

# **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 5 January 2012. 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**

## **5 JANUARY 2012**

<b>Item No</b>	<b>Application Ref/ Officer</b>	<b>Proposal/Site Description</b>
<b>1</b>	11/01995/FUL Mr J Saddington	<b>Construction of a processing building. at Agri-Tec Trading As Croft Feed Enterprises Burtree Mill Thormanby North Yorkshire for Croft Feed Enterprises.</b>  RECOMMENDATION: GRANTED
<b>2</b>	11/00895/FUL Mr A J Cunningham	<b>Alterations and extensions to existing dwelling and shop to form 2 dwellings as amended by plans received by Hambleton District Council on 1 November 2011. at 16 &amp; 16A Water End Brompton North Yorkshire DL6 2RL for Mr &amp; Mrs Ashley Whitfield.</b>  RECOMMENDATION: GRANTED
<b>3</b>	11/02157/FUL Mrs H M Laws	<b>Retrospective application for the change of use of an existing building to be used as a manager/key worker's dwelling. at STC Film Convertors Dalton Gates Dalton On Tees North Yorkshire for Mr S Thompson.</b>  RECOMMENDATION: REFUSED
<b>4</b>	11/02421/FUL Mrs T Price	<b>Siting of a 25M lattice tower and associated equipment. at Rudby Electricity Sub Station Middleton Road Hutton Rudby North Yorkshire for Northern Powergrid.</b>  RECOMMENDATION: GRANTED
<b>5</b>	11/01695/FUL Mrs B Robinson	<b>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 &amp; Mrs T Foster.</b>  RECOMMENDATION: GRANTED
<b>6</b>	11/02121/FUL Mrs H M Laws	<b>Revised application for the change of use of woodland to a natural burial ground and formation of a of new vehicular access as amended by plan received by Hambleton District Council on 10 November 2011. at Big Ings Wood Green Lane Blackwoods Stillington for Mrs H Lamborn.</b>  RECOMMENDATION: GRANTED

<b>7</b>	11/01916/FUL Miss A J Peel	<b>Proposed installation of PV panels as amended by email received by Hambleton District Council on 19 December 2011. at 32 Back Lane Sowerby North Yorkshire YO7 1JD for Mr M Kelly.</b>  RECOMMENDATION: GRANTED
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# 1.

11/01995/FUL

## **Construction of a processing building. at Agri-Tec Trading As Croft Feed Enterprises Burtree Mill Thormanby North Yorkshire for Croft Feed Enterprises.**

### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 Full planning permission is sought for the construction of an animal feed processing building. The proposed building measures approximately 54.8m x 24.3m x 12.4m in height and will be constructed using a precast concrete frame covered with box profile sheeting and green fibre cement roof. Electronic roller shutter doors are contained within the end elevations of the building.

1.2 The proposed building would be sited on arable land immediately to the south east of the existing group of buildings which are used in association with the farm and the animal feeds business. Croft Feeds has operated from the site since 1996 (ref: 2/95/014/0011).

1.3 Waste bread, cakes, chocolate and similar human food bi-products will be brought onto site, de-packaged and processed into animal feed. A large depackaging machine and a cardboard bailer will be housed within the proposed building. Both machines would help minimise the volume of waste packaging. All waste packaging and foodstuffs will be removed off site by a waste disposal contractor.

1.4 It is proposed to establish a native planting screen immediately to adjacent to south-east facing elevation of the proposed building.

1.5 Access to the site is from the minor road that passes from A19 to Carlton Husthwaite.

1.6 The site at Burtree Mill is located off the A19 between Easingwold and Thirsk. Great Thirkleby, Carlton Husthwaite and Hutton Sessay are located approximately 3km to the north-east, 2km to the south-west and 0.5km to the south-east respectively.

1.7 Burtree Mill comprises an agricultural holding with an adjoining brick built house. Between Burtree and the agricultural buildings is a large brick built stable courtyard which is falling into disrepair. The agricultural buildings comprise a range of predominately modern, timber, metal and wood structures which surround a small brick built range adjoining the stable courtyard.

1.8 The site is located on gently undulating vale landscape. The surrounding landscape contains a scattering a farm buildings and open farmland. Burtree Mill is bound by mature and well defined hedges, which are predominately in good condition without gaps.

### 2.0 RELEVANT PLANNING HISTORY

2.1 2/95/014/0011 – Use of existing agricultural building for the processing, storage and distribution of animal feed, change of use of existing flat to an office and construction of a vehicular access onto the C99 county highway as amended (Granted 9th January 1996).

2.2 2/96/014/0011A – Construction of a general purpose agricultural building (Granted 19th April 1996).

2.3 2/98/014/0002F – Layout of land and alterations to existing stables for use as 4 holiday units with associated facilities as amended by letter and plans as received by Hambleton District Council on 25th August 1998.

- 2.4 AN2/00/014/0011B – Prior notification of a proposal to construct an agricultural building for the housing of livestock (Prior approval not required 8th September 2000).
- 2.5 2/02/014/0011C – Change of use of existing agricultural building to use for the milling and storage of animal feedstuffs (Granted 21st August 2002).
- 2.6 2/02/014/0011D – Construction of an agricultural building for storage purposes (Granted 21st August 2002).
- 2.7 2/02/014/0011E – Construction of an agricultural building for storage purposes (Granted 21st August 2002).
- 2.8 2/02/014/0011F – Alterations to existing storage building and disused farm shop building for use as office accommodation (Granted 20th December 2002).
- 2.9 2/03/014/0011G – Construction of an agricultural building for the accommodation of livestock as amended by letter and plan as received by Hambleton District Council on 23 July 2003 (Granted 24 September 2003)
- 2.10 2/03/014/0011H – Amendment to previous consent for alterations to existing storage building and disused farm shop building for use as office accommodation (Granted 2nd February 2004).

### 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  
 Planning Policy Statement 4: Planning for Sustainable Economic Growth  
 PPS7 - Sustainable Development in Rural Areas  
 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

### 4.0 CONSULTATIONS

- 4.1 Parish Council – no comments received.
- 4.2 NYYC Highways – no objections subject to conditions.
- 4.3 HDC Environmental Health Officer - There is no history of complaints associated with the site, and the existing processing building is operated in accordance with the permit issued by the Council. I do not have any concerns regarding the proposed development, and therefore have no comments or objections to make.

4.4 Coal Board – the application site falls within the defined Coal Mining Development Referral Area. The development does not appear to require substantial foundations or earthworks and consequential loading placed on the ground by this structure will be less than for other forms of development. The proposed building will not be occupied and is to be used purely for storage and processing. Therefore, the Coal Board, do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of development proposed in this particular case and do not object to this planning application.

4.5 Publicity - neighbours were consulted in writing and a site notice was erected close to the application site. The period for replies expired on 22 November 2011. No observations were received.

## 5.0 OBSERVATIONS

5.1 The main issue for consideration in the determination of this application relate to the principle of the development including the business case, landscape and visual impact, impact on neighbours, sustainable construction and highway impacts.

5.2 Policy DP25 of the Development Policies DPD states that “employment development in locations outside Development Limits will be supported...if all of the following apply:

- i) it is small in scale;
- ii) it comprises, inter alia, appropriate extensions of...existing uses;
- iii) the development is not capable of locations within a settlement with Development Limits, by reason of the nature of the operation or the absence of suitable sites;
- iv) it is supported by an appropriate business case; and
- v) the development would not adversely impact on the economy of the Service Centre.

5.3 As identified within paragraph 1.2 of this report, Croft Feeds has operated from the site since 1996 and has gradually increased its activities since this time. The proposed building represents a further modest expansion of the business to allow for the efficient delivery, separation and handling of waste food products.

5.4 Croft Feeds currently processes 40 tonnes of waste food produce per month, which falls short of the customer demand. The waste food produce is stripped from its packaging by hand, which is time consuming and reduces output. The proposed building would allow for specialist stripping equipment to be installed which would allow for significantly larger quantities of animal feed to be processed.

5.5 The applicant’s business plan states that in the first year after installing the new building and equipment, the business could process 100 tonnes of waste food produce, an increase of 60 tonnes per annum. By the end of year two the applicant envisages being able to handle 200 tonnes per month and 300 tonnes per month in the third year.

5.6 Croft Feeds currently employs 6 full time and 1 part time members of staff. The applicant anticipates additional manufacturing and office jobs as a result of the increased activity but cannot be definite about numbers at this stage.

5.7 The applicant will continue to source waste produce from local food producers including McCains, Nestle Rowntree and Taylors of Harrogate.

5.8 No information has been provided relating to alternative sites within the Development Limits of nearby settlements capable of accommodating the proposed building. Nonetheless, in this case, the application site is considered to represent the most sustainable option for expansion of the existing business. Retaining a single site operation will allow for reduced car journeys as a consequence of linked trips and allow for greater synergy between the existing and proposed processes.

5.9 PPS4 – Planning for Sustainable Economic Growth, published after the Development Policies DPD, stipulates that local planning authorities should adopt a positive and

constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

5.10 In determining applications for economic development in rural areas, local planning authorities should, inter alia, support small-scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport.

5.11 Therefore, PPS4 provides significant support for new economic development in rural locations. In addition, Members should be mindful of the Ministerial Statement on Planning for Growth issued on 23 March 2011 which requires the planning system to contribute positively and swiftly towards sustainable economic development. The proposed development will undoubtedly help towards promoting economic development in this respect. In light of the above considerations, the proposed development is considered to be acceptable in principle.

