

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 1 March 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

1 MARCH 2012

Item No	Application Ref/ Officer	Proposal/Site Description
1	11/02245/FUL Mr J Saddington	Construction of 5 dwellings, a retail foodstore (class A1) with associated parking, servicing and landscaping as amended by plans received by Hambleton District Council on 31 January 2012. at Formerley Falcon Office Furniture Stillington Road Easingwold York for Retail Development Partnership. RECOMMENDATION: REFUSED
2	11/01661/FUL Mr J Saddington	Construction of 93 dwellings, associated parking, highway works and the provision of public open space as amended by plans received on 14 December 2011. at OS Field 9972 York Road Easingwold North Yorkshire for Redrow Homes Yorkshire. RECOMMENDATION: GRANTED
3	11/00198/FUL Mrs B Robinson	Retrospective application for the change of use of land and the formation of hardstanding in conjunction with the storage of 5 fairground lorries as amended by plans received by Hambleton District Council on 27 September 2011. at Church Farmhouse Thornton Le Street North Yorkshire YO7 4DS for Mr & Mrs D Crow. RECOMMENDATION: REFUSED
4	11/02620/REM Mr J E Howe	Reserved matters application for the construction of a dwelling as amended by plan received by Hambleton District Council on 9 January 2012. at Land Adjacent To Hall Cottage Sutton Howgrave North Yorkshire for Mr E Niebla & Mrs K Alvarez. RECOMMENDATION: GRANTED
5	11/02658/FUL Mr J E Howe	Revised application for the construction of a replacement dwelling. at The Cottage Aiskew Watermill The Bridge Aiskew for Mr D Clarke. RECOMMENDATION: GRANTED

6	11/00895/FUL Mr A J Cunningham	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. RECOMMENDATION: GRANTED
7	11/02804/FUL Mrs H M Laws	Application for the retention of an existing portable building for continued use as an agricultural workers dwelling. at Cedar Lodge Tollerton Road Newton On Ouse YO30 2DQ for R W Rooke And Sons. RECOMMENDATION: GRANTED TEMPORARILY
8	11/02783/FUL Mr J E Howe	Application for the retention of a temporary 70M meteorological mast for an additional period of three years. at Land To South Of A684 Winton North Yorkshire for Infinis. RECOMMENDATION: GRANTED TEMPORARILY
9	12/00032/OUT Mr J E Howe	Outline application to replace an extant outline planning permission in order to extend the time limit for implementation for a construction of a dwelling. at Rose Cottage Scruton North Yorkshire DL7 0RD for Mr A Wood. RECOMMENDATION: GRANTED
10	11/02029/FUL Miss A J Peel	Alterations and extensions to existing domestic outbuilding to form a new dwelling and construction of a detached double garage as amended by plans received by Hambleton District Council on 9 December 2011. at 76A Front Street Sowerby North Yorkshire YO7 1JF for Mr & Mrs A Turner. RECOMMENDATION: GRANTED
11	11/02287/FUL Mr J Saddington	Revised application for the construction of a replacement dwelling with detached garage. at 51 Levenside Stokesley North Yorkshire TS9 5BH for Armstrong Richardson. RECOMMENDATION: GRANTED

<p>12</p>	<p>11/02288/CON Mr J Saddington</p>	<p>Revised application for conservation area consent for the demolition of a dwelling. at 51 Levenside Stokesley North Yorkshire TS9 5BH for Armstrong Richardson.</p> <p>RECOMMENDATION: GRANTED</p>
<p>13</p>	<p>11/00544/FUL Mr J E Howe</p>	<p>Alterations to existing dwelling and annexe to form 2 flats and a dwelling plus construction of 2 dwellings. at 28A Long Street Thirsk North Yorkshire YO7 1AP for Mr & Mrs G Denison.</p> <p>RECOMMENDATION: REFUSED</p>
<p>14</p>	<p>11/02305/FUL Mr A J Cunningham</p>	<p>Demolition of existing outbuilding and construction of a dwelling. at Land Adjacent To The Horseshoe Inn West Rounton North Yorkshire DL6 2LL for Mr S Taylor.</p> <p>RECOMMENDATION: REFUSED</p>
<p>15</p>	<p>11/02716/LBC Mr A J Cunningham</p>	<p>Application for listed building consent for demolition of existing outbuilding and construction of a dwelling. at Horseshoe Inn West Rounton North Yorkshire DL6 2LL for Mr S Taylor.</p> <p>RECOMMENDATION: REFUSED</p>

1.

11/02245/FUL

Construction of 5 dwellings and a retail foodstore (class A1) with associated parking, servicing and landscaping at Former Falcon Office Furniture Site, Stillington Road, Easingwold for Retail Development Partnership

1.0 PROPOSALS AND SITE DESCRIPTION

1.1 Full planning permission is sought for the construction of 5no dwellings and a retail foodstore with associated parking, servicing and landscaping at land occupied by the former Falcon Office Furniture building, the Fire Station and the former Council Depot.

Foodstore

1.2 The proposed foodstore measures approximately 58.8m wide x 32.6m deep x 6.8m high to the eaves and 9m high to the ridge and has a total floor area of 2,323 sqm. The ground floor being 1,858 sqm and the mezzanine floor measuring 485 sqm.

1.3 The main building will be constructed of structural bays of facing brickwork with contrasting details; timber (glulam) pilasters as stand alone rectangular columns, exposed timber roof trusses and beams with expressed connections in steel. The ancillary block will be finished with through colour render with recessed bands.

1.4 The main roof will be subdivided into pitched roof sections finished with standing seam metal roof and wind catcher structures and rooflights. There will be over sailing gables to the front elevation and hipped ends to the rear with intermediate valley gutters. The ancillary sections have a lower roof with parapet and a flat roof behind.

1.5 The proposed foodstore is positioned directly adjacent to the northern and western boundaries of the application site. The building would be positioned approximately 3m from the boundary with Galtres Drive, 2m from the boundary with George Long Mews, 23m (at its nearest point) from the boundary with Leasmires Avenue and would be set-back by over 40m from the site frontage with Stillington Road.

1.6 It is proposed to erect a 3m high acoustic screen fence from 7 Leasmires Avenue up to 17 Leasmires Avenue and across to 46 Galtres Drive.

1.7 A car park containing 130 car parking spaces, including 5 disabled parking spaces and 5 parent and child spaces, is located between the proposed foodstore and Stillington Road. Provision is made for 18no cycle parking spaces, together with a service area to facilitate the delivery of goods to the store and the removal of refuse.

1.8 Pedestrian access to the store is positioned on the southern elevation of the building facing the proposed car park.

Dwellings

- 1.9 The residential development of the scheme comprises the provision of five town houses arranged into a block of three and a block of two sub-divided by a central access road leading to 7 parking spaces and pedestrian access to the rear garden space.
- 1.10 The proposed dwellings are two-storeys in height and measure 5.9m wide x 8.2m deep x 5.1m high to the eaves and 7.6m in height to the ridge. Each unit contains an open-plan living, dining and kitchen area with separate hallway and WC at ground floor level and two-bedrooms and a bathroom at first floor level, although the proposed floor plans appear to be indicative rather than definitive and could easily accommodate a third bedroom.
- 1.11 Amended plans have been received which make substantial alterations to the external elevations of the dwellings. The proposed dwellings now reflect a more traditional form of architecture moving away from the contemporary designs originally submitted by the Applicant.
- 1.12 The proposed dwellings will be constructed using facing bricks with feature courses at first floor and dentils under eaves and red-multi pantiles to the roof. External features include a flat-roof porch/store to the elevation which will have a lead roof and feature columns with dentils to the roof edge. The windows are traditional in profile and will be coloured white. The main roof will incorporate feature chimney stacks.

Site Description

- 1.13 The application site is located on the north side of Stillington Road just beyond the junction with York Road and is location on the south eastern periphery of Easingwold.
- 1.14 The site is roughly rectangular with a leg extending west and fronting Stillington Road. The overall road frontage is 120m long with the main part of the site averaging 80m wide and 80m deep. The west section is 45m long and 20m deep. The site area is 0.83ha.
- 1.15 The site is generally level and largely free of vegetation with the exception of a row of mature trees which front the site boundary with Stillington Road.
- 1.16 On the western part of the site is a modern factory/office building two storeys in height with a flat roof, formerly used by Falcon Office Furniture. There is an older steel frame and clad building with a low pitch roof to the main part of the site with depot areas to the east and north sections. The Fire Station fronts onto Stillington Road with the former Council Depot positioned behind and to the north.
- 1.17 Immediately to the West is Trac house (a two storey commercial building with low pitch roof) and two-storey dwellings and a three-storey block of flats in George Long Mews off Crabmill Lane. All existing buildings/structures on the site are to be demolished.
- 1.18 Housing to the north is on a slightly elevated position with two-storey dwellings having pitched roofs arranged as semi-detached units with various extensions and garages.
- 1.19 Leasmires Avenue stands immediately to the east and contains single storey with pitched roofs again arranged as semi-detached units. The rear gardens of these dwellings abut the site's eastern boundary.

- 1.20 A row of detached two-storey dwellings are positioned directly opposite the site to the south whilst the Business Park, including the Fire and Rescue Service Training Centre, stands further to the south east

2.0 RELEVANT PLANNING HISTORY

- 2.1 None relevant.

3.0 RELEVANT PLANNING POLICIES

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

National – Planning Policy Statements / Guidance

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPS4 - Planning for Sustainable Economic Growth
PPS5 - Planning for the Historic Environment
PPS9 - Biodiversity and Geological Conservation
PPG13 - Transport
PPS22 - Renewable Energy
PPS23 - Planning & Pollution Control
PPG24 - Planning & Noise
PPS25 - Development and Flood Risk

Regional – The Yorkshire & Humber Plan

- 3.2 The Yorkshire and Humber Plan is the current Regional Spatial Strategy (RSS) for the Yorkshire and Humber Region and was issued in May 2008. The Localism Act 2011 includes provision for the abolition of RSS but the Government have not yet made the necessary order. Consequently RSS remains part of the development plan. However, more relevant and recent guidance is contained within PPS4 and the Local Development Framework.

