited long range views from the surrounding roads and countryside. The low height of the building will further reduce its prominence and it will not adversely affect the surrounding rural landscape.

5.9 The building and caravan park lie far enough from the nearest residents for it to have no adverse impact on residential amenity.

5.10 Carr Lane is a relatively narrow rural road but the amount of traffic associated with the proposed development should not have a significant impact on highway safety. There are no objections to the use of Carr Lane to serve the additional facility.

5.11 It is considered that the proposed facility is a sustainable form of development that would benefit the local rural economy and therefore it is recommended that permission be granted.

## SUMMARY

The scale and design of the proposal satisfactorily relates to the surroundings with limited effects on the character and appearance of the countryside. The proposed building will result in a sustainable development with limited effects on neighbouring users, the wildlife on the site or highway safety. The proposed development is therefore in accordance 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. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. No development shall take place until a scheme showing existing trees to be retained and tree protection methods to be used during both construction and subsequent use of the development has been submitted to, and approved in writing by, the Local Planning Authority. The development shall be undertaken in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 101, 102 and 103 received by Hambleton District Council on 26 August and 5 September 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. To ensure that existing trees within the site are adequately protected during the period of construction in accordance with LDF Policies CP16 and DP30.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

# 12.

11/01989/FUL

**Change of use of an agricultural nursery to a caravan park with associated hardstanding, parking and landscaping.  
at Hollin Barn Nurseries Sutton Road Thirsk North Yorkshire  
for Mr R Atkinson.**

## 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the siting of 11 holiday chalets within the curtilage of a former (horticultural) Nursery complex at Hollin Barn which lies on the northern side of the A170 midway between Thirsk and Sutton-under-Whitestonecliffe. The site, which includes the applicant's dwelling and two holiday letting units, is rectangular in shape, has a frontage to the A170 of 170m and is 105m in depth. There is an existing access which serves the (former) Nursery use and a private access which serves the applicant's dwelling and cottages. The White Horse Lodge Hotel, previously known as The Divan lies immediately adjoining the site to the east.

1.2 The site has a generally level surface and lies at a slightly lower level than the adjacent A170. It is very well screened from the road and the west by hedging and maturing trees. The eastern boundary is also screened by existing planting and the buildings which comprise the White Horse Lodge. There are also trees within the site although some are only recently planted. Further tree planting will be undertaken particularly along the northern boundary. It is proposed to use the existing access, which previously served the Nursery, and utilise an existing hardstanding area as a site car park with a cul-de-sac service road access to the north serving the chalet units. An existing area between the car park and applicant's house will comprise a landscaped recreation area.

1.3 The proposed chalets are two-bedroomed units constructed in timber with pitched slated roofs.

1.4 The site has been vacant for some 2-3 years. The current owners, since acquiring the land, have carried out a refurbishment of the holiday units which were offered for letting again from this summer and have been fully booked throughout the rest of the year. The applicants will continue to operate the existing holiday letting units and will also own and manage the chalet site.

## 2.0 PREVIOUS PLANNING HISTORY

2.1 2/96/152/0537 : Formation of a vehicular access :Permission Granted 24-01-1997

2.2 2/00/152/0611 : Construction of a polytunnel. Permission Refused April 2000.

2.3 2/00/152/0611A : Construction of a polytunnel for horticultural purposes. Permission Granted August 2000.

2.4 2/01/152/0611B : Construction of a polytunnel. Permission Granted August 2001.

2.5 2/01/152/0611C : Formation of a wildlife pond. Permission Granted October 2001.

2.6 2/02/152/0611D : Construction of a polytunnel. Permission Granted July 2002.

2.7 2/05/152/0611E : Construction of a farmshop and café : Withdrawn.

2.8 2/05/152/0611F : Construction of a farmshop, café and sales outlet : Permission Refused 2005.