5.13 Policy DP30 of the states that “the openness, intrinsic character and quality of the District’s landscape will be respected and where possible enhanced...the design of buildings, and the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape.”

5.14 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. The LVIA states that long distance views are afforded to the east from the A19, which runs north-south adjacent to the site, towards the White Horse of Kilburn and the Sutton Bank escarpment, however short distance views are generally confined by a gently rolling landform. Man-made bunds adjacent to the A19 restrict views of site from the west.

5.15 The LVIA concludes that the key visual receptors comprise predominantly partial or glimpsed views afforded from gaps within hedgerows or gateway spaces but that users of the Public Rights of Way to the north of the site are likely to be afforded clear views. Notwithstanding this, the nature and colour of existing barns at Burtree Mill complement the surrounding landscape setting and the large barns blend into the landscape.

5.16 Secondary visual receptors comprise vehicular users of the surrounding minor road, with only partial or glimpsed views afforded. Users of the A19 would also have a glimpsed view, views within the context of a road junction with its associated signage. It is unlikely that there are any private visual receptors that will be afforded a clear view of the proposed new barn at Burtree Mill

5.17 The LVIA concludes that the visual impact of the proposed building on the wider landscape could be mitigated by partially sinking the barn into the land, making use of the natural slope of ground to the south and planting a group of native trees and shrubs adjacent to the side elevation of the building to form a natural screen to views from the south. Further native screen planting could be introduced to the south-west of the existing buildings, at the junction of the A19 and Quarry Banks Road, in order to create a natural backdrop to the highway junction and restrict any glimpsed views afforded by users of the A19.

5.18 Subject to the mitigation identified above, the proposed development is considered to substantially comply with Policy DP30 of the Development Policies DPD.

5.19 Policy DP1 of the Development Policies DPD stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution, vibration and daylight.

5.20 In terms of residential amenity, the nearest residential dwellings (Bunnykat Barn, Quarry Hill Farm and Quarry Hill House) are located over 460m away from the application site to the north west. As a consequence, residential amenity will not be compromised as a result of the proposed development.



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

5.22 Limited detail is contained within the application to demonstrate how Policy DP34 will be satisfied. Consequently, it is recommended that a suitably worded condition be applied in order to secure a detailed scheme for onsite renewable energy generation.

5.23 The Local Highway Authority has considered the application and has raised no objections to the level of traffic movements or the safety of the access arrangements. Consequently, the proposed development is considered to comply with PPG13 and policies DP3 and DP4 of the Development Policies DPD.

5.24 In light of the above considerations, the application is recommended for approval.

#### SUMMARY

The principle of the proposed development is acceptable and the site specific issues, including landscape and visual impact, impact on neighbours, sustainable construction and highway impacts. The proposal therefore accords with the aims and policies of the Hambleton Local Development Framework.

#### 6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered EN1787-F, EN1787-SP received by Hambleton District Council on 13 September 2011 and Location Plan received by Hambleton District Council on 30 September 2011 unless otherwise agreed in writing by the Local Planning Authority
3. The use of the building shall not be commenced until the external surfaces have been finished in accordance with a colour scheme to be approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.
4. 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.
5. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the premises shall not be used for any purpose other than as a depackaging plant in conjunction with an animal feeds manufacturing place or as an animal feeds manufacturing place.

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 in connection with the construction of the access road or building or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) vehicular access
- (ii) vehicular parking
- (iii) vehicular turning arrangements
- (iv) manoeuvring arrangements
- (v) loading and unloading arrangements.

7. There shall be no means of vehicular access to or from the application site other than from the C99 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with policies CP1, CP17 and DP32 of the Hambleton Local Development Framework.

3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with policies CP1, CP17 and DP32 of the Hambleton Local Development Framework.

4. 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.

5. The Local Planning Authority would wish to carefully examine any alternative use of the building to assess whether the development would be acceptable in terms of sustainability, access and environmental impact in accordance with policies CP1, CP2, CP4, DP1, DP3, DP4 and DP9 of the Hambleton Local Development Framework.

6. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

7. In the interests of highway safety.

## 2.

11/00895/FUL

**Alterations and extensions to existing dwelling and shop to form 2 dwellings as amended by plans received by Hambleton District Council on 19 December 2011. at 16 & 16A Water End Brompton North Yorkshire DL6 2RL for Mr & Mrs Ashley Whitfield.**

### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for the change of use of 16A Water End from a retail premise to a two bedroom dwelling and alterations and extensions to the rear of 16 and 16A Water End, Brompton. The terraced properties are within a residential area within the Brompton Conservation Area.

1.2 The applicant is contending that the scheme would be un-viable were the relevant contributions towards Public Open Space and Infrastructure Delivery provided, and is therefore wishing to progress the proposal without these payments being made.

1.3 The works proposed to 16A Water End comprise the formation of a two storey extension to the rear (southern) elevation. Amended details have been received on 1 November 2011 reducing the dimensions of the extension to 2.4m x 4.2m, with a total height of approximately 6.3m. The extension has been scaled back to reduce the impact to the ground floor kitchen window at no.12. An existing two storey addition to the rear of 16A Water End would be demolished to make way for the proposed extension.

1.4 The works proposed to 16 Water End are predominantly internal to subdivide it from no.16A and to provide additional habitable rooms. The scheme also proposes an access to the southern elevation to a refuse/cycle store, removal of an access to the western elevation to facilitate a bedroom, and re-positioning of an existing rear entrance way to the western elevation.

1.5 Materials for the proposed alterations would comprise facing brickwork, clay pantiles and timber sliding sash windows. The applicant is proposing to install a replacement timber bay window to match with the existing window to the front (northern) elevation. The existing front entrance door is to be retained.

1.6 The site is bound to the west by a public right of way linking Water End with Danelaw Gardens. This provides rear access to both no.16 and 16A. A communal garden area is proposed to serve both 16 and 16A Water End. A 1.8m timber fence is proposed as the western boundary directly to the rear of the proposed two storey extension at no.16A. A 1.2m post and rail fence reinforced with deciduous landscaping is proposed thereafter to the southern boundary of the site.

### 2.0 RELEVANT PLANNING HISTORY

2.1 There is no relevant planning history.

### 3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy 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 DP5 - Community facilities  
Development Policies DP8 - Development Limits  
Development Policies DP28 - Conservation  
Development Policies DP32 - General design  
Supplementary Planning Document - Domestic Extensions - Adopted 22  
December 2009

#### 4.0 CONSULTATIONS

4.1 Brompton Town Council - No objections to the proposal.

4.2 Neighbours notified and site notice posted; expires 06.07.11 - One response received objecting to the amended proposal on the following grounds: The revised plan to the extension still causes a massive obstruction to the view out of my landing window. The extension will block light entering the window and will significantly effect the resale and attractiveness of this property. 2 properties will add greater strain on the parking issues already associated with this section of Water End. I have no issues in the property being developed, in fact I welcome this, but increasing it to 2 properties to deliver a higher return for someone who isn't even a resident will directly impact the families who have to continue living here'.

4.3 Yorkshire Water - Application details have been checked - From information submitted, no comments/conditions are required from Yorkshire Water (Noted from details that the existing private drainage system serving existing dwelling and shop, will continue to be used - Satisfactory)

4.4 NYCC Highways - There are no off street parking places associated with the proposal however this is a similar situation to the neighbouring properties. A highways objection would therefore be difficult to sustain.

4.5 Environment Agency; expires 05.01.12 - Response awaited.

4.6 River Wiske Internal Drainage Board; expires 29.12.11 - Response awaited.

4.7 NYCC Footpaths; expires 29.12.11 - Response awaited.

4.8 Brompton Heritage Group; expires 29.12.11 - Response awaited.

#### 5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of a dwelling in this location, loss of a community facility, any impact on neighbour amenity, any impact on the visual amenity of the surrounding area, and any highway safety issues that may arise.

- Principle of Dwelling:

5.2 The site is within the development limits of a sustainable settlement as is designated within policy CP4 of the Hambleton Local Development Framework (LDF) and therefore the principle of an additional dwelling in this location.

- Loss of a Community Facility:

5.3 Policy DP5 sets out relevant criteria relating to the loss of community facilities, that they will only be permitted (as relevant) if an alternative facility is provided, or facilities are combined with other facilities, which meets identified needs in an appropriately accessible location. In this case it is understood that the premises were last used as a coffin store in association with a local undertakers approximately 2-3 years ago. It has remained vacant since this time. It is noted that an alternative community facility is provided in the form of a

convenience store on Northallerton Road. It is also recognised that the Town Council in their response to the application have raised no objections to the proposal nor have they highlighted that the premises be used as an alternative community facility. Considering these factors the loss of the community facility would be acceptable in terms of Policy DP5 of the Hambleton LDF.

- Impact on Neighbour Amenity:

5.4 The proposed use of the dwelling in the residential area would blend well with neighbouring uses. The proposal has been amended to reduce the length of the rear two storey extension given its proximity and overbearing impact to the primary kitchen window of 12 Water End. A daylight analysis had previously been provided in respect of the original drawings submitted. In terms of the daylight impact to neighbouring properties this analysis demonstrated there to be no adverse impact. The comments of 10 Water End have been noted. The main concerns relate to the impact on the landing window at this property. It is highlighted that the occupier would not be entitled to a view unless they owned the land on which this view is over, and that the landing would not serve a habitable room. In any event the separation distance between the two storey extension and the window in question is approximately 5.8m, and is considered acceptable. Therefore refusal of this application on these grounds would not be justified. The impact of the two storey extension at 16A would be felt by a stairwell window at no.16, and would not have an adverse impact on neighbour amenity. To the east a distance of approximately 3m would separate the extension at 16A to the nearest window at no.18. This window serves a bathroom and is obscurely glazed. Again this would not warrant the refusal of this application. The remaining works to no.16 are relatively minimal and would not have an adverse impact on neighbour amenity. Considering the above and the overall design of the scheme the proposal would adhere to policy DP1 of the Hambleton LDF.