Local - Hambleton Local Development Framework

Core Strategy – Adopted 3 April 2007

CP1 - Sustainable development
CP2 - Access
CP3 - Community Assets
CP4 - Settlement hierarchy
CP12 - Priorities for employment development
CP14 - Retail and town centre development
CP16 - Protecting and enhancing natural and man-made assets
CP17 - Promoting high quality design
CP18 - Prudent use of natural resources
CP21 - Safe response to natural and other forces

Development Policies Development Plan Document – Adopted 26 February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP16 - Specific measures to assist the economy and employment
DP17 - Retention of Employment Sites

DP20 - Approach to town centre development
DP21 - Support for town centre shopping
DP28 - Conservation
DP29 - Archaeology
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP43 - Flooding and Floodplains

Allocations Development Plan Document – Adopted 21 December 2010

Policy EM1 - Stillington Road/York Road, Easingwold

Supplementary Planning Documents (SPD)

Open Space, Sport and Recreation SPD
Sustainable Development SPD

Other Relevant Documents

Statement of Community Involvement
Hambleton Biodiversity Action Plan
Council Business Plan 2011-15
Sustainable Communities Strategy

4.0 CONSULTATIONS

Easingwold Town Council

- 4.1 The Town Council wish to see the application refused.
- 4.2 The site is in an area of small residential dwellings and the development will have a detrimental impact on residents' quality of life.
- 4.3 The development would give rise to significant highways issues, increasing traffic flows on an already difficult stretch of road. It will put further pressure on the Stillington/York Road junction where there is queuing at busy times, as well as at the exit to Stillington Road from Crabmill Lane. Further development is planned for the surrounding area at the commercial site further east of the Broadlea estate on the Stillington Road and at Kellbalk, the proposed housing development in the allocations plan. Even more traffic is likely to flow this way from these sites to the Stillington/York Road junction.
- 4.4 There is likely to be light and noise pollution affecting the residential properties opposite the front of the site and the height of the proposed building will impact on properties at the rear of the site on Galtres Drive.
- 4.5 Easingwold has low unemployment so workers for any supermarket may need to travel in from surrounding villages or York, increasing traffic flows. The Town Council would prefer to see housing on the application site.
- 4.6 The 5 dwellings are in an inappropriate location, are not in keeping with the street scene and the materials do not match the existing area.
- 4.7 If the application is minded to be granted Easingwold Town Council wish to see the following conditions applied:
 - Improvements to the Stillington Road/York Road junction and protection for vehicles crossing from Crabmill Lane.

- Safer crossing points on Stillington Road and on York Road for access to the school. A restriction on opening times – not before 7am or after 9pm.
- No deliveries during peak times – ideally deliveries between 10am and 3pm.
- The building to be only single storey with no mezzanine floor, and matching surrounding properties i.e. brick built with tile roof.
- Recycling provision to be provided on site and cycle racks.
- The Town Council would not wish to see a cafe on the site as this would be hugely detrimental to the town centre coffee shops and cafes.

NYCC Highways

- 4.8 Recommends that the Application is refused for the following reasons;
- 4.9 The proposed accesses to the development would interfere with the free flow of traffic with consequent danger to highway users by virtue of its proximity to existing junctions
- 4.10 Due to the absence of adequate on-site parking space the proposed development would be likely to result in vehicles being parked outside the site on the County Highway to the detriment of the free flow of traffic and road safety.

HDC Environmental Health Officer

- 4.11 Environmental Health has examined the application based on two options: firstly that a 3 metre height acoustic screen will be in place to protect local amenity and secondly with no acoustic screen being present:-

Noise assessment for future proposed residential development

- 4.12 Agree with the Applicant's assessment and its application of PPG24 to future residential development along Stillington Road. This could be effectively controlled with a suitably worded condition.
- 4.13 The assessment also looks at future noise levels in the year 2021 should the proposal go ahead. Worst case scenario would be that peak traffic flow levels would be an increase noise by 2.18dB. This will have no perceivable impact.
- 4.14 Overall the proposal with or without an acoustic wall has no impact on this conclusion.

Noise from mechanical services and refrigeration equipment (fixed plant)

- 4.15 No further information has been provided about the type, number or position of units, unit cycles or tonal elements or where they will be sited. Given the close proximity to nearby residential properties, fixed plant has the potential to cause impact on amenity. Fixed plant generally operates continuously and during the night which can cause disturbance to sleep. However this could be effectively controlled with a suitably worded condition requiring the applicant to submit a scheme to be agreed by the Local Planning Authority prior to any development.
- 4.16 Overall the proposal with or without acoustic wall has no impact on this conclusion.

Delivery event noise

- 4.17 I have concern over the potential noise impact on the local amenity, in particular noise sensitive properties and outside gardens at Galtres Drive and Leasmires Avenue, caused from deliveries. The closest of which are approximately 17 metres away from the centre of the turning circle.

- 4.18 The applicant has described a single delivery event, which arrives taking 1 minute, unloads for 30 minutes and drives away taking 1 minute. The event lasts in total for 32 minutes. Throughout this period, at a distance of 10 metres away, the average noise level created is around 66dB. The applicant then averages out this figure over a 1 hour period.
- 4.19 The applicant has subsequently advised that there will be 6 - 10 of these events every day for a store of this size.
- 4.20 No further information has been provided on the type of vehicles used, average delivery times or details of peak noise events created such as bangs or crashers which would be a louder noise level and more intrusive.
- 4.21 Part 5.5 (page 18) of the acoustic report advises that noise measurements taken at reference point B show that the 'minimum noise climate of 26dB occurred during the daytime (0700 to 2300). Point B is approximately 10 / 15 metres away from the gardens of 37 / 46 Galtres drive. I have concerns that these low noise levels would indicate that the existing background noise levels in local residents gardens would be much quieter than those for example along Stillington road. This environment needs to be determined because the introduction of a noise source would be more noticeable.
- 4.22 When considering the application in relating to impact on amenity:
- 4.23 *Without the acoustic screening* assessment indicates that the garden amenity at 46 Galtres Drive will be exposed to noise events lasting approximately for 32 minutes at an average noise level of 67dB. These will occur for a maximum of 10 times per day. When comparing these against the minimum background noise environment of 26dB, it represents an unreasonable noise intrusion. Changes of noise level of 10dB(A) are equivalent to a doubling of loudness however residents would be exposed to levels of 35dB+ above what they are used to. Noise at this level would also be audible inside the properties. The figure does not take into account the impact from intrusive peak noise such as bangs and clangs.
- 4.24 *After installation of acoustic screening* assessment indicates a reduction of noise would have occurred as determined at the façade of 46 Galtres Drive. The report indicates that when basing the noise on a 32 minute event, the average noise level heard during that period would be around 48dB. These will occur for a maximum of 10 times per day. When comparing this against the minimum background noise environment of 26dB it represents an unreasonable noise intrusion. Changes of noise level of 10dB (A) are equivalent to a doubling of loudness however residents would be exposed to levels of 20dB above what they are used to. This would also be audible inside the properties. The figure does not take into account the impact from intrusive peak noise such as bangs and clangs.
- 4.25 Historically the Environmental Health Service has had to investigate complaints from residents living near supermarket delivery sites. The common nature to these complaints is they refer to random peak noise impacts such as 'bangs, clangs, rumbling, dragging, clattering, trolley noise' and also other associated activity such as 'lorry noise, vehicle manoeuvres, engines running, beeping sirens, raised voices'. These change in intensity, duration and frequency throughout the day. Complaint also refers to an increase in intrusiveness during summer activity possibly due to increased deliveries or people trying to enjoy outside areas more.
- 4.26 Recommends that the delivery bay in its current proposed position with no acoustic wall is unsuitable because of the likely impact on the amenity of local residents. I would recommend refusal.

- 4.27 Recommends that the delivery bay in its current proposed position with an acoustic wall demonstrates that noise disturbance has the potential to be reduced. However not enough information has been provided about the existing noise environment of local residents who may be effected, or specific information about delivery noise such as peak noise. I would recommend that application is refused based on a lack of information.

Noise from car parking activity

- 4.28 In making an assessment based on 'no acoustic screen' there is a potential for greater disturbance and impact on local amenity. Within the acoustic scheme the applicant has referred to surveys of noise levels at the boundaries of retail car parks. I would like to see further information about the surveys used to determine this assessment for example the type of car park environment used, number of vehicles used in the studies etc. I would recommend that application is refused based on a lack of information.
- 4.29 Based on the proposed layout and acoustic wall the level of 31LAeq, 1hr at nearest noise sensitive premises (for off peak trading hours which would cover the majority of trading period) would be reasonable. However I would like to see further information about the surveys used before an assessment can be made looking at peak trading hours.