### 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  
Development Policies DP9 - Development outside Development Limits  
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

### 4.0 CONSULTATIONS

4.1 Thirsk Town Council : Wishes to see the application Approved.

4.2 Yorkshire water : No observations.

4.3 North Yorkshire County Council (Highways Authority) :

4.4 The application was advertised by site notice at the entrance to the site and the four closest neighbours were consulted. Letters from both the freeholder and current landlord of the adjacent Hotel have been received supporting the proposal.

### 5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the location of the site in relation to the Service Centre of Thirsk/Sowerby and other tourist attractions (Policies CP1 and CP2) the impact, if any, on local visual amenity and landscape character (Policies CP16 and DP30) together with the potential economic benefits to the local economy, particularly the adjoining hotel complex (Policies CP15 and DP25). The contents of PPS4, Planning for Sustainable Economic Growth are also relevant.

5.2 It has been noted above that the site is located directly off the A170 midway between Thirsk and Sutton-under-Whitstonecliffe and is well located for access via the main road network to a significant number of tourist facilities and attractions including, in addition to Thirsk itself, York, Ripon and the North York Moors National Park.

5.3 In terms of the visual aspects of the site location it is considered that there will be little demonstrable impact on either local visual amenity or landscape character in view of existing planting around and within the site (which is at a lower level than the A170) and the local topography and road network which precludes most views into the site from the north. The site is bounded by mature hedging and trees from the A170 such that views are not available by traffic along that road from the west. In addition when approaching from the east the White Horse Lodge Hotel complex prevents any views into the site from that direction.

5.4 With regard to the potential economic benefits which may arise from the development of the site there are, excluding numerous locations within Thirsk and Sowerby, at least six public houses/restaurants within a five mile radius of the site which would reasonably expect to benefit from increased numbers of visitors. Most particularly the adjoining Hotel would be likely to experience significantly increased sales from the chalet occupiers. A letter has been received from the landlord of the White Horse Lodge supporting the application and stating. 'We believe that such a provision would provide high quality accommodation for visitors to



Herriot Country and would benefit from Welcome to Yorkshire who are supporting the Tourism Industry in this area with highly successful marketing activities. We also believe that the two businesses will compliment each other bringing opportunities for growth and further local employment.'

5.5 PPS4 (Planning for Sustainable Economic Growth) within Policy EC7 (Planning for Tourism in Rural Areas) indicates that 'to help deliver the Government's tourism strategy Local Planning Authorities should support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, rather than harm, the character of the countryside.' It is stated that Local Authorities should, through Local Development Frameworks, support the provision and expansion of tourist and visitor facilities in appropriate locations, support extensions to existing tourist accommodation where the scale of the extension is appropriate to its location and where the extension may help to ensure the viability of such businesses and ensure that new or expanded holiday and touring caravan sites and chalet developments are not prominent in the landscape. In this case, although there is no shared ownership or financial interest between the proposed chalet site and White Horse Lodge there will be mutual benefits to both businesses which will assist viability.

5.6 The recommendation set out below is subject to the receipt of the formal observations of the County Highways Authority.

## SUMMARY

It is considered that the proposal is in accordance with the Policies within PPS4, the Local Development Framework Core Strategy and Development Policies document identified in the above report in that the development of this vacant site, which is well located for access to a significant number of tourist attractions and facilities and is discreetly located, has a potential economic benefit to local pubs, restaurants and retail outlets in the area.

## 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. No chalet units shall be brought onto the site until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development, together with those for the site access road, storage and service yard and visitor parking area, 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:-
  - (i) The lodge style caravans are occupied for holiday purposes only;
  - (ii) The lodge style caravans 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 lodge style caravans 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. No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Such works shall be completed in accordance with the approved details prior to the occupation of any holiday unit and shall thereafter be maintained in accordance with the approved scheme.
6. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing (ref 1199-102) and details attached to planning application 11/01989/FUL received by Hambleton District Council on 13th September 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. In the interest of local visual amenity and landscape character in accordance with Policies CP16 and DP30.
3. In the interest of local visual amenity and landscape character in accordance with Policies CP16 and DP30.
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 Local Development Framework.
5. In the interest of environmentally satisfactory drainage in accordance with Policy DP42.
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 Policies CP16 and DP30.