- Impact on Visual Amenity:

5.5 The existing timber shopfront is to be replaced by a replica timber structure to modern day standards. The existing front door is to be retained and the front render painted. Based on these alterations it is not considered that there would be an adverse impact on the primary views from within the Brompton Conservation Area. The two storey extension at no.16A and the alterations at no.16 would be formed of traditional materials and would maintain the views from the south into the Water End portion of the Brompton Conservation Area. Consequently the works would maintain the visual amenity of the surrounding built environment and would accord with policy DP1 and DP28 of the Hambleton LDF.

- Impact on highway safety:

5.6 The availability of on-street parking is clearly an issue in the Brompton area. NYCC Highways have however not raised an objection to the proposal as their response recognises the proposed dwelling in this residential context and in terms of the impact of the existing use (were it occupied) and proposed use. On balance it is considered that the proposal would not have an adverse impact on highway safety.

- Other matters:

5.7 Proposals resulting in a 'net increase' in dwelling units would normally be required to contribute towards off-site public open space provision (£2227.54), and in this area towards local infrastructure delivery for the North Northallerton Link Road (£3490). In this case the total figure would be £5717.54. The applicant has been advised of the contribution required and contends that the scheme would not be viable were these sums factored in. As a result the applicant has provided the Local Planning Authority (LPA) with a comprehensive breakdown of the costs associated with the works at 16A Water End. The LPA have analysed the costs and assessed the viability of the development with and without the required contributions. For 16A Water End total costs would amount to £115,496 (with contribution) and £109,207 (without contribution). The estimated selling price would be

£120,000. The profit margins are shown to be very low in both cases, and that to provide the contribution set out above would incur an unacceptable level of risk to the developer should unforeseen costs arise. Given the low level of viability a contributions, or even a partial contribution would prevent the scheme progressing.

- Conclusion:

5.8 Having taken the above into account it is considered that the alterations to no.16 and the change of use to a dwelling and extension of 16A Water End would accord with the policies of the Hambleton LDF and achieve an additional dwelling in a sustainable location. Hence this application is recommended for approval.

#### SUMMARY

The proposed development would be acceptable in principle in this location, would not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area and would not have an adverse impact on highway safety. The proposal accords with the policies set out in the Local Development Framework, save for the lack of contribution towards Public Open Space Provision and Local Infrastructure Delivery, 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 received by Hambleton District Council on 1 November 2011 and 19 December 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.

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) CP1, CP16, CP17, DP1, DP28 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

### 3.

11/02157/FUL

**Retrospective application for the change of use of an existing building to be used as a manager/key worker's dwelling.  
at STC Film Convertors Dalton Gates Dalton On Tees North Yorkshire  
for Mr S Thompson.**

#### 1.0 PROPOSAL & SITE DESCRIPTION

1.1 Members have had the opportunity to visit this site, (on 5 December 2011) which lies on the eastern side of West Lane, located approximately 180m along an access road shared with adjacent properties including a caravan storage company and a turf company. A further application for the staff facilities building is due to be submitted in the New Year

1.2 The existing factory has been located at Dalton Gates for the past 6 years and has been operating since 1991. The operation involves the production of film for use in the food industry. The company employs 35 staff, in addition to the applicant, including 6 office staff.

1.3 The application is retrospective for the siting of a timber chalet-type structure for use as a dwellinghouse. The building, which is sited at the southern side of the factory immediately adjacent to the factory buildings, has a footprint of 30m x 4.8m and a ridge height of 3.5m. The building is of timber log cabin construction with profiled sheeting roof panels and stained timber doors and window frames. A veranda runs along the front of the building overlooking a tarmac roadway and parking area and a newly created soil bund.

1.4 The dwelling is occupied by the factory manager in association with the adjacent factory. The dwelling has 2 bedrooms.

1.5 The application has been submitted with 12 letters of support from local businesses.

#### 2.0 PLANNING HISTORY

2.1 10/01522/OUT - Outline application for the construction of a manager/key worker's dwelling. Permission refused 24/8/2010 for the following reasons:

1. Policies CP1, CP2, CP4 and DP9 of the Hambleton Local Development Framework seek to ensure that all new development, other than in exceptional circumstances, is located within designated settlements which contain appropriate local services and facilities, including public transport links which minimise the need to travel by private car. The application site is not located within an existing sustainable settlement and no exceptional case is considered to be made as the proposed dwelling is not essential to the functional needs of the adjacent business enterprise. The development is, consequently, contrary to these policies and to the advice within PPS7.

2. The proposed development is contrary to LDF Policies CP16 and DP30 as the siting of the dwelling is not related to existing buildings and would have an adverse visual impact on the surrounding rural landscape.

An appeal against this decision was dismissed in February 2011 and a copy is appended to this report.

#### 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 CP9 - Affordable housing  
Core Strategy Policy CP12 - Priorities for employment development  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP19 - Recreational facilities and amenity open space  
Development Policies DP1 - Protecting amenity  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP16 - Specific measures to assist the economy and employment  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP37 - Open space, sport and recreation  
PPS1 - Delivering Sustainable Development 2005  
PPS7 - Sustainable Development in Rural Areas

#### 4.0 CONSULTATIONS

4.1 Parish Council – no reply received (expiry date for representations 28/10/2011)

4.2 NYCC Highways Dept – no objections

4.3 Northumbrian Water – no objections

4.4 Environmental Health Officer – no observations

4.5 Site notice/local residents – (expiry date for representations 8/11/2011). One letter of support has been received from a neighbouring resident, which makes the following comments:

1. trucks arrive out of hours and it could be beneficial to have someone present to allow these trucks to enter and leave the site;
2. in these difficult times with burglaries and increased criminal activities it would be to our mutual advantage to have personnel on site at all times;
3. STC is a definite benefit to the local community.

#### 5.0 OBSERVATIONS

5.1 The key issues include the principle of a residential use on this site, whether the need for a manager's dwelling satisfies the functional and financial tests of PPS7, the suitability of the siting of the dwelling in respect of its effect on the character and appearance of the surrounding landscape and its relationship to the factory.

5.2 The provision of residential accommodation in the countryside is strictly controlled by Policies CP1 and CP4 of the Local Development Framework Core Strategy and the advice in PPS7.

5.3 Policy CP4 and PPS7 require that any residential development outside Development Limits will only be permitted in exceptional circumstances when all of the following criteria are met:-

- 1) It is proved to be essential to the functional needs of the enterprise to house a full-time worker at or in the immediate vicinity of their place of work.
- 2) There is firm evidence of the financial viability of the enterprise both at the time of the application and in the longer term.
- 3) The need cannot be met in a nearby settlement or by an existing dwelling in the locality or by the conversion of an existing building in the locality.

5.4 The factory operates on a 24 hour basis, which is one of the reasons it is argued that the accommodation is required as all the senior managers currently live several miles away and it is only the applicant that has the skills necessary to address many of the issues. The tasks listed as those required to be undertaken at all times of the day include the monitoring



of deliveries, potential fire hazards, supervision of staff and providing hospitality to visiting customers. The business operation has been run in such a way that there was not always a senior manager on site and if a machine malfunctions it may not be immediately apparent to the workers and once it becomes apparent it takes a considerable time for the appropriate manager to reach the factory. The time taken to resolve the issue can give rise to a significant amount of waste material and loss of production. Prior to the applicant moving onto the site such errors were commonplace. Since moving onto the site the smallest of incidents can be dealt with immediately and profits have risen. Evidence of this, in the form of financial details, have not however been submitted as requested to illustrate this effect.

5.5 The applicant provides a skilled and specialist role in the business and these skills are not shared by other members of the business. The Inspector in her decision letter in February 2011 recognised this special role and considered it particularly important that urgent issues arising from the production process were addressed. The inspector also recognised that in order to ensure the long term survival of the business, at least one other person would need to be trained to same degree of competency in order to provide the necessary cover. This would allow a competent person to be on hand over the 24 hour period to the same degree as the applicant, without having to live on site. Steps have been taken to train a worker to this level but this has not been without difficulties and there is still no one in place to fulfil this role.

5.6 The Inspector concluded that a dwelling on site would be of immediate value to the developing business but not essential to the longer term functioning of the enterprise. The applicant has felt he has had no option other than to live on site to ensure its proper functioning. One option therefore is for a temporary consent to be granted to allow the business to develop and for other senior workers to be trained to the same level of competency to allow 24 hour cover. The difficulty is however that this may never be achieved. There are no guarantees that trained workers will be available within the next 2 to 3 years and it would be difficult for the Local Planning Authority to make such an assessment.

5.7 Most of these tasks relating to the operation of the business could be handled by an appropriate person or persons on duty at the factory be they a security officer or manager, from an appropriate on site office and that it is merely desirable for someone to be accommodated within a residential unit. If the business is operating on 24 hour basis it is feasible that there could be a manager with appropriate authority at any time available to ensure that the above tasks are undertaken without recourse to a manager in an adjacent dwelling who themselves will be off duty for part of the day. The current issue however relates to the expertise of the applicant and to the matters arising that cannot be addressed by anyone other than that person. The business requires a high degree of supervision to ensure the efficient running of the business. The draft National Planning Policy Framework requires Local Authorities to support existing businesses and ensure policies are flexible enough to accommodate requirements but it is not in the long term interests of the business to rely solely on a single expert and no evidence has been provided to demonstrate that it is essential in the short term for the continued success of the business. Refusal of the application is therefore recommended.