Forest of Galtres Society 14.11.11

- 4.30 Strongly object to the application.
- 4.31 These proposals offer insufficient information and show poor design. The viability and prosperity of the town's current shopping premises will be affected and it would thereby have a deleterious affect upon the setting of the Conservation Area. There would be an adverse affect upon the character and appearance of the Conservation Area. Applications which adversely affect the Conservation Area must be strenuously resisted.
- 4.32 Is the developer aware that Broadlea is a lower level than Stillington Road? The height of the proposed building will oppress and overpower neighbours.
- 4.33 The catchment area is unrealistically extensive and does not look credible. One cannot believe that, for example, residents at Skelton or Poppleton with several much nearer supermarkets on hand, might travel to Easingwold for their 'weekly shop'. Shoppers questioned at another supermarket will not tell you what those or other people will actually do in the future. It is those using existing shops who might shop at the supermarket, or not. Drawing away trade would adversely affect the Conservation Area.
- 4.34 The footprint of the supermarket building is further to the north than that of the 'Falcon' shed. The height of the supermarket building is grater than the existing buildings apart from the fire station's climbing practice tower. This is not necessary. The height of the supermarket building can be made lower to enable it to be more sympathetic to the low elevation of the many single storey dwellings which abut the development site.
- 4.35 How will neighbouring dwellings be shielded from the noise, fume and light pollution which will result from a supermarket that may or may not be trading for twenty four hours in the day? That question is unticked on the papers. The delivery section of the supermarket is sited very close to about a dozen domestic dwellings and their gardens. Will there be a 'time of day' restriction on lorries delivering goods? Will there be a restriction preventing lorries sitting with their engines running and/or their chiller engines running, as these generate very annoying noise and also significant

diesel fume pollution. Will the car park security lighting be shielded and dimmed out of hours, to prevent a 'moonbase' light glow spreading over nearby properties?

- 4.36 The general placing and orientation of the actual supermarket on the site should be further away from the back of the site to give more space to the immediately neighbouring dwellings. That is, the same approximate northerly disposition as at present. Two properties will, at their back garden fence, face the new building rising straight up to its unspecified height and they will be seriously over-shadowed by the proposals. The roof layout of north-south ridges does not facilitate solar panels to generate some of the development's power needs directly on site.
- 4.37 The delivery lorry/exit is extremely close to the exit of Leasmires Avenue onto Stillington Road. One wonders if this in accord with the NYCC road design requirements. An existing street junction will have the new exit for lorries and the new supermarket car park exist so close to it. There is also the exit opposite, from Broadlea, and the exit from the five new dwellings within this application. All these combine to require that drivers look in many directions to see what is emerging as they drive along or onto this section of road. Exits in such close proximity are not liked by Highways. The Wilkinsons Court exit is one such case elsewhere in Easingwold. NYCC Highways know this is too close to the Little Lane exit onto Long Street. There are actual accidents with damage to vehicles, and one sees many, many, near misses where drivers do not see what is driving straight towards their vehicle and they escape damage by an inch. This must be avoided here. Any proposal has to be safe for existing road users and also safe for those who may use the proposed development. A safe road design requires further negotiation with the applicants to reduce the number of exits in close proximity.
- 4.38 The five terraced dwellings proposed for the Mallison building's site are totally inappropriate for anywhere in our attractive market town. They will be very visible from the Conservation Area. The design is totally unsuitable and of out keeping, with its long thin windows and strange, flat vertical and horizontal metal slabs at the front, metal gable end walls and metal corrugated roofs. Easingwold needs a much better standard of appearance in any new buildings anywhere in our town (not just in Conservation Areas). Quality brick, sympathetic in colour, with wood rectangular sash windows and a pleasant appearance appropriate to a Georgian market town would be much more suitable. These current designs would be an unacceptable eyesore trumpeting 'utterly out of keeping' to all that see them.
- 4.39 These proposed dwellings also have a very awkward parking area. How will the car using the northernmost space actually manoeuvre into and out of it? The NYCC design guide shows T-shape hammer heads for three point turns and here is no allowance for this. The occupants of other parking spaces can make some movement either way, but not the occupant of the top space.
- 4.40 It is possible that enquiries to the utilities have not shown up the sewerage flooding problems from which the residents on Broadlea and on Leasmires Avenue suffer on occasion. A few years ago the combined sewers serving the Leasmires Avenue bungalows were backed up all the way along their length. This development could disturb the fragile balance of whether sewerage flooding occurs, or not. Broadlea also suffered with upwelling of combined sewer contents into many gardens, garages, downstairs toilets and under floor areas, because the nearby storm overflow could not cope with the quantities passing through. The sewers serving houses near to Stillington Road need to have their level of flow and available capacity considered so that the new development does not have any deleterious effect upon the householders' enjoyment of their homes. The town residents had to campaign to get the earlier problem resolved but changed levels of flows into sewers could be a negative benefit to this part of Easingwold.
- 4.41 There is need for better screening of the proposals onto Stillington Road. These new

buildings should not be inter-visible with the dwellings on Stillington Road and they should not impinge upon the skyline.

- 4.42 The plans need much improvement before they are considered by the Planning Committee. Improve the appearance, safety, materials and disposition for this proposal.

Forest of the Galtres Society 15.02.12

- 4.43 It is quite clear from the new detailing for the supermarket, in particular the three metre high acoustic fence proposed to be erected behind the Leasmires Avenue bungalows to, apparently, shield the occupants from delivery noise day and night, that, effectively, night time deliveries are expected on this site.
- 4.44 How can such noise imposition upon single storey dwellings even be contemplated, never mind putting up a monumentally-sized solid fence structure to 'keep' the noise within the site? Low frequency noise goes wherever it wants, and with prevailing westerly winds it will still affect these bungalows in most unsatisfactory manner. How are they supposed to enjoy the current amenity of their homes when they are to be caged in by such a huge fence?
- 4.45 How will using the very tight turning sweep (it is in no way a 'turning circle' but a highly constrained three point turning area) to and fro with attendant fume, reversing alarms, vibration and gear changes, actually function and be acceptable so very close to these dwellings? Where will the other delivery lorries wait their opportunity to use the turning place and single offloading dock? Surely not on Stillington Road, for they have absolutely nowhere to wait, on site? The entry to this delivery area is now to be shared with all the customer traffic. This all demonstrates how totally inappropriate this site is for development as a supermarket.
- 4.46 The Sharp Redmore letter dated 10 February 2012 states 'daytime is from 7am to 11pm' and 'that deliveries will take place about once an hour' during that time. Is this deemed not to disturb the sleep of the residents in the Leasmires Avenue bungalows where their bedrooms are most likely to be to the rear? They will lose enjoyment of their gardens and of their evening peacefulness behind their properties. The Sharp Redmore letter also states 'noise from fixed plant has the potential to disturb sleep and affect the use and enjoyment of nearby property'. How are existing residents to be effectively protected from such noise?
- 4.47 What has happened to the perimeter treatment for Stillington Road? Sharp Redmore say there is to be a two meter high fence around the carpark perimeter. Where is this shown on the Stillington Road elevation? It is shown on the Leasmires Avenue view. We cannot see anything on the street elevations in particular to make the light pollution from car headlights less invasive. If these proposals were to be granted, those living on Broadlea on the other side of Stillington Road, will, yes WILL suffer pollution from car headlights, from every vehicle with its lights on inside the entry road and car park area.
- 4.48 The appearance and size of the supermarket is still totally out of keeping, as is the whole development, for a site closely adjacent to the conservation area where every development must preserve and enhance that conservation area. The developer may say dereliction is unsightly, but the buildings are not derelict. These buildings also do not pollute, or create noise, or bring in thousands of traffic movements, and most important of all, empty buildings on a small site far out of the shopping part of town do not consequentially kill our thriving shopping centre.
- 4.49 The economic viability of our town, as studied in the report from England and Lyle (commissioned by your HDC officers) points to all the negative reasons why this

development proposal needs to be thrown out. It is quite unacceptable and inappropriate in such a confined and totally domestic setting.

4.50 It is noted that the Sharp Redmore letter states that a planning condition will expect the proposed dwellings to be soundproofed against traffic noise. But this does not help the existing houses where occupants will lose their amenity inside their dwellings and outside, and suffer traffic noise infiltration into their homes.

4.51 We encourage all councillors to look to their duty to uphold the Council's Development Policies and to accept the conclusions (provided herewith) in the Report from consultants, England and Lyle. Councillors should act to refuse permission for this overwhelmingly inappropriate development which is, altogether, too large, and very much in the wrong place.

Keep Easingwold Special Campaign

4.52 The Working Group believes that there is the strongest case that this planning application should be refused and we respectfully request that our concerns are taken into account as part of the application process on three main grounds:

- The Stillington Road Site is completely unsuitable because it is in a residential area and the proposed development raises serious Highways issues
- The store is located outside the Town Centre and the unsuitable location combined with the scale of the proposal would threaten the vitality and viability of other shops, markets and businesses in this historic Georgian Market Town
- There is overwhelming opposition amongst residents of Easingwold and its surrounding villages to this proposed development. This opposition is based upon the negative impact of the store and is supported by local and national planning policy

Highways issues

4.54 Unfortunately the Highways report expected from North Yorkshire County Council is currently not available. This report is most important both to the residents of Easingwold and to the Easingwold Town Council. The Keep Easingwold Special Campaign may wish to take further advice once it is published.

4.55 An independent transport report prepared for Keep Easingwold Special campaign by Optima, Highways & Transportation Consultants, concludes that the proposed Stillington Road site is not suitable for a large retail store. It provides evidence that challenges the traffic information supplied by the Developer and highlights significant concerns regarding highway impact, site access, highway safety, pedestrian safety, car parking, and the accuracy of the traffic surveys and trip rate methodologies contained within the Developer's planning application.

4.56 An independent report by Royal Haskoning, Traffic and Highways Consultants, on behalf of the Co-operative Group, highlights detailed concerns on site access (including issues relating to parking in the lay-by, safety issues relating to forecasts of peak hour traffic and an amenity concern about headlights during hours of darkness), access geometry, car park adequacy and the Stillington Road/York Road junction capacity assessment. Its summary contains ten points which require detailed and careful consideration.

4.57 We would strongly contend that the applicant has failed to demonstrate that the proposed supermarket is acceptable from a highways perspective in terms of highway safety, car parking capacity and impact upon neighbours' amenity.