5.8 The previous planning application was refused partly on the grounds of its siting and this was upheld by the appeal inspector. The dwelling as now proposed lies at the rear of the factory and does not have an outlook beyond the boundary of the site. Other than by observing CCTV there is no means of observing passing traffic and therefore in terms of its position does not provide a security role. The dwelling is close to existing buildings and does not have a visual impact on the rural character of the countryside. The siting and design of the dwelling are acceptable.

5.9 Policy DP37 of the LDF requires the provision of public open space with all new residential development. No provision has been included within the application nor has any alternative provision be made for a financial contribution towards off site provision. The applicant's agent has indicated that a contribution towards off site provision is likely to be

forthcoming should permission be granted. If temporary permission is granted a public open space contribution is not required.

5.10 The application site is central to North Cowton, East Cowton and Dalton on Tees, which are all approximately 2 miles from the site and it is noted that the applicant previously lived just 2.5 miles from the factory. Any existing properties within the immediate locality, even if available for sale, would not satisfy the need if accommodation was required to be within sight and sound of the factory. There are no other existing buildings at the factory that would be suitable for conversion to a dwelling.

5.11 No financial detail has been submitted to demonstrate that the existing business is financially sound although it is stated that recent investment has been made in the production system, which has also resulted in a further 12 full time workers. There is no reason to suggest that the existing business operation is not financially viable.

5.12 It is concluded that the proposed development fails the functional test of PPS7 as it has not been adequately demonstrated that it is essential for a worker to live on site. Refusal of the application is therefore recommended.

## 6.0 RECOMMENDATION:

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

1. Policies CP1, CP2, CP4 and DP9 of the Hambleton Local Development Framework seek to ensure that all new development, other than in exceptional circumstances, is located within designated settlements which contain appropriate local services and facilities, including public transport links which minimise the need to travel by private car. The application site is not located within an existing sustainable settlement and no exceptional case is considered to be made as the proposed dwelling is not essential to the functional needs of the adjacent business enterprise. The development is, consequently, contrary to these policies and to the advice within PPS7.



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## Appeal Decision

Hearing held on 25 January 2011

Site visit made on the same day

by **Mrs K.A. Ellison BA, MPhil, MRTPI**

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

Decision date: 16 February 2011

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**Appeal Ref: APP/G2713/A/10/2136326**

**STC (Film Converters) Ltd, Dalton Gates, West Lane, Dalton on Tees  
DL2 2PP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr S Thompson against the decision of Hambleton District Council.
  - The application Ref 10/01522/OUT dated 16 June 2010 was refused by notice dated 24 August 2010.
  - The development proposed is a manager/key worker's dwelling.
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### Decision

1. I dismiss the appeal.

### Preliminary Matters

2. The proposal is made in outline with all matters reserved except access. Following the Hearing, a planning obligation was submitted relating to an open space contribution and this is a material consideration.
3. The appeal description refers only to a dwelling but the supporting information makes reference to meeting rooms and accommodation for visitors, a matter which the Council took into account in reaching its decision. I have therefore determined the appeal on the same basis. The decision also takes into account the dimensions of the dwelling which were provided at the Hearing.

### Main Issues

4. The main issues are whether the circumstances of the enterprise are sufficient to justify a dwelling in this location and whether the siting would take proper account of existing buildings and the impact on the landscape.

### Reasons

5. The appeal site is an area of open land adjacent to the Appellant's business premises. Core Policy 4 of the Local Development Framework (LDF) Core Strategy requires an exceptional case to be made for development outside of settlements. In this regard, the Council relies on the guidance concerning agricultural, forestry and other occupational dwellings contained in Annex A to Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS 7). For the Appellant, reference was also made to Planning Policy Statement 4: *Planning for Sustainable Economic Growth* (PPS 4). However, that statement

does not apply to housing development so that in my view, even though this proposal is intended to support an economic activity, the provisions of PPS 4 do not bear directly on the main issues in the appeal.

6. According to PPS 7, the same stringent levels of assessment which apply to dwellings for agricultural workers should be applied to proposals for occupational dwellings, in a manner and to the extent that they are relevant to the nature of the enterprise concerned. In particular, the functional test should establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. This might arise if there were processes which required essential care at short notice or to deal quickly with emergencies that could otherwise cause serious loss.

**Issue 1: the circumstances of the enterprise**

7. The basis of the business is that it takes large reels of plastic wrapping which it then converts, via about 20 winding machines, into different sizes to meet the packaging needs of various customers. At present, the business employs about 35 people and operates around the clock on a shift system. Last year, it produced in excess of 17 million reels of film. Having started out making plastic wrapping to encase large pallets, the business has developed and grown so that it is now able to supply food grade film such as is often found in supermarket displays of chilled fresh food and fresh vegetables.
8. Broadly speaking, the proposal contends that the key worker needs to be on hand for two reasons: to ensure the operational efficiency of the business and to provide the necessary input for its survival and growth.
9. At the Hearing, it was explained that the winding process is extremely sensitive to environmental factors such as changes in temperature and the moisture content of the air. Market pressures to reduce costs, along with environmental protection measures seeking to minimise waste, have led to the introduction of significantly lighter packaging materials which are even more sensitive. The most recent technology, which allows rolls to be produced without a cardboard tube at the core, presents further challenges to the production process. The end result is that each winding machine has to be set and adjusted to suit the needs of the product as well as ambient conditions. The newest machines, making the most advanced products, require the greatest degree of attention.
10. At my site visit, I saw an example of the product which had to be discarded when a machine did not run correctly. It was said at the Hearing that such losses cost the business some £5,000 per week, about half of which could be saved if someone was on hand. It stands to reason that a business will not thrive where there is an excessive degree of waste in the production process. Given the sensitivity of this particular process, there is an identifiable need for a person to be readily available to attend the machines. Moreover, such a person would need to be in possession of the commercially confidential access codes and parameters for each machine, as well as having the technical knowledge to diagnose the fault and remedy it. This is therefore a specialist role within the business. Bearing in mind that the role would support a continuous production process, I am satisfied that a person with those skills and that knowledge should be on hand at most times, in the interests of the operational efficiency of the business.
11. At the Hearing, it was explained that the business is at the forefront of a highly specialised field. Its continuing success will depend on it being able to

maintain its position with existing customers and to attract new ones. The particular strength of the business seems to be related to recent investment in machinery from a specialist manufacturer. Following this, the machines were then adapted by Mr Thompson so that they could run the new processes. The success of this innovative approach is heavily dependent on his personal knowledge and skills.

12. I appreciate that the research and development element of the business will absorb a considerable amount of Mr Thompson's time. He will need to be present for extended periods such as when a new product or process is being trialled and he may be needed urgently to resolve a particular issue. However, it seems to me that events at the research and development stage should not directly affect the production process so that this type of incident would not carry the same degree of urgency as problems with the winding machines. Thus, even though the product innovation process is an essential part of the overall business, I am not convinced that the support it demands from the key worker is of such urgency as to warrant his presence around the clock.
13. Other aspects of the business were also identified which might demand attention outside of normal working hours. The material is sourced from abroad so that deliveries can sometimes arrive at unexpected hours. There are also issues of security from potential intruders as well as the risk of fire, which poses a particular hazard with this product. However, whilst these matters may require attention from a person with a certain degree of authority and commitment, they do not demand the same level of specialist skills and knowledge as that of the winding machines. As such, in my view, they do not add weight to the case for a key workers' dwelling.
14. In planning terms therefore, I consider that the case for a key worker's dwelling rests primarily on the need to keep the production process running reasonably smoothly. Although Mr Thompson has no wish to leave his present home to live next to the factory, he finds he is constantly on call, spends a great deal of his time at the premises and, even then, is frequently called out to deal with emergencies. No one else in the present workforce has the capability to fulfil all of these duties.
15. However, PPS 7 requires that an occupational dwelling should be assessed on the basis that it is necessary for the proper functioning of the enterprise. At the Hearing, the question of the prospects for the business in years to come was raised. From that discussion it is clear that, for the business to survive in the longer term, at least one other person will need to be trained to the same level of competency and responsibility as Mr Thompson. Indeed, arrangements are underway to do this. The proper functioning of this business therefore requires Mr Thompson's specialist knowledge to be shared and passed on. I appreciate that such a step is not without its own difficulties, especially given the confidential nature of much of the information. Even so, that would lead to a situation where more than one member of staff would be capable of providing the necessary cover. Once that point was reached, there would no longer be a need for the same individual to be on hand around the clock.
16. Consequently, although I accept that the present working arrangements make significant demands on the key worker, the longer term health of the business means that this situation should not persist in the longer term. On that basis, I conclude that the circumstances of the enterprise are not sufficient to justify

the proposed dwelling and, as a result, the proposal would not satisfy the requirements of Core Policy 4 and PPS 7.

**Issue 2: siting and impact on the landscape**

17. The countryside around the appeal site is predominantly open and agricultural in character, with the site for the dwelling being an open field adjacent to the existing business premises. The dwelling itself would be some 15m wide and 11m long, set towards the centre of the field. The hospitality element would include meeting facilities and two suites of visitor accommodation.
18. I note that there are few direct views of the site from the surrounding area and that planting would further screen any development. Nonetheless, a proposal of this scale in the centre of this field would lead to a significant loss of openness. This would be the case even if it was to be a single storey development and after allowing for the presence of the other buildings in the locality. I appreciate that the siting has been chosen so as to allow direct access to the premises through a side gate. Some regard must also be had to the fire hazard. In that respect therefore, the proposal take some account of the relationship to existing buildings. However, I consider that it fails to adequately address the impact on openness and the landscape. As such, it would be contrary to LDF policy DP30 which requires new development to take account of landscape character and surroundings.

**Other Matters**

19. The proposal is supported by a number of representations from nearby companies which attest to the positive role of the business within the local economy. In addition, my attention has been drawn to the sustainability of the proposal in terms of the economic, social and environmental gains which could flow from it. However, those benefits would not be sufficient to outweigh the harm arising from this development in this rural location.
20. The planning obligation makes provision for a contribution towards leisure and recreational facilities. Evidence to support this approach is set out in the recently adopted Open Space, Sport and Recreation Supplementary Planning Document and Core Policy 19. I am satisfied therefore, that the planning obligation fairly and reasonably relates to the development proposed.

**Conclusions**

21. Although I accept that the dwelling would be of immediate value to this developing business, the proposal has not been shown to be essential for the proper functioning of the enterprise in the longer term and its siting fails to take adequate account of its impact on the landscape.
22. For the reasons given above, therefore, I conclude that the appeal should not succeed.

*K.A. Ellison*

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr M W Robson MRICS, DipEstMan	Acorus
Mr S Thompson	STC (Film Converters) Ltd
Ms C Pilling	STC (Film Converters) Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Ms H Laws BA, MRTPI	Planning Officer, Hambleton District Council
Martyn Richards, Solicitor	Hambleton District Council

DOCUMENTS SUBMITTED AT THE HEARING:

Document 1	Scale of proposed key worker's dwelling
Document 2	Bundle of documents concerning STC Film Converters Ltd
Document 3	Draft Unilateral Undertaking
Document 4	Bundle of documents from LDF concerning open space

## 4.

11/02421/FUL

### **Siting of a 25M lattice tower and associated equipment. at Rudby Electricity Sub Station Middleton Road Hutton Rudby North Yorkshire for Northern Powergrid.**

#### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 Planning permission is sought for the siting of a 25m lattice tower and associated equipment at Rudby Electricity Sub Station, Middleton Road, Hutton Rudby. It is proposed to install a 25m high galvanised steel lattice telecommunications tower adjacent to the southern boundary between the palisade fenced compound and the timber post and rail boundary fence. The tower will be mounted on a 4.3m x 4.3m x 1m deep concrete foundation and will support 1 no. 1300mm x 50mm shrouded yagi antenna and 1 no. 250mm x 250mm x 850mm loop yagi antenna. The antenna will be coloured in grey/white and the tower will remain in its natural galvanised steel finish. In order to meet health and safety requirement for safe egress the tower will have central ladder access and be fitted with anti climb device at 3m to prevent unauthorised access. The ancillary equipment is located on the adjacent existing control room building, which does not require any modifications

In order for the LPA to assess the application, it is considered to break the application down into questions raised by the LPA for ease of processing:

#### 1.2 What is the proposed telecommunications equipment at Rudby for ?

To provide links to two other operational sites at Stokesley and Seamer, which will allow existing protection systems at Rudby to continue work and provide protection at the other sites as part of a complete linked network as detailed on the plan COMPLAN3 as well as upgrading the speed of the network. Protection systems/equipment monitor and automatically control high voltage equipment at substations and switch or disconnect when required.

The proposed equipment to be installed at Rudby substation will give Northern Powergrid the ability to control the high voltage electrical equipment when faults occur. Faults are caused by mechanical breakdown, overload, weather or third party's interference. The radio link will allow automatic remote switching and control to prevent faults becoming major issues in terms of safety and customer disruptions. It will protect systems not only prevent disruptions in electricity supplies they can prevent explosion at times when faults do occur. The telecommunications equipment proposed is for enabling the operation of protection systems.

#### 1.3 Why can't BT provide a telecommunications link rather than having a line of sight link ?

The proposed development at Rudby is a necessary requirement because of changes being made by BT under their 21 Century Programme. BT going forward cannot provide Rudby or any other substation with a line that will operate at the required speed to enable safe operations. The time critical links cannot be provided by BT that satisfy industry requirements. These issues are not exclusive to Rudby Substation or Northern Powergrid, but are national concern for all eight of the UK Distribution Network Operators. The changes being made by BT are beyond the control of Northern Powergrid. A statement has been submitted with the planning application which states that;

At Rudby S/S, the main infeeds from Bowesfield, near Stockton, and Stokesley is fed at 33kV via overhead lines. As this is a 33kV system, Northern Powergrid stipulate that the protection must operate within 100ms for a feeder fault. This time delay is important so as to



lessen the impact on other customers, and to ensure that the rest of the power system remains stable during the fault clearance. The protection used to do this is a Unit type protection which provides this fast coverage, but requires a communication channel between sites, i.e between Bowesfield and Rudby, and Rudby and Stokesley. At present this communications channel is provided by a BT PW circuit that is effectively a dedicated phone line between sites which the protection relays talk over, similar to two computers passing information between sites. BT have now stated that the type of line that we have will no longer be supported once they move to a new system called BT 21CN, which provides only digital services. The current protection relays that are fitted are of an old analogue design. Northern Powergrid is committed to development and improvement of their infrastructure, so this has meant that they are now modifying the relays to new digital type, these use a different communication method that can be supported over the Northern Powergrid internal communications network, so they have decided to provide the communications channel over dedicated digital radio links between the sites.

#### 1.4 What is BT 21st century?

In 2004 BT formally launched plans to migrate the entire BT infrastructure on to a single IP (Internet protocol) platform. This is generically termed a “next generation network” and has been named by BT as the 21st Century Network (BT21CN). For the most part this migration enables BT to offer a greater range of safe services whilst reducing the cost of operating their networks, essentially this will be achieved by migrating from several networks offering a variety of services to a single “next generation network”. This involves migrating everything from home telephone lines, broadband, ISDN to the point to point circuits currently extensively employed by Northern Powergrid and other Distribution and transmission network operators for delivering a variety of services where it is not practical or economical to provide internal infrastructure.

#### 1.5 Where are the line of sight links required to and from ?

Rudby will have a direct line of sight link to Stokesley Substation and to the new substation at Seamer (currently being constructed). The line of sight links are required from one operational site to another to allow systems to work in each location. The point to point line of sight can not be disrupted or obstructed hence the need for a 25m high tower to see the 14.5m high tower at Stokesley, and the 14.5m high tower at Seamer. Because of geography and topography locally (Rudby Substation being in a dip) lower structures would not enable line of sight to the other two operational sites.

COMPLAN3 demonstrates the various links locally, which include links between the following sites:

Rudby Substation to Stokesley Primary

Stokesley Primary to Osmotherley

Rudby Substation to Seamer

Seamer to Bowesfield Primary - Stockton on Tees

Bowesfield Primary to Hartmoor (Hartlepool)

#### 1.6 Why alternative sites can not be used ?

If an alternative site (non substation) was to be used such as the mast at Hutton Rudby or Ingleby Cross; a tower at Rudby Substation would still be required, and given the aforementioned topographical and geographical issues would be of similar propositions. Irrespective of this the link between Seamer and these two sites is obstructed by wind turbines and would not be viable

#### 1.7 What is the danger of not having protection equipment at Rudby ?

Northern Powergrid's licence obligations are to distribute electricity around their operational area and facilitate new grid connections to third party's when required. Because of the scale

of the distribution network and because high voltage infrastructure is potentially dangerous, Northern Powergrid need automatic control of the network through telecommunications and therefore a line of sight link into the wider network surrounding Rudby.

#### 1.8 Landscaping

Given significant space constraints within the site, the installation of the tower will require the removal of two existing boundary trees. These trees are identified on the landscaping plan as 1 no. acer pseudoplatanus (sycamore) approximately 8m in height and 1no. alnus glutinosa (black alder) approximately 6m in height. The trees will be replaced by three capinus betulus trees (hornbeam) outside the substation adjacent the southern boundary.

#### 1.9 Ecology

An ecological report has been submitted with the application looking at badgers, bats, trees and breeding birds. There were no overriding ecological constraints to the proposed mast, it was recommended that vegetation removal is undertaken outside of the breeding bird season (March to August).

### 2.0 SITE HISTORY

2.1 No relevant site history

### 3.0 RELEVANT PLANNING POLICIES:

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

- PPG8 - Telecommunications (2001)
- PPS1 - Delivering Sustainable Development 2005
- Hutton Rudby Village Design Statement
- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design
- Development Policies DP30 - Protecting the character and appearance of the countryside

### 4.0 CONSULTATIONS

4.1 Parish Council – The Council recommend refusal. The visual impact is not conducive with the openness of the area. It would be an intrusion into open countryside and visible over a wide area. It would spoil the amenities of the residents in the area.

4.2 Neighbours/site notice/advert – expired 29th November 2011. No representations have been received.

4.3 Natural England – No objection, standard advice given

4.4 Yorkshire Wildlife trust – No objection - Although the site is less than a kilometre from the River Leven where there is a local wildlife site or SINC and ancient woodland do not think there will be any ecological impact from the development.

4.5 Stockton on Tees Council – No objection – in view of the distance from the administrative boundary of Stockton Borough, the height and design of the proposed structure, it is considered that there would be limited, if any visibility of the structure from various points within the borough. As such Stockton Borough Council raise no objection to the proposed development.