The Potential Threat to local retailers, markets and businesses

- 4.58 The independent England and Lyle Review of PPS4 Retail Assessment, commissioned by Hambleton District Council, advises the District Council not to grant permission because of its potential impact on local shops. Its conclusions on p20 of the report constitute a compelling case against this proposed development concluding that the proposed site is not sequentially preferable, that the jobs creation information is unreliable, that there would be an adverse impact on the vitality and viability of shops and other businesses as a result of trade diversion, that it would have a negative trading impact on village shops which are already vulnerable, that there is a potential negative effect on the markets in Easingwold, that the scale of the proposed supermarket conflicts with Core Strategy Policy CP14 and that, in its view, the proposed site is more appropriate for development for residential uses.
- 4.59 An independent retail report by NJL Consulting, acting on behalf of the Co-operative Group, also challenges the information supplied by the Developer. It concludes that the applicant's submission on retail impact cannot be relied upon as a proper assessment against Policies DP23 and PPS4, that there is the potential for the proposal to have an adverse impact upon the vitality and viability of Easingwold Town Centre contrary to Policy DP23, that the proposal does little to sustain or enhance the character and attractiveness of Easingwold and is contrary to Policy DP20, that the proposal is of an inappropriate scale for the town and that the scale and design for the site are contrary to Policies CP14, DP1 and DP20.
- 4.60 An independent survey of local retailers, organised by the Keep Easingwold Special Campaign, demonstrates that 94% of respondents consider that the proposed development would have a negative impact on the Town Centre with 73% considering that it would have a negative impact on their individual businesses.
- 4.61 We again strongly contend that the applicant has failed to show that the proposals are acceptable and that this large out of town supermarket would cause substantial and irreversible harm to Easingwold Town Centre.

Public Opinion & Other Issues

- 4.62 The Easingwold Town Council (apart from those members who are NYCC & HDC Councillors and who therefore abstained to avoid a conflict of interest) voted unanimously on the 31st January to ask Hambleton District Council to refuse this particular planning application.
- 4.63 At the Easingwold Town Council Meeting on the 31st January it was announced that in the Town Council's Questionnaire respondents had voted comprehensively against the proposed development.
- 4.64 There have to date been some 240 letters of objection to this planning application with only some 10 in favour. Those residents, whose properties are close to the proposed site, would be very seriously affected by this proposed development.
- 4.65 At the Town Council Public Meeting on 23rd January there was a show of hands which demonstrated that some 98% of those attending this meeting were opposed to this planning application.
- 4.66 There is concern about the cumulative effect of this planning application, the proposed Redrow Housing Development on the opposite side of Stillington Road and the proposed Grain Dryer at Crayke on Stillington Road and on other roads in Easingwold. Apparently NYCC Highways Department considers that it will not be appropriate to carry out an assessment of this cumulative effect. Furthermore the LDP has earmarked additional housing sites to come on stream in the next few years, which will also have important traffic implications.

- 4.67 The Public Petition opposing this planning application has been supported by 1551 signatories in the first tranche, with more to come.

Yorkshire Water

- 4.68 No objections subject to conditions.
- 4.69 The Flood Risk Assessment for this site (prepared by Marks Heeley - Report H8643 rev B dated 09/2011) is satisfactory from Yorkshire Water's viewpoint. The report confirms that foul water will discharge to a public foul water sewer, and surface water discharge to a public surface water sewer, via storage, with a restricted discharge (of 86.9 and 5.2 l/s).

Police Architectural Liaison Officer

- 4.70 Notes that there is no mention of crime and the fear of crime, both material planning considerations in this application how this proposal intends to deal them. So, although these details can be agreed later on, they should be based on the relevant part of the Design and Access Statement, and conditions should make sure this happens.
- 4.71 The existing boundary fencing is adequate but will need some infill fencing to ensure the perimeter is intact.
- 4.72 Recommends that there be locked gates to prevent unauthorised access to the rear where criminals could work unseen to gain entry. I would recommend that a lockable gate be installed at the front left edge of the building adjacent to where the cycle racks are shown, and another lockable gate at the rear right hand corner.
- 4.73 There should be adequate lighting in the car parking areas especially if there are staff working at night within the store, with their vehicles being parked at the front. The lighting should be illuminated on a dawn to dusk sensor and be compatible with the CCTV.
- 4.74 Recommends that the glass fitted into the windows should be 6.8mm laminate glass as a minimum. The windows should conform to BS7950 and the doors should conform to BS 6375 and BS PAS 24:2007 or WCL 1, for enhanced security.
- 4.75 There should be external CCTV covering the car park areas, the sides and rear of this supermarket as well as any internal CCTV.
- 4.76 The CCTV should be installed by an alarm company that is registered by the National Approval Council of Security System (NACOSS), or the Security System and Alarm Inspectorate Board. (SSIAB), to warrant a Police response to that premise.
- 4.77 Recommends that the houses apply for Secured By Design as a condition of the Planning.
- 4.78 The remote car parking causes me concern. The parked cars are not overlooked by their owners and they are immediately accessible by just taking a few steps from the highway. With rear fencing being 1.8m high, the cars would not be able to be seen from 'regularly inhabitable rooms', i.e. ground floor rooms.
- 4.79 Provision should be made for being able to provide 'in-curtilage parking' bearing in mind that virtually every adult in the home will require transport in this rural location.
- 4.80 Recommends that the houses be reconfigured to allow in curtilage parking within the front gardens.

- 4.81 Recommends that any rear access to the rear of the houses be protected from crime by a lockable gate.

Network Rail

- 4.82 Confirmed no observations.

English Heritage

- 4.83 Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion

Publicity

- 4.84 Neighbouring occupiers were consulted in writing, a site notice was erected close to the application site and an advert appeared in the local press. The formal consultation period expired on 29th November 2011. A total of 264 objections and 10 representations of support were received and have been summarised as follows:-

Impact on Existing Centre & Local Shops

1. The supermarket will draw trade away from the existing centre leading to the closure of town centre shops and possibly the market too and therefore damage the town's vitality and viability.
2. This development will not contribute to the vitality and viability of Easingwold or enhance its established character.
3. The town already meets day to day needs with a range of convenience stores and specialist shops.
4. Local shops provide choice, quality and a friendly personal service which many residents value and don't want to lose. They also attract people to the town and the traditional Georgian Market Place is an asset which should be protected.
5. There is no overriding qualitative and quantitative need to build a superstore which doesn't respect the character or scale of the town.
6. It is the very retention of local small bakers, butchers and greengrocer shops that gives the essential character to the Town and area of Easingwold.
7. Once residents are inside a local large Supermarket, the ease of being in a "one stop shop" will permit the purchase of local newspapers, their bakery, confectionery, tobacco, electrical, meat and drink supplies while they are there. This feature of Supermarkets is critical to the Supermarkets effect on local trade. It is just not the case that trade will only be taken from the existing Coop Supermarket.
8. Soon a pharmacy will be in place, as will every opportunity to ruthlessly mop up all residual business opportunities from the local retail market to maximise their turnover. This is what leads to ghost town centres.
9. A large Supermarket just out of walking distance to most residents will act as a rival town centre. People arriving by car will find Supermarket parking easy against the difficulty in parking in the Market Square. Visitors will not want to park and shop twice.
10. Village shops in Huby and Stillington and local farm shops would be threatened by this supermarket.

11. PPS4 Guidance addresses the Impact of large food stores on Market Towns in the light of a research report on this very subject, stating that smaller centres which are more dependent on convenience retailing to underpin their function are more vulnerable to the effects of larger foodstore development at edge of centre and out of centre locations and concluding it is vital that those responsible for the future of market towns and district centres adopt a cautious approach to considering the location and likely long term consequences of the development of food stores in non-central locations.
12. "I believe that our high streets are a really important part of building communities and pulling people together in a way that a supermarket, however convenient, just never can....High streets of the future must be a hub of the community that local people are proud of and want to protect." These words from Mary Portas' recent Report could not be more pertinent to this planning application and are borne out by views expressed in the correspondence on your website and the many customers from the town and villages who have shown support for their local shops by signing the petition objecting.
13. A lot of publicity has been given to the project being carried out by Mary Portas who is attempting to find ways of regenerating local shopping in areas that have already been extremely adversely affected by out of town supermarkets. There is no doubt in my mind that the positioning of this proposed store would simply suck trade away from exiting stores in our town centre leading to yet another area like those Mary is trying to put right.
14. The Applicant's assessment of trade diversion seeks to set out anticipated trade diversion of the proposed store. It identifies estimated turnover figures of existing floorspace, but uses a selective mix of company average turnover per square metre and revised (higher) figures, based on estimates using data from the household survey. It goes on to estimate where trade to the proposed store will be diverted from.
15. The applicant suggests that the lack of a large main food shopping facility in the town means that the majority of the impact will be upon the Co-op at Long Street (at 42%) and other larger stores outside the catchment, where they state it has been assessed people from the catchment, where they state it has been assessed people from the catchment undertake their main food shopping.
16. The applicant does not, however, apply trade diversion rates based on the household survey and in accordance with Practice Guidance on PPS4 which suggests the use of current shopping patterns from household survey work. The applicant's study identifies, for example, that trade will be diverted from several stores in Middlesbrough, although these stores are not identified as main food shopping destinations in the household survey data submitted.
17. The Trade Diversion table omits to include Easingwold Market (also omitted from the capacity assessment).
18. The Retail Assessment indicates that the new store would potentially generate a turnover of around £17m a year which is approximately 4 times the estimated current turnover of the Co-op of £4.28m and nearly 2.5 times the total spend in Easingwold of £7.02m. This is a massive level of spend and can only possibly be achieved by taking away spend from existing stores and capturing a massive amount of the current out of town spend. This would be achieved by a large foodstore group undercutting the current local price structure to draw trade away from the existing shops, which would then ultimately close.
19. The trade diversion applied is unrealistic and not based upon surveyed evidence and

the conclusions of the applicant's retail impact study cannot, therefore, be relied upon as a proper assessment of retail impact under PPS4 or adopted development plan policies including policy DP23.