4.6 CPRE – No objection

4.7 Highways at NYCC – No objection subject to standard condition.

4.8 Environmental Health – No objection

## 5.0 OBSERVATIONS

5.1 The issues to be considered include the need of the mast, the suitability of the site, the impact of the structure on the character and appearance of the countryside, the effect on the amenity of local residents in accordance with National Planning Policy Guidance PPG8 on telecommunications and local policies CP1, CP17, DP1, DP30 and DP32 of the Local Development Framework.

5.2 The aim of telecommunications policy PPG8 is to ensure that people have a choice as to who provides their telecommunications service, a wider range of services from which to choose and equitable access to the latest technologies as they become available, material considerations include the significance of the proposed development as part of a national network. In making an application for planning permission or prior approval, operators may be expected to provide evidence regarding the need for the proposed development. PPG8 states that 'Arbitrary restrictions in one area, such as limits on mast height, may encourage problems of interference and also create corresponding problems in a neighbouring area, such as the need to install a taller mast, or more than one mast, than would otherwise have been necessary to maintain line-of-sight. Authorities will need to ensure that they have before them all the relevant planning information, including details of any related mast proposals and of how the proposal is linked to the network, to enable applications to be properly considered'. It is considered that the applicant has demonstrated that the height of the mast is essential to enable a clear line of sight and the reasoning behind the new mast is essential for future safety and technological growth.

5.3 PPG8 also states that, 'Where development requires an application for planning permission, applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In many cases, existing development plan policies are framed in terms of conventional buildings and land use, and may not be adequate to deal with telecommunications apparatus or other operational needs. Applications should not be refused on the basis of development plan policies which take insufficient account of the growth and characteristics of modern telecommunications'. Policy DP7 telecommunications has been deleted from the Development Policies Document therefore there is no specific local policy relating to telecommunications. However Policy CP1, CP17 and DP30 are considered relevant.

A landscape assessment was also carried out in December 1996 for Hambleton as part of the former District Wide Local Plan. The assessment makes particular reference to the area of land in which the development is proposed being predominately farmed lowland. It states that where masts and pylons supporting overhead transmission lines have been installed they do form intrusive elements in the landscape and are the only significant dominant structures within this area. It is accepted that a new tower will create a landscape detractor however a single mast is considered more in keeping with the nature of the landscape rather than for example a commercial or industrial building or a new housing development. It is considered that the scheme broadly meets the requirements set out within the LDF policies providing sustainable development; the mast will be sited within an existing telecommunications site ensuring an essential safe service to the public is met. It is considered that given the simple design of the mast, landscape characteristics and topography of the land, the mast will be visible but is considered to have an acceptable impact in its countryside location given the works are essential to the safe operation of power networks

5.4 Planning policy guidance note 8; telecommunications states that 'The sharing of masts and sites is strongly encouraged where that represents the optimum environmental solution in a particular case. Authorities will need to consider the cumulative impact upon the environment of additional antennas sharing a mast or masts sharing a site'. This has been taken into consideration however given the evidence provided by the applicant it is considered unsuitable in this specific case to mast share as other sites within suitable proximity are inadequate and would not provide the line of sight required.

5.5 To meet the requirements set out within the Local Development Framework it is important to ensure that the local rural landscape is protected from inappropriate development. The application site has no special landscape designation. The mast will be positioned within an existing electricity substation and will be positioned alongside other buildings and antennas as well and landscaping reducing its impact, it is accepted that given the height of the mast it will be visible however it is not considered that it will have a unacceptable impact on the character and appearance of the landscape. The mast will sit no further than 280-300m from the nearest dwelling on the edge of the village of Hutton Rudby. It is considered that this distance along with the change in landscape form (dip in the road) and landscaping present will ensure that the works are not adversely intrusive for neighbours within the village or the wider rural area.

5.6 An ecological survey was carried out on the 25th October 2011, looking at badgers, bats, trees and breeding birds. There were no overriding ecological constraints to the proposed mast, it was recommended that vegetation removal is undertaken outside of the breeding bird season (March to August).

5.7 Highways at NYCC have no objection to the works, therefore the tower is not considered to compromise highway safety. Environmental Health have no objection to the works.

5.8 In terms of amenity impact the mast would be sited far enough from neighbouring dwellings to not result in any significant impact. The installation passes the ICNIRP guidelines for the protection of public health and the declaration of conformity has been submitted with the application. It is also considered that the mast has the ability to be used for future mast sharing

5.9 For the reasons set out above the application is recommended for approval.

## SUMMARY

It is accepted that the lattice tower will have a presence within the countryside and given its height will be seen from a number of viewpoints. The case is finely balanced but is outweighed by the advice set out within PPG8 as the works are essential to the safe operation of power networks Thus the proposal is in accordance with PPG8 and LDF Policies CP1, CP17, DP1, DP32, and DP30.

## 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. 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.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered Hdc01, 20.363838.02/03, 60872B\_01 received by Hambleton District Council on 4th November 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 accordance with policy CP1 \_ CP2 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.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1, CP17, DP1, DP30, DP32.

## 5.

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 This application was deferred at the 10 November 2011 Committee to establish further detail about the exact type of horse related activity within the site.

1.2 The site lies approximately 3 miles west of Stokesley, and approximately 200m east of a scatter of houses in the proximity of Thoraldby Farm. 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 hardsurfaced.

1.3 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 the stable and barn area to a mixed horse related and private gypsy pitch for one family. The plans show one static unit, and one touring caravan.

1.4 Information submitted by the applicant since the last meeting confirms that the horse usage on the site is mainly used for domestic/hobby use. There is some breeding but the ownership of the horses forms part of the traditional gypsy lifestyle of Mr & Mrs Foster. The barn is noted to have been rebuilt 3-4 years ago. Additional information notes the highway access was widened 5 months ago.

1.5 Since the last meeting in November 2011 additional plans have been provided illustrating highway sightlines with hedge trimming. A visibility splay of 130 metres from a set back 2 metres is achieved. With an increased set back of 2.4 metres (as requested the the Highway Authority) a shorter visibility splay would be achieved.

### 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  
Development Policies DP32 - General 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 – Concern must be expressed with regard the visibility that is available at the existing access however there is scope to improve the visibility that is available to the west by some trimming/ removal of the existing hedge. A condition is attached that will secure this improvement. 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 completed 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 are satisfied.

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. With regard to the roadway, clarification is being sought of the extent to which the previously existing track has been widened and/or the hedge cut back, however taking into account the views of the Highway Authority it appears that in any event, the visibility is acceptable in relation to the use as proposed, subject to a scheme to maximise visibility by a scheme of hedge cutting.

## SUMMARY

Due to the special needs of Gypsy and traveller communities, the proposed use is an acceptable exception to Policies CP1 and CP2, 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 caravans 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. The use hereby approved shall not lawfully commence until full details of an improvement to the visibility splay to the west of the access has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the site and once created this area of land shall be maintained clear of any obstruction and retained to provide a visibility splay at all times.
8. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on HN/11/012/002 for parking spaces, turning areas and access shall be kept available for their intended purposes 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

8. In accordance with policy number and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

## 6.

11/02121/FUL

**Revised application for the change of use of woodland to a natural burial ground and formation of a of new vehicular access as amended by plan received by Hambleton District Council on 10 November 2011.  
at Big Ings Wood Green Lane Blackwoods Stillington  
for Mrs H Lamborn.**

### 1.0 PROPOSAL & SITE DESCRIPTION

1.1 The site is located to the north and east of Green Lane some 450 metres to the south of the road between Easingwold and Stillington. To the west of the site over the lane is a caravan site with dwelling. Other than this the site is surrounded by open fields. The 8.6 hectare site is a largely coniferous wood with a 600 metre frontage to Green Lane with two existing accesses.

1.2 A scheme of restoration of the woodland by means of phased felling and replanting is to be undertaken. It is proposed to use an area at the northern end of the site of 0.8 hectares (almost 2 acres) as a woodland burial ground. No total number of burials has been provided although it is anticipated that over time it is likely to be 500-600 per acre. The amount of usable space between the parking area and land excluded due to its proximity to a drainage ditch, retains an area of approximately 4550sqm (just over 1 acre) for burials.

1.3 It is proposed to create a new access from Green Lane into the woodland at the north western corner of the site. A car parking area is proposed along the western boundary proposing a total of 21 spaces including 3 disabled spaces and one for a larger vehicle. The access is to be formed with hardcore with rubber 'grow through' matting for the parking area. Daytime access only is proposed with locked gates allowing restricted access. The use will lead to employment for a full time manager with other work such as grave digging and maintenance contracted out as required.

1.4 The applicant intends no more than 6 burials each month although due to the forward sale of plots it is difficult to predict this number accurately. No markers or ornaments are proposed, which is in keeping with the natural burial theme of the site. It is intended to manage the site by means of a not-for-profit organisation, responsible for the sale of plots and the maintenance of the site.

1.5 The applicant's intention is to construct buildings on the site in the future that would be the subject of future planning applications, to provide compostible toilet facilities, shelters and a place within which a group could gather. No details are provided but the intention is to use wood from the woodland and construct structures sympathetic to the surroundings.

1.6 The site lies within Flood Zone 1, the area of lowest risk. A flood risk assessment has been submitted.

### 2.0 PLANNING HISTORY

2.1 2/93/141/195 – Formation of a duck flight pond. Permission granted 2/8/1993.

2.2 2/93/141/206 – Outline application for the construction of a forestry workers bungalow with domestic garage. Permission refused 7/1/1994 due to lack of justification.