20. On the basis of these uncertain assumptions, the study suggests that just £0.02M will be diverted from stores in the town centre having an impact of 0.06%. This estimate is made on the basis that the new store will principally only divert existing main food shop expenditure, but the applicant's shopping study acknowledges that the store will also attract top-up trade. Further, it does not consider the effect of the introduction of a large modern foodstore into a market town. It asserts that the local shops already trade alongside a supermarket, although the Long Street Co-op is approximately one-third the size of the proposed store and provides a complementary function to the town centre, positioned to enable linked trips with the town centre.
21. Further, the impact analysis ignores the weekly market (and farmers' market) which are both extremely important to the vitality and viability and character of the small market. It makes no assessment of trade diverted from the market to the new store. It is very likely that trade will be drawn from the market which could threaten its future viability. In considering how to judge effects on vitality and viability on a centre, PPS4 suggests that in centres which rely on a particular diversity and special character it may be appropriate to take a cautious approach to potential adverse impact.
22. The assessment also fails to consider the differing shopping habits of a small market town, applying assumptions on main / top-up spend based upon national averages. In a small market town it is likely that a greater proportion of shopping is undertaken on a top-up bases due to the nature of the community and the market and shops available where shoppers use the market supplemented by visits to individual retailers supported by a complementary supermarket.
23. The introduction of a much larger supermarket, however, with adjacent car parking, in what the Applicant's Agents describe as a 'much more attractive shopping environment' could alter these shopping habits. The proposed store is located in an out of town location, just under a kilometre from the primary retail area, where, it is likely, that the majority of visits will be by car with limited opportunities for complementary linked trips with the town centre.
24. The store is an inappropriate scale for the town. The proposal is for a store of 2,323 sqm gross including 1,286 sqm net sales of convenience floorspace which is well over double the existing amount of convenience floorspace in Easingwold. Policy EC16 of PPS4 requires consideration of the scale of a proposal in relation to the size of the centre. It is considered that an increase in convenience floorspace of this scale will have an adverse affect on the centre. The proposal for a store of such an inappropriate scale to the centre should be refused.
25. If people want to shop in a superstore there is a weekly bus service to Morrison's in Boroughbridge (free with a bus pass). To say that it takes 4 bus journeys is not accurate. Asda, Tesco and Sainsbury's deliver locally.
26. Easingwold is a market town with long traditions of holding a weekly market and monthly farmers market. The introduction of a supermarket such as this would almost certainly mean that these would not survive.
27. Easingwold already has sufficient coverage of supermarkets with COOP and Costcutter.
28. A supermarket in this beautiful Georgian town of Easingwold would completely destroy the appeal of living and visiting such a lovely place.

29. If prices of foodstuffs, etc, are considered too high in Easingwold this will not be solved by the introduction of a new supermarket. This supermarket would have a virtual monopoly and prices would most likely be raised in this store to adapt to the market conditions
30. One of the arguments put forward by the developers was that it would encourage local residents to shop locally. A lot of these shoppers will be using cars which of course use fuel, as Easingwold only one petrol station, motorists are going to use a garage that sells fuel at a competitive rate. Therefore many motorists are going to go to Clifton Moor or Thirsk for fuel, and most probably kill two birds with one stone by doing their shopping at the same time.
31. Similar situations have occurred nationally and indeed in many nearby market towns where a large supermarket has come in and taken over most of the local retail spending and left a much less active town centre with many empty or charity shops. A very good example is the market town of Market Weighton (5,500 population) just to the south of York and where a new 20,000 sq ft Tesco built 3 years ago.
32. We are all aware what has happened in other small towns. For example, Penistone where a large supermarket opened a couple of years ago and local shops are already suffering.
33. The Merry Hill development on the old Round Oak steel works site in Dudley in the West Midlands has had a devastating effect on Dudley town and its high street together with Stourbridge Town. These are towns in a much larger/wider urban development area than Easingwold.
34. Welshpool in Powys has recently experienced the effect of another Tesco Superstore being added to already adequate facilities with existing supermarkets and local small businesses in the town. There was strong objection from the local community and its wide catchments, but the development went ahead despite this. The development has already had a knock on effect as predicted and changed the market town as predicted.
35. There is a significant risk that local shops will not survive the impact of a new supermarket leaving the centre of Easingwold empty. This is a known phenomenon and has happened in Wick where the centre of town is dead and occupied by empty shops, takeaways and charity shops.
36. Barnet: Councillors refused to approve Tesco's plans to turn a carpet store into a Tesco Express because they said that it would damage the "vitality and viability" of the area, threatening the survival of local shops. Tesco appealed to the Planning Inspectorate but in April 2007 the Planning Inspectorate upheld the council's decision. This has been described as a landmark decision because it provides a precedent for rejecting Tesco Express applications where they threaten local shopping areas, as one would in Easingwold.
37. Darlington: In December 2007, councillors in Darlington rejected Tesco's application to build a Tesco Express because it wasn't needed, would threaten local shops, and would generate too much traffic. Tesco put the site up for sale.
38. Norwich: Tesco's applied to build a store on the site of a former petrol station. The applications were refused on the grounds that the proposed store would pose a threat to highway safety and the lack of parking spaces would increase traffic congestion in the area. One of the councillors said that "we did think there was definitely a traffic danger to the public".
39. Sefton: Councillors in Sefton turned down an application for a Tesco Express in June 2007 on the grounds that a Tesco Express would disrupt local residents, that the

delivery plans would be a threat to road safety, and that it would increase traffic congestion.

40. Chorlton: In December 2007, Manchester City Council Planning Committee refused permission for a Tesco in Chorlton, South Manchester. Councillors voted to refuse on the grounds that it would cause road safety problems and would harm the area. Preston: In January 2008, Preston council rejected an application to build a Tesco on the grounds that there was no proper provision for parking and that it would have an "adverse impact on the vitality and viability of nearby local centres and retail provision". All of these cases show that there are real and effective planning grounds for turning down applications for large supermarkets for exactly the reasons that thousands of us oppose the Easingwold proposal. They show that where councillors and planning officers are committed to representing local people and to defending their interests.
41. It is also important to consider the impact of free parking at the supermarket given the possibility of paid parking being introduced in the town centre. A further disincentive to use local shops. People are only likely to walk into the town centre from the supermarket if they are given sufficient time allowance on their parking.

Location

42. If a Supermarket is to be located in the area, it must be situated in such a location that allows room for both large scale shopping as an alternative to Clifton Moor in York. The Stillington Rd is not such a place for a large Supermarket and it must be located further out of town if indeed it should be located here at all. That way, both types of store are supported and Easingwold keeps its "tradition small market town appeal".
43. It is obvious then that many, if not most of the employees will come from the villages as that is where 70% of the local population lives. Most workers from Easingwold walk or cycle into work on the edge of Town especially on wet or cold days. In Easingwold, it is well known that people even drive 100 yards to go to a shop for the paper. Given then that most will arrive by car, then the location of the supermarket is not critical and it can be placed anywhere outside of the town itself where it will have less effect on local traffic.
44. The application site would be better used for housing, including affordable housing, of a design that respects the setting and retains existing trees.
45. Could the supermarket go on the Redrow site, with easier access opposite the school? This site could be used for housing.
46. Stillington Road is too far from many homes to be accessed by those without a car. The Co-op is accessible on foot, bicycle and by car and is not unduly expensive.
47. The new 'Neighbourhood Planning' is supposed to help local areas to develop sustainable plans which are suitable for the locality. Such a plan should be developed for Easingwold. This should incorporate land in Stillington Road
48. The best way to rejuvenate this site would be by additional affordable housing.

Design of Supermarket

49. The development is out of keeping with the size, character and distinct identity of this historic town.
50. The proposed building is totally inappropriate in size and height for this site.

51. The materials for the construction do not blend with the surrounding buildings.
52. The design of the proposed store does not comply with Policy DP32 on General Design.
53. The modern design with extensive use of glass and the disproportionate scale of the proposed building in a small residential area with a historic streetscape beyond would be utterly discordant with its setting.
54. The proposed foodstore will dominate the streetscene at the entrance to the town from Stillington Road, overwhelm the bungalows around it and have no architectural linkage to the period houses and the long view up Long Street beyond.
55. A single story building of half the height of the proposed would be less intrusive in the area.
56. Why have solar panels for energy saving not been included?
57. The new foodstore building has been designed with the roof pitches in East/West orientation rather than a southerly aspect with no provision for photovoltaic solar panels to improve energy efficiency of the building.

Protecting Amenity

58. The service yard is directly adjacent to residential properties and consequently there are likely to be amenity concerns.
59. During hours of darkness the headlights of emerging store trips will shine directly upon the windows of the residential properties opposite.
60. Will have a detrimental impact on residents in the immediate neighbourhood by virtue of traffic and parking problems, road safety issues, 24 hour lighting and noise nuisance, delivery lorries turning and reversing, disturbance and loss of privacy.
61. Elderly residents value their home and back garden and would be devastated by a new supermarket being built so close to their homes.
62. Noise and light pollution will be a considerable problem.
63. It is poorly located, introducing a commercial development in close proximity to residential properties in an out of town location.
64. The noise assessment, submitted in support of the application, identifies that the minimum daytime noise level taken at local residential properties is 26dB. It suggests a restrictive condition on noise from mechanical plant of the store to not exceed 35dBA at any time which, even with this restriction, would represent (at times) a change in noise level for those properties of 9dB, exceeding the BS standard and representing 'a significant impact'. This demonstrates an aspect of the adverse effect the proposal would have on the amenity of the town and in particular the local residents.
65. The store could operate for long or even 23 hour period, which would result in day and night activity and lighting an inappropriate location in the market town.
66. The size of the proposed supermarket is totally unacceptable for the size of the site. It is too near to the surrounding houses.
67. Life will be made intolerable for residents living nearby and other members of the general public. The increased traffic on this small rural road, with delivery vehicles

arriving at all hours of the day and night with all the assorted noise that goes with this, air brakes, reversing beepers et, customers arriving from 7.00am until 10pm, traffic jams, not being able to get out onto the Stillington road (it is difficult as it is) this is not acceptable.