2.3 06/01684/FUL - Change of use of agricultural land for the construction of 30 holiday cabins, 1 owners accommodation, a detached domestic garage, a reception/shop building and associated car parking. Permission refused 7/11/2006 for the following reasons:

1. The proposed 30 holiday cabins and associated building would be contrary to Policy TO1 of the Hambleton District Wide Local Plan as the scale would not sensitively relate to the surroundings, the proposal would have an adverse impact on the amenity of local residents by virtue of the noise and activities, the traffic generated would not be able to be satisfactorily accommodated on the local highway network.
2. The proposed dwelling would be contrary to Policy H23 of the Hambleton District Wide Local Plan as no justification has been submitted for the owners dwelling outside any Development Limits. The sustainability of the residential development proposed on such an isolated location outside defined development limits and unrelated to any local shopping, educational, public transport or social facilities is considered to be directly contrary to the policies and guiding principles within the Hambleton District-Wide Local Plan and national advice as set out in Planning Policy Statements 1 and 7.
3. The proposals would be contrary to Policy L2 and L9 of the Hambleton District Wide Local Plan as they would have an adverse impact on the visual amenity of the countryside and would not safeguard existing landscape features by virtue of the buildings proposed and the loss of the trees on the site.
4. The Local Planning Authority considers that the public highway leading to the site is of insufficient width to accommodate the increase in traffic, without serious damage to the carriageway and verges of the highway and loss in amenity value and insufficient width to enable widening within the highway throughout its length and to avoid damage to grass verges.
5. The Local Planning Authority considers that clear visibility of 70 metres cannot be achieved along the public highway in a southerly direction from a point 2.4 metres from the carriageway edge measured down the centre line of the southern minor/access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety.
6. In the absence of information to demonstrate that the proposals would not have an adverse effect on legally protected species the proposals are contrary to Policy NC1 of the Hambleton District Wide Local Plan.

2.4 07/01226/FUL - Revised application for a change of use of agricultural land for the construction of 12 holiday cabins, 1 reception/shop, associated car parking and creation of a new vehicular access. Permission refused 31/7/2007 for the following reasons:

1. The proposed 12 holiday cabins and associated building would be contrary to Policy TO1 of the Hambleton District Wide Local Plan and CP15 of the Local Development Framework as the scale would not sensitively relate to the surroundings, the proposal would have an adverse impact on the amenity of local residents by virtue of the noise and activities, the traffic generated would not be able to be satisfactorily accommodated on the local highway network.
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 the policies and guiding principles within the Hambleton District-Wide Local Plan, Local Development Framework CP1 and national advice as set out in Planning Policy Statements 1 and 7.
3. The proposals would be contrary to Policy L2 and L9 of the Hambleton District Wide Local Plan as they would have an adverse impact on the visual amenity of the countryside and would not safeguard existing landscape features by virtue of the buildings proposed and the loss of the trees on the site.
4. The Local Planning Authority considers that the public highway leading to the site is of insufficient width to accommodate the increase in traffic, without damage to the carriageway and verges of the highway and loss in amenity value. The Highway is of insufficient width to enable widening within the highway throughout its length and to avoid damage to grass verges.
5. In the absence of information to demonstrate that the proposals would not have an adverse effect on legally protected species the proposals are contrary to Policy NC1 of the Hambleton District Wide Local Plan and CP16 of the Local Development Framework.

An appeal against this decision was dismissed on 20/8/2008.

2.5 11/00428/FUL - Proposed creation of natural woodland burial site. Permission refused 11/4/2011 for the following reasons:

1. The proposed development is contrary to Local Development Framework Policies CP1, CP2, CP4, DP3 and DP9. No exceptional case has been made for the development to be located in an unsustainable location. The site is not located within or adjacent to an existing sustainable settlement therefore will increase the need for travel, especially by car.
2. The development is contrary to Local Development Framework Policies CP15 and DP25, which supports rural employment development if the use is not capable of being within Development Limits and would help support the local economy. There is no evidence to suggest that the proposed use cannot be located within or immediately adjoining a settlement with Development Limits and no business case has been provided to demonstrate that it would sustain the rural community.
3. In the absence of a flood risk assessment as the proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed the proposal is contrary to Local Development Framework Policies CP21 and DP43 and the advice within PPS25.

### 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
- Core Strategy Policy CP21 - Safe response to natural and other forces
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP25 - Rural employment
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
- Development Policies DP33 - Landscaping
- Development Policies DP43 - Flooding and floodplains
- Planning Policy Statement 4: Planning for Sustainable Economic Growth
- PPS7 - Sustainable Development in Rural Areas
- PPS25 - Development and Flood Risk 2006

### 4.0 CONSULTATIONS

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

1. The proposed 1880 burial plots would infringe the groundwater directives. A ditch follows the edge of the woodland and the car park would keep the bodies only 30 metres from this as required but the mid point of the site is only 80 metres from the ditch and we have no knowledge of the drains in the area. Further investigation is needed to ensure that there will be no environmental problems in the future;
2. Further information is needed regarding the surface of the footpaths and the access to the site between burials;
3. What arrangements will be made to secure a legal agreement for the long term management of the site?

4.2 NYCC Highways Dept – no objections subject to several conditions. I believe that there are no TRICS traffic generation figures for such a development but I have looked at a number of similar applications from around the country. Based on this I anticipate that the likely traffic generation would be as follows:

- Each funeral would generate approximately 10 vehicle movements.
- Visitors to the site may generate 6 vehicle movements per day.
- Caretaker/groundsman 2 vehicle movements per day.

These are average values, not absolute, and clearly this number can fluctuate from day to day but in overall terms, the anticipated traffic generation is small. Given this, I do not consider it would be appropriate to limit the daily number of burials on highways grounds only, although I note that applicant is proposing a limit of no more than six burials within any one month. The road leading to the site is narrow with limited opportunity to pass, however given the small traffic generation above, providing passing places would not be justifiable. The applicant is proposing to provide 21 parking spaces which are sufficient.

For information, I am aware of 2 natural burial grounds within Craven District and the local highways office is not aware of any traffic problems associated with these.

4.3 Environment Agency – conditions recommended as follows:

No grave shall:

- be located within a 250m minimum distance from potable groundwater supply source;
- be located within a 30m minimum distance from watercourse or spring;
- be located within a 10m minimum distance from field drains;
- have standing water at the base.

The development permitted by this planning permission shall only be carried out in accordance with the approved Flooding & Drainage Assessment by CoDa Structures dated 1 September 2011 - Rev A and the following mitigation measures detailed within:

- Limiting the surface water run-off so that there is no direct discharge to watercourse by the use of permeable surfaces for all hardstandings as per section 3 of the Flooding & Drainage Assessment.

4.4 Kyle & Upper Ouse IDB – withdraw the original objection to the proposal in accordance with the following points:

1. run off rates from the proposal will be no greater than agricultural run off rates. All hard surfaces such as the proposed car park are to be fully permeable;
2. a 5m wide access for the Drainage Board to access the drain running to the eastern side will be maintained;
3. no obstruction will be placed within 7m of the land with tow, with the bank and the watercourse to allow its proper maintenance.

4.5 National Grid – no apparatus in the vicinity.

4.6 HDC Environmental Health Officer – the HDC Environmental Health Department has considered the application and reviewed the history of the installation, there is no history of complaints and the department has no objection to this application. I recommend that a condition is attached to any permission granted to require that all funerals involve the placing of the casket into the ground and permanently covering with a metre of earth.

4.7 Ward Member – if the drainage question can be assured then I've no objection but comment as follows:

1. Pleased there's no lighting on site
2. No shelter details or request as yet – please can we be consulted if this is added in due course
3. Paths for disabled access to have suitable surfacing & permeable; likewise car parking materials
4. Site will be accessible for visits
5. Biodegradable plaques were mentioned – wouldn't like to see rows of name plates – no design / measurements for these – so request these are in keeping

6. Traffic generated with anticipated maximum six burials per month would be possibly less than nearby caravan site movements.

7. My main concern would be drainage for the site in view of overall number of burials – which could be as many as 1800 for the two acres. There is an open roadside ditch alongside the site & the field edge to the north does have standing water at times. Any streams within the woodland & surrounds to be safe from any possible contamination / leakage

4.8 Site notice/local residents – four letters have been received from local residents the comments of which are summarised as follows:

1. The access to the location is only single track and would cause major disruption and upset if funeral processions were to use it.
2. the wood has been thinned back so much it would not be concealed from the public.
3. the water table in winter would have a negative impact on its use. The wood already has multiple ponds and the ditches are often very high. Surely such use would potentially contaminate the drainage water.
4. the lane is a lovely place; no thought has been given to those living nearby.
5. there is no room for vehicles to pass each other
6. there are 10 properties and a caravan/camping site along this lane, which has greatly increased the traffic flow, in addition to agricultural traffic;
7. there is a dangerous bend along the lane;
8. there is no dense natural screening and the edge is open to view for quite some distance;
9. it is assumed that areas covered in bluebells in the spring are unable to be disturbed;
10. query regarding decomposure of bodies and watercourses;
11. There are a number of houses along Green Lane whose driveways exit at the entrance to the proposed site;
12. the field next to the northern boundary is used regularly by a local racehorse trainer to gallop horses; the burial site could easily be seen from here;
13. The existing belt of trees is not sufficient to keep the burial site out of view, at a quick glance you are able to see the current felled woodland, and they propose not to change this;
14. The Reliance bus service does pass Green Lane, however, the closest bus stop is 1.3 miles away at Easingwold Gold Course, after that, stops at Huby and Stillington are 2 miles away. There is no footpath from any of the stops to Green Lane meaning getting to the site would involve walking along Stillington Road which is a busy country road. Therefore, these are not within walking distance of the site;
15. Blackwoods floods in winter as water from Crayke drains down into the wood. The beck and dykes join and run through the caravan site.