68. Far too close to 7 George Long Mews.
69. Such a large site would overwhelm the adjacent houses as well as greatly disrupting their occupants.'
70. If the supermarket is open 7 days a week for 15 hours (8.00am to 11.00pm) and there is an increase of 18,000 vehicles per week (based on 70% of visitors using a car) that would equate to 2.8 vehicles per minute braking outside 9 Stillington Road. This level of traffic would have a detrimental impact on existing residents.
71. Headlights will constantly beam into residential properties on Stillington Road. The construction also appears to be mainly glass fronted and will therefore emit far too much light for the residents of Stillington Road (unless they are not expected to retire until 11.00pm every night).
72. The Environmental Noise Assessment states that "the only realistic amelioration measure would be to close their windows and improve their sound insulation" "with other forms of background ventilation." Nowhere in the report were the existing residents of Stillington road taken into account and acoustic measures were only suggested for delivery vehicle noise at the back of the site.
73. The inevitably massive illumination of the complex will cause ugly and unnatural light pollution.
74. 24 hour opening is unnecessary in a town of this size and will mean the traffic, noise, light pollution etc is constant.
75. Residents of Leasmires Avenue will be disturbed by the noise of lorries delivering at all hours.
76. There should be proper and full screening of the supermarket customers' car lights so that residents in properties sited at a lower level across Stillington Road are not distressed by repeated, beamed light pollution.
77. An additional 11,000 weekly car journeys on Stillington Road, accompanied by a surge of delivery vehicles, would increase atmospheric and sound pollution and reduce local quality of life.
78. Given that the noise levels are only estimates, it is equally possible that they could exceed the WHO levels. It is unacceptable that noise levels will be high enough to disturb sleep.
79. Will the car park have barriers after closing hours or will it be a target for the latest race track?
80. By virtue of the large amount of elderly peoples bungalows situated nearby, elderly people will struggle to cope with the hassle & huge traffic increase involved.

Highway Safety

81. A retail store in this location will create a traffic hazard on Stillington Road and nearby streets.
82. Stillington Rd (6m wide at best) is too narrow for parking. Any parked vehicles will

queue traffic behind or interrupt traffic in the opposite lane if the parked cars are overtaken.

83. Many cyclists struggle travelling down the narrow Stillington Rd. There is not enough room to give sufficient berth to a cyclist when traffic is coming the other way.
84. The proposed supermarket site access should be in the form of a ghost island junction in accordance with DMRB TD 42/95. Forecast daily turning movements are significantly above the 300 threshold at which TD 49/95 suggests the provision of a ghost island. Any such provision would require significant works and land take and may reduce visibility splays at the proposed junction. There is no information before the Planning Committee to show that such a junction is acceptable or deliverable in the proposed location.
85. Overspill parking in the lay-by on Stillington Road will increase resulting in reduced visibility for vehicles exiting residential properties.
86. During peak times on Saturday, children and parents and vehicles travelling to and from the Easingwold Football Ground nearby will want to get past the site and will not be able to. There is great likelihood for accidents as frustrated drivers attempt to get past stationary cars.
87. If the ability to park at the roadside is to be removed, this will have a detrimental effect on the tread of ETC.
88. School children already have to run the gauntlet on their way to Easingwold Secondary School and this application will only add to their safety problems.
89. The road is very badly marked, making it even more dangerous when it is dark.
90. Requiring a 90 degree turn of heavy vehicles, even if articulated, in a narrow road will cause a traffic hazard, and cause traffic delays, and could tail back to a road junction which in turn has another T junction (with Crabmill Lane - a Bus Route) on top of a roundabout
91. The 6 spaces allocated for the dwellings are completely unsatisfactory for this particular location since alternative additional parking is not available nearby.

Access

92. The proposals show that the supermarket access would be used by both customers and delivery vehicles. This raises serious highway safety concerns with regard to conflicting HGV and customer vehicular and pedestrian movements, in particular in relation to the swept paths of large articulated HGVs. The applicant has not provided Swept Path analyses to show large vehicles turning through the access but it is our strong expectation that such manoeuvres would cross centrelines and conflict with oncoming vehicles.
93. Swept path analysis undertaken by other consultants objecting to the proposals shows that a 16.5m articulated HGV cannot satisfactorily access the site.
94. Large delivery vehicles would also conflict with customer traffic within the site, passing the ends of the two main parking aisles and potentially having to wait in the car park if another vehicle of any size was present in the service yard.
95. The proposed access to the supermarket is located approximately 35m west (centre line to centre line) of the junction with Leasmires Avenue. It is considered that the close proximity of these junctions could lead to an increase in conflicting vehicular movements. This should be investigated to determine if there is likely to be an

increased risk of accidents.

96. The proposed access to the residential development is located directly opposite the junction with Ingleton Drive. Again it is considered that this would lead to an increase in conflicting vehicular movements and again should be investigated to determine if there is likely to be an increased risk of accidents.

Traffic Generation

97. Locating the supermarket on the Stillington Rd site will cause a significant amount of traffic congestion on the Stillington Rd, which is an unclassified 6m wide country lane and as such is totally unsuitable for such a development.
98. The TA forecasts additional pm peak hour traffic of 137 vehicles on the property side of Stillington Road, i.e. NW bound. Consequently vehicles exiting residential properties will have an increase conflict with through trips in the order of an extra vehicle every 26 seconds. This is a safety concern.
99. Easingwold comprises only about 25% of the catchment area's population. The majority of the stores customers are likely to originate from surrounding villages, most of which are within 5 miles in distance and of those that are not, many still see Easingwold as their main town. Most of the traffic will be coming in and out of Easingwold by car and if the developer has based his 11,000 car trips a day without realising that most trips will be from villages he has seriously underestimated the number of car trips on the Stillington Rd.
100. The Developers have stated that "Walking is an important mode of transport for journeys up to 2Km in length" (not in Easingwold it isn't, where there is a significantly mature skewed population of course) and "a large proportion of household in Easingwold are within a 1Km walking distance". Maybe, but a large proportion (Clay Penny, Prospect Farm) are not. Do the Developers really imagine that they have designed the Supermarket for shoppers buying only 1 or 2 light items? Of course not, they hope to take business away from Clifton Moor and the like and shoppers making the weekly "full shop". Since when did anyone walk home with a full weeks shopping!" – let alone those (the area's 70% majority) from the villages?
101. The A19 bypass would cease to be so effective if a supermarket is on the Stillington Road as it would inevitably draw in custom.
102. The junctions at York Road and Crabmill Lane are hotspots with tailbacks at peak periods. Add to this the grain store at Crayke and the designated building sites at Kelbalk and the Ward Trailer site and gridlock will be the certain outcome.
103. Easingwold and its infrastructure are not large enough to accommodate this level of increased traffic.
104. The claims made by the supermarket in relation to the incidence of people walking to shop strike me as particularly disingenuous. Most people doing their main shop will always drive if they have a car. Supermarkets know this and measure their business by car boot fills. Traffic assessments must take this into account.

Stillington Road/York Road Junction

105. The observed flows presented suggest that the area is lightly trafficked and the junction works well within capacity. However this contradicts the opinions of local residents with many expressing concerns regarding the amount of traffic using this junction. In addition, traffic counts undertaken by a third party consultant showed significant inconsistencies when compared to the flows presented in the TA.

106. The 2011 assessment suggests that it currently operates well within capacity with minimal queuing on the Stillington Road arm. However, this contradicts the opinions of a number of local residents who believe considerable queues can be observed at this location. There is no observed queue data presented in the TA thus there has been no validation of the 2011 capacity assessments.
107. As there has been no validation of the base year model it is considered that the future year model may not accurately reflect the effects of the proposed development. It is considered that any validated model of the base year model would show existing queuing on the Stillington Road approach which would increase with the addition of the proposed development traffic.
108. The junction from the York Road is well known by local people as one of the most dangerous in Town irrespective of the views in the traffic survey.
109. The Traffic Assessment states that even after the Supermarket is built, the worst case scenario is that there will only be no greater than one vehicle in the queue at the York Rd. junction. This statement is utterly ridiculous and yet another indication of how little the developers know about the area. At many times of the day, there are already significant queues at the junction of Stillington and York Rd often made worse by parking outside ETC on the corner and presumably in the future, parking outside the 5 homes that are planned there.
110. There is insufficient space for the proposed roundabout replacing the Crabmill lane junction.

Service Vehicle Area

111. The proposed service yard is only large enough to accommodate one delivery vehicle at a time. In the event that the service yard is occupied there is no room within the yard for another vehicle. This would at best result in delivery vehicles standing in the car park, causing problems for customer traffic and could result in delivery vehicles having to reverse through the car park and back onto the main road i.e. past three internal junctions and through site access junction.