## 5.0 OBSERVATIONS

5.1 The issues to be considered include the sustainability of the use in this location, the impact on the character and appearance of the surrounding landscape, the effect on highway safety, the effect on the amenity of nearby residents and flood risk.

5.2 The site is located in open countryside, outside of the Development Limits of a sustainable settlement. Policy CP4 of the LDF establishes a general presumption against development in locations outside of the Development Limits of sustainable settlements, as defined by the settlement hierarchy. However, Policy CP4 recognises that there must be exceptions to this principle, for example where there is an essential requirement to locate in the countryside.

5.3 Policies CP1 and CP2 of the LDF require that development should be located to minimise the need to travel, including by car. It is unlikely that the site will be accessed by any means other than by private car. It is appreciated that a countryside location is desirable for a woodland burial site but for an exception to be made to the LDF policies there must be some special justification for the use to operate in an unsustainable location.

5.4 An appeal against the decision of the Council to refuse planning permission for holiday cabins on land that included this site was dismissed in 2008. Clearly the proposed uses are



very different but the Inspector supported the sustainability principles of Policies CP1, CP2 and CP4 as follows:

"...for an exemption to be made to development plan policy, to allow development in the countryside away from the service centres, there must be some special justification. In this respect, it is not being suggested that the proposal is necessary to support or diversify an existing rural enterprise. Nor I have I seen or heard any detailed evidence of the contribution that the proposed development would make towards sustaining the social and economic needs of the local rural community within the terms of CS Policies CP4 and CP15. In the absence of any special justification, the proposal would be at variance with national planning policy, as expressed in PPS 7, and it would fail to be a sufficiently exceptional case to meet the terms of the relevant policies of the CS."

It is argued as part of the current application that a rural and tranquil location is required for the proposed use as part of its characteristics, which cannot be achieved in a more sustainable location such as the edge of a town or village. It can also be argued that the woodland burial site can meet the social needs of the local community although the use is not restricted to providing a facility for those in the local community only. It is not unreasonable to expect such a use in a less sustainable location such as this and therefore it is considered that the use is sufficiently exceptional to meet the requirements of the LDF Policies CP1 and CP2.

5.5 Policy CP4 also requires development in less sustainable locations to help to support a sustainable rural economy. Evidence has been submitted to demonstrate the contribution towards assisting the local economy, particularly due to the requirements for grave digging and regular maintenance at the site. The use also has significant potential for providing custom to local businesses that could provide catering and hospitality facilities for post interment refreshments. It is considered that the proposed use will help to support a sustainable rural economy by reason of direct employment and providing support for existing local businesses and is therefore in compliance with Policy CP4.

5.6 The proposed use is small scale at no more than 6 burials each month and as it helps to support the social and economic needs of a rural community is in accordance with LDF Policies CP15 and DP25. It is recommended that a condition be imposed restricting the number to 6 each month to ensure it remains as a small scale enterprise.

5.7 The visual impact of the development would be restricted to the new access and the parking of cars, which it is suggested would not be on such a scale to detract from the existing rural character of the site. The visibility of the site from outside the site is not an issue in this instance as the general appearance of the site will not change as that is the applicant's intention for a woodland burial site to retain its original character. No details of buildings and structures have been provided but these will be the subject of future planning applications when consideration of siting and design can be given. It is likely that minimal toilet facilities and shelters can be provided within the woodland without harming the rural character of the site. It is not considered that the development would be harmful to the character and appearance of the locality.

5.8 The closest residential property to the site lies approximately 200m to the south west. It is not considered that the use of the site for funerals or visiting will have an adverse impact on the residential amenity of that or other properties. Vehicle movement along the road will increase but not significantly due to the generally small scale of the operation and it is not anticipated that traffic movements will be so great as to detract from the amenity of local residents.

5.9 The Highway Authority has no objections to the proposed use of the site as a burial ground and considers the proposed access to be acceptable in respect of location and available visibility. This issue was considered by the Inspector at the appeal in 2008 and it was concluded that the use for 12 holiday cabins not cause material harm to highway safety if a passing place was provided. There is no evidence, based on similar uses in other locations, to suggest that passing places would be required. Highway issues are not therefore considered to be a reason to refuse the current application.

5.10 The site lies within Flood Risk Zone 1, which is the area of lowest risk. Due to the scale of the development a Flood Risk Assessment has been submitted, which confirms that there is no risk and recommends that any hard surfacing is permeable. A drainage ditch lies along the eastern boundary of the site and the Environment Agency will not allow burials to take place within 30m of this ditch but has no objections subject to appropriate conditions, one of which is to ensure there is no standing water at the base of a grave. Further investigation is being undertaken by the applicant to demonstrate that this requirement is achievable.

5.11 The proposed development is acceptable subject to appropriate conditions. Approval of the application is therefore recommended subject to the applicant demonstrating the suitability of the site in terms of the Environment Agency requirements.

#### SUMMARY

The scheme is in accordance with the requirements of the policies stated above and will not cause harm to the character and appearance of the landscape, residential amenity 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 the first use of the site for natural burials a plan showing the layout of proposed burial plots, together with details of any structures to be positioned on site including any items to be used to mark plots, shall be submitted to and approved in writing by the Local Planning Authority.
3. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
4. No more than one burial on the site shall take place in any one day and there shall be no more than six burials within a calendar month unless with the prior written approval of the Local Planning Authority.
5. Prior to the commencement of development details of the surfacing material to be used for the car park and footpaths and demarcation of parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained.
6. At no time shall there be any use of equipment for the amplification of sound.
7. No grave shall:
  - be located within a 250m minimum distance from potable groundwater supply source;
  - be located within a 30m minimum distance from watercourse or spring;
  - be located within a 10m minimum distance from field drains;
  - have standing water at the base.

8. The development permitted by this planning permission shall only be carried out in accordance with the approved Flooding & Drainage Assessment by CoDa Structures dated 1 September 2011 - Rev A and the following mitigation measures detailed within: • Limiting the surface water run-off so that there is no direct discharge to watercourse by the use of permeable surfaces for all hardstandings as per section 3 of the Flooding & Drainage Assessment.
9. 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 crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E1. (iii)  
Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
10. There shall be no access or egress by any vehicles between the highway and the application site until: (i) full technical details relating to the bridging/culverting of the watercourse adjacent to the site have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority; and (ii) The watercourse has been piped in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.
11. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference Site Plan 1:500). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
12. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and site plan received by Hambleton District Council on 30 September and 10 November 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 protect the rural character and appearance of the site in accordance with LDF Policies CP16 and DP30.
3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP30.
4. To protect the rural character and appearance of the site and the amenity of local residents in accordance with LDF Policies CP1, CP16, DP1 and DP30.
5. To protect the rural character and appearance of the site in accordance with LDF Policies CP16 and DP30.

6. To protect the amenity of local residents in accordance with LDF Policies CP1 and DP1.
7. To ensure that burials do not pose a risk to the water environment in accordance with LDF Policies CP21 and DP43.
8. To prevent flooding by ensuring the satisfactory storage disposal of surface water from the site in accordance with LDF Policies CP21 and DP43.
9. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies.
10. To ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area in accordance with LDF Policies.
11. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies.
12. 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 above Development Plan Policies.

## 7.

11/01916/FUL

**Proposed installation of PV panels as amended by email received by Hambleton District Council on 19 December 2011.  
at 32 Back Lane Sowerby North Yorkshire YO7 1JD  
for Mr M Kelly.**

### 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application seeks consent for the installation of 8 solar panels on the south (side) elevation of the existing rear extension of 32 Back Lane, Sowerby. Each panel measures approximately 1.3 metres x 1 metre and will be attached using stainless steel roof fixings. The equipment will not project more than 150 mm beyond the plane of the roof.

1.2 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.

1.3 The proposal has been amended to omit the solar panels from the east (front) roof slope.

### 2.0 RELEVANT PLANNING HISTORY

2.1 No relevant history.

### 3.0 RELEVANT PLANNING POLICIES:

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

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

### 4.0 CONSULTATIONS

4.1 Parish Council – wishes to see the following application refused, because of the visual impact in an Article 4 area, received 11 November 2011. (This comment was received prior to the amendment to the proposal to remove the panels from the front elevation of the property.)

4.2 Neighbours consulted and site notice posted – No response, expiry 13 September 2010.

### 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 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. This application proposes to site the equipment on the south roof slope of a modern two storey extension on the rear elevation of the dwelling. The applicant has agreed to omit the equipment from the more prominent east (front) roof slope of the main dwelling.

5.3 Whilst Back Lane is characterised by the Victorian terrace dwellings seen throughout Sowerby, this area also includes more modern housing developments, namely Meadow Garth to the west of the site and the apartments on Front Street and Silver Street to the east. The property is an end terrace dwelling and the extension is partly visible from Back Lane at the entrance of Meadow Garth. They are not however visible from beyond Silver Street to the south or from the north of the application site. The panels will not be attached to the original part of the dwelling but a more modern rear extension, and will be attached by stainless steel roof fixings thereby allowing the equipment to be easily removed when it is no longer required. 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.

5.4 The application is therefore recommended for approval.

#### 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) and email received by Hambleton District Council on 25th October 2011 and 19th December 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, DP28, CP17 and DP32.