Car Parking

112. The planning application states that the development would have 100 full time and 100 part time employees i.e. an equivalent number of full time employees of 150. It does not states what proportion of employees would drive to work but being in a generally rural area the proportion of car drivers is likely to be high. Even if a low proportion of drivers say 50% existed and even if just half of all full time equivalent staff are present at one time the parking requirement for staff would be 38 staff parking spaces. This would result in a significant loss in the number of available customer parking spaces.
113. At peak times the Easingwold Coop car park is full, and yet the Shopping Survey states that most people do their main shop outside of Easingwold? If as the developers naturally desire, this new Supermarket encourages those “outside shoppers” as well as a sizeable proportion of those using the Coop – then the <130 place (i.e. minus staff) car park is going to be full on a regular basis and cause absolute traffic chaos on the Stillington Road with queues of stationary traffic, queuing both ways, waiting for a place to park. It will be impossible to overtake without moving into the opposite lane and with queues in both directions, and on a narrow 6m road, there will be chaos there!
114. A total of 182 vehicular trips are forecast to arrive at the proposed development during the weekday peak hour. No car parking occupancy calculations have been provided within the TA but it is likely that if such an exercise was undertaken overspill

parking would be found.

Travel Plan

115. Given the generally rural nature of the area the proportion of trips by car could be high. There is no substantial detail on sustainable mitigation measures such as would be provided in a travel plan. According to PPG13 the proposal is of a scale that warrants a Travel Plan. A framework is presented but contains little or no specific detail. For example there are no targets and the timeframe over which a Travel Plan would operate is not set.
116. Even if the Committee is minded to approve the application, significant and adequate funding for a Travel Plan should be secured at this stage.

Stillington Road is a HGV Rat Run

117. Indeed the situation is much worse than envisages, as the Stillington Road out of Easingwold is a well known Sat Nav "Rat Run" which diverts HGV's from the A19 eastwards to avoid the Clifton Moor Roundabout. Planners may be surprised by the high number of vehicles from Scarborough using this route...in addition to those travelling to Felixstowe.

Data is incorrect

118. I (Frank Johnstone Banks) have counted the traffic on the Stillington Rd. between 8 am and 9 am on 2 weekdays (during week 4 in November and week 1 in December 2011) – on both of which I found the total to be 545 and 587 vehicles respectively during that hour – significantly higher than the Developers surveys.

Design of Dwellings

119. Rather than trying to prove that the "ultra modern" styling of the Supermarket and new housing cannot be seen from the Conservation area of the Town, the Developers should be striving to produce a piece of architecture that seeks to be included in the heritage feel of our Town
120. The proposed dwellings (original design) do not reflect the character of Easingwold.
121. It is just not good enough to say that "It is also frequently preferable not to imitate older or existing buildings as this can be detrimental to their appearance, setting and individuality" The Developers will be soon long gone, and Easingwold will have lost an opportunity for good design forever. In particular the frontages are totally and utterly not in keeping with what is desired by those living in the area.

Car Parking for Dwellings

122. The car parking area for the dwellings has limited visibility and manoeuvrability. Each house is likely to have two cars; therefore the level of provision is insufficient and will lead to on-street parking.

Heritage

123. Easingwold is marketed on HDC website as an "unspoilt Georgian North Yorkshire market town." The traditional market is a visitor attraction and a defining feature and the historic centre of the town is designated as a Conservation Area. This development is not appropriate in scale, design or location in this small historic settlement.
124. The character of Easingwold and the Conservation Area would be seriously affected

by the proposed development.

125. The proposal will cause substantial harm / loss of significance to a designated heritage asset (the Easingwold Conservation Areas in Long Street and the Market Place: the historic core of the town).
126. The Heritage Statement in the application does not take into account some key implications of Planning Policy Statement 5.
127. All the extra noise, vibration, pollution and traffic congestion will have a detrimental impact on the historic environment.
128. A development of the proposed scale, design and purpose on this site at the entrance to a historic market town will detract from the historical character of Easingwold in respect of all the above considerations.
129. The Conservation Area covers the historic core of the town, still the site of a thriving traditional market and the hub of local retail trade (conducted from small premises promoting local produce) which is intrinsic to the town's significance in heritage terms, providing continuity of its rich history, maintaining its 'local distinctiveness', 'economic vitality' and contributing to the 'sustainability of the community.'
130. A large chain supermarket will not contribute positively in terms of character and will inevitably compete for trade with existing retailers. If these small local businesses lose custom, jobs will go and one by one the shops in the core of the town will close. Easingwold will lose its individuality (its local distinctiveness) its sense of place, its function as a market town and thereby its defining character (and its value or significance as a designated heritage asset) will be irretrievably diminished.

Drainage & Ground Conditions

131. The drainage in that area is already inadequate resulting in drain overflows
132. Drainage problems - the surrounding area already has problems with drainage of surface water causing problems to residents This would be exacerbated by proposed development which has no special plans in place except for surface water to drain away naturally
133. The existing sewer across the site is stated to be "inadequate for the flow and pipe diameter" and yet this is proposed to be re-laid on a new alignment with a change of gradient from 1:390 to 1:295, hardly a significant flow change. However the new alignment increases the sewer length considerably and takes a less direct route. Does this extra length at a flat gradient increase the likelihood of flooding?
134. As this site will become all "hard surface" (i.e. Roof and Car parking) the run-off will be enormously increased and almost immediate. As the adjacent housing already suffers from serious flooding at times of storms, this makes the site totally unsuitable for its proposed use.
135. Flood Risk Assessment (Marks Heeley Ltd): the report, p4, states that the site is underlain by sand and gravel. However the geology map (appendix C) indicates that the drift (superficial) deposits comprise glacial till (previously called boulder clay) bordered by head, a mixed (unsorted) deposit of clay, silt, sand and gravel. Deposits of blown sand also occur to the north and west of the site. There is no mention of the underlying solid geology nor the level of the water table, both of significance with respect to flood risk assessment. The 1:50,000 geological map shows the underlying solid geology to comprise the Mercia Mudstone group.
136. The geological information, para 3 (page 10) in the Archaeological Assessment,

(produced by CGMS, Oct 2011) states 'drift geology of the area takes the form of clay laid down in the middle Lias'. This is nonsensical as the Lias is not a drift deposit. It also states that the solid geology is Keuper Marl. This nomenclature was replaced by Mercia Mudstone several years ago.

137. It leads one to question how much else of the report content, in each case, has been compiled by persons unqualified, or not competent, to interpret the material used in the assessments.
138. Having been employed locally (NYCC and Mouchel), as a Principal Geotechnical Engineer, I take an interest in ground conditions and am aware, from both anecdotal and personal experience, that difficult ground conditions (running sand) are present in the local area with development halted on the existing industrial site on Stillington Road some years ago. Deep excavations on the proposed site may well impact significantly on adjacent properties. Without specific site investigation data it is not possible to comment further at this stage.

Other

139. Easingwold is a "hub". There are easily as many people from the surrounding villages who use it to work, shop, socialise and go to school. Has there been any consultation with them?
140. Hambleton District Council stands to gain financially from the development.
141. The land in question has not been made available on the open market particularly as two parts of it are owned by HDC and the Fire Service respectively.
142. Developer should be obliged to provide a 'sweetener' for the community. The Developers at Prospect Farm provided a car park for the primary school and the Developers of Showfield Park provided a new Scout Hut.
143. Town Council survey is slanted in favour of the development, and disenfranchises 70% of the catchment area, the Easingwold surrounding villages (based on HDC population statistics)
144. References in both the Flood Risk Assessment and the Archaeological Assessment both contain inaccurate and incomplete statements.
145. Will the Council substantially reduce the nearby resident's Council Tax to compensate?
146. The money/profits generated by a superstore will go out of the area and will not directly benefit local people.
147. A superstore will only give token support to local suppliers and producers
148. The superstore model is unsustainable in the long term future. Projections suggest that local models of food growing, supply and sales will be most resilient in the future.
149. Enquiries of local shop holders indicate that local suitable labour is not readily available from within Easingwold. The 150 employees will need to come from further afield and will therefore not be walking or cycling to the new store as indicated by the applicant. This hypothesis is completely unfounded and unsustainable. Additional car parking for the employees will be required.
150. Large supermarket chains are becoming far too greedy and should not be allowed to impinge on every aspect of our local community.

151. The one thing Easingwold would benefit from is a modern petrol station to offer local residents a chance to stay local and shop locally, rather than going to Clifton Moor and then spending more money there. Yet there is no mention of a petrol station, which most stores of this size have as standard. This suggests the site for the supermarket is wholly unsuitable.
152. House prices will fall.
153. Will the new foodstore be able to confirm that they will sell local produce from local suppliers procured at realist prices?
154. Most supermarket income is returned to the supermarket shareholders and not the local economy (as little as 5% trickles down).
155. While the supermarket will bring jobs, jobs lost in local businesses need to be taken into account. The proposal acknowledges a significant loss of business to the Co-op on Long Street - a shop currently employing 50 staff.
156. The new foodstore proposes to employ around 150 people. There is no employment/unemployment assessment for the local area included. Where does the applicant expect these employees to come from?
157. Will residents bordering the development be able to claim against the supermarket for loss of market value of their properties due to the proximity of a major retail premises?
158. Far from creating more jobs, the most likely outcome is that there would be fewer jobs, of less variety, probably lower paid and would be short term for the majority, who would not want, or be able to build a stake in our town.
159. A national supermarket will also be less likely to support local charities unlike our local retailers at the moment
160. The town will become a ghost town, full of pubs creating a drinking culture, anti social behaviour, under age drinking and an increase in crime

Support

161. This new development will create much needed new jobs for local people who at the moment have to travel outside of the town for work.
162. The new shop will provide competition for existing food businesses and this is not a bad thing for the public. More competition will help to keep prices down.
163. At the moment local shops seem to behave as if they have a captive audience and can put up prices whenever they feel like it knowing that the nearest shops are in York.
164. It will also create jobs for construction workers or at least help to keep them in work and provide a necessary stimulus to the local economy.
165. The construction of some new dwellings will also create more opportunities for local residents to purchase property and remain within the area.
166. Where are all the people going to shop that will move into the new developments on York Road, the Persimmon site on Thirsk Road and any other developments that are in the pipeline?
167. Far from taking shoppers out of the town, it would encourage shoppers into the town,

rather than having to take their business to either Thirsk or York. Take Thirsk as a prime example, what a pleasant shopping experience! Plenty of parking for a small fee. There are still plenty of local unique shops to get fresh fruit, cards, etc, then round to Tesco for the rest of the shopping.

168. Easingwold needs this development to offer an alternative to the expensive local shops.
169. Hope that space will also be found for a petrol station.
170. Objectors will predominantly be local businessmen who will face competition for the first time.

5.0 OBSERVATIONS

- 5.1 This planning application covers two distinct elements, namely: the proposed foodstore and the proposed residential development. This section addresses the material considerations for each element separately.

The Proposed Foodstore

PPS4 - Policy Tests

- 5.2 PPS4 sets out national planning policies for economic development. This document states that the Government's overarching objective is to create sustainable economic growth. PPS4 includes a number of 'development management policies' providing specific guidance on the determination of planning applications for economic development.
- 5.3 PPS4 identifies supporting evidence required for applications for 'town centre uses', to include an assessment of impacts (Policy EC16). It requires assessment of a number of impacts including impact on town centre vitality and viability. Policy EC17 requires that planning permission be refused where there is evidence that the proposal is likely to lead to significant adverse impacts.
- 5.4 Policy EC17 of PPS4 states that planning applications for main town centre uses that are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where:
 - (a) the applicant has not demonstrated compliance with the requirements the sequential approach (Policy EC15); or
 - (b) there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of impacts set out in policies EC10.2 and EC16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments.
- 5.5 Where no significant adverse impacts have been identified under policies EC10.2 and EC16.1, planning applications should be determined by taking account of:
 - (a) the positive and negative impacts of the proposal in terms of policies EC10.2 and EC16.1 and any other material considerations; and
 - (b) the likely cumulative effect of recent permissions, developments under construction and completed developments.
- 5.6 The Applicant has submitted a Retail Impact Assessment in response to the requirements of PPS4. This document has been reviewed by England & Lyle Planning Consultancy under the Council's instructions. In summary England & Lyle's assessment shows that:

- 1) The proposals do not comply with Policy EC15 because the applicants have not fully considered the possible alternative of retail development on part of the EM1 allocation site which is a better-located out-of-centre opportunity. The application site is not sequentially preferable to the EM1 site.
- (2) We consider that there would be adverse impacts on several of the tests in Policy EC16 and there would be a 'significant' adverse trading impact on Easingwold town centre.
- (3) In relation to the factors in Policy EC10 factors we have concerns that the benefits of redevelopment of this brownfield site for retail use are not fully justified. Other uses such as residential may be more suitable in this location. We also believe the employment benefits may be lower than claimed by the applicants and that there may be job displacement because of retail impact.
- (4) If the Council considers that it is necessary to balance the positive and negative aspects of the proposals, we would advise that although there may be some positive benefits there would also be negative impacts in terms of the effect on the vitality and viability of Easingwold town centre, a possible negative effect on prospects for the development of the EM1 allocation site, and conflict with Core Strategy Policy CP14 because of the inappropriate scale of retail development proposed.

5.7 The Applicant has submitted a rebuttal of England & Lyle's report. England & Lyle have provided further clarification of their findings following the Applicant's rebuttal. The following documentation has been circulated to Members of the Planning Committee in advance of the meeting:-

- Marrons' Retail Assessment & Appendices
- England & Lyle's Retail Review of Marrons' Retail Assessment
- Marrons' Rebuttal to England & Lyle's Retail Review
- England & Lyle's Response to Marrons' Rebuttal

5.8 In light of England & Lyle's findings, the proposed foodstore fails the policy tests established within PPS4 and should be refused planning permission accordingly.

External Appearance

5.10 Policy DP32 of the adopted Development Policies DPD requires the design of all developments to be of the highest quality. Attention to the design quality of all development is essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings and promote local identity and distinctiveness.

5.11 The external appearance of the proposed building is generally acceptable and represents a relatively good standard in terms of external appearance. The use of glazed curtains, exposed timber pilasters and roof trusses and pitched roof sections provide a modern bespoke appearance.

5.12 Notwithstanding the acceptability of the external appearance of the building, concerns have been raised about the scale of the proposed foodstore in relation to nearby residential dwellings.

Protecting Amenity

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

- 5.14 The Council aim to apply indicative separation distances of 14m from side to rear elevations of buildings and 21m from rear to rear elevations of buildings (of similar height). This is based upon those standards contained within the time expired *Supplementary Planning Guidance Note 3: Residential Infill*. Despite this guidance being time expired, the standards contained within the document continue to provide a useful “rule of thumb” for assessing the impact of a proposal on residential amenity. Notwithstanding the usefulness of this “rule of thumb” approach, it should not be slavishly adhered to but professional judgement should be used to assess the impact of any development.
- 5.15 As outlined within Paragraph 1.5 of this report, the proposed foodstore is positioned directly adjacent to the northern and western boundaries of the application site, close to established residential areas. The building would be positioned approximately 3m from the boundary with Galtres Drive, 2m from the boundary with George Long Mews and 23m (at its nearest point) from the boundary with Leasmires Avenue.
- 5.16 The present outlook from the rear of Galtres Drive and George Long Mews is not particularly pleasant; however the proposed foodstore will be positioned 15m closer to residential properties within Galtres Drive and will be 18m wider than the existing factory building considerably increasing the immediate dominance of surrounding commercial uses.
- 5.17 The foodstore will be positioned approximately 9.6m from the rear elevation of nos 7 and 8 George Long Mews and will stretch the entire length of their rear garden spaces. The building is reduced to 5m high for a depth of 6.2m but will increase to approximately 9m to the ridge. This will have a detrimental enclosing effect on the outlook from these dwellings.
- 5.18 The foodstore will stand approximately 18m from the rear of nos 37 and 46 Galtres Drive and approximately 10.2m from the rear of 35a Galtres Drive. The occupants will look out onto a building 5m high to the eaves rising to 9m high to the ridge for a width of 58.8m from their rear windows and garden space. The sheer overbearing nature of what is proposed will cause serious harm to living conditions for the occupiers of these properties.
- 5.19 In addition to the proposed building, the Applicant proposes the erection of a 3m high acoustic fence surrounding the service yard to the northwest of the application site. This 3m high fence would be erected directly adjacent to nos 7 to 17 (odds) Leasmires Avenue and nos 44 and 46 Galtres Avenue. This screen fence will add approximately 1m in height to the existing boundary wall to the rear of Leasmires Avenue and Galtres Drive. This will result in an oppressive outlook for existing residents, particular on Leasmires Avenue where rear gardens are only 10m deep.
- 5.20 The dominating and gloomy effect of the building and the acoustic fence is unacceptable in planning terms and carries sufficient weight to justify refusal of the application in its own right.
- 5.21 Policy DP44 states that *‘Development likely to generate harmful noise levels will be directed to appropriate locations away from known noise sensitive locations.’*
- 5.22 A Noise Impact Assessment, produced by Sharps Redmore Partnership, has been submitted with the application. The Council’s Environmental Health Officer (EHO) has examined this report and the submitted application.
- 5.23 The EHO has concerns over the potential noise impact on local amenity, in particular noise sensitive properties and outside gardens at Galtres Drive and Leasmires Avenue, caused by deliveries. The EHO’s full consideration of this issue is contained at 4.17 to 4.27 of this report. In summary the EHO recommends refusal of the

application on the grounds that insufficient information has been provided to demonstrate that noise generated by the foodstore will be at acceptable levels.

- 5.24 Not enough information has been provided about the existing noise environment of local residents who may be affected or specific information about delivery noise such as peak noise. Further information also needs to be provided in relation to the surveys used by the Applicant's Agent in assessing noise from car parking activity before an assessment can be made looking at peak trading hours.
- 5.25 PPS23 Planning & Pollution Control permits LPA's to take account of the possible polluting impact of lighting in preparing local development documents.
- 5.26 The Council does not have a specific policy on artificial lighting. However, as identified above, DP1 stipulates that all development proposals must adequately protect amenity, particularly with regard to...*inter alia*...light pollution.
- 5.27 An Artificial Lighting Survey has not been undertaken by the Applicant; however the final details of artificial lighting and the times of illumination could be controlled by condition in order to ensure that the impact to existing residents is minimised as far as reasonably possible.

Highway Safety & Car Parking

- 5.28 PPG13 states that the transport implications of new development should be understood and traffic generation, parking provision, layout and other measures employed to improve access arrangements. Local authorities are required to apply maximum parking standards to development to promote sustainable transport choices. Walking and cycling is also encouraged.
- 5.29 The application is supported by a Transport Assessment (TA) which assessed the likely impact of development trips onto the existing highway network. The TA concludes that flows on Stillington Road will remain well below its capacity and the priority junction with York Road has sufficient capacity to accommodate the increase in traffic flows. However it is considered that there would be benefits to users of this junction if it was to be converted to a mini-roundabout. The Local Highway Authority (LHA) agrees that conversion of the junction to a mini-roundabout would be beneficial.
- 5.30 The LHA has two concerns regarding the proposal, namely: the proposed location of the new accesses and the parking provision for the foodstore.
- 5.31 The centreline of proposed access is located approximately 34 metres from the centreline of Leasemires Avenue. The advice contained in the LHA's Highway Design Guide recommends a minimum spacing of 60 metres on this type of road. The proximity of the junctions raises a number of issues in terms of highway safety:-
- Potential conflict should a vehicle wishing to turn left into Leasemires Avenue start to indicate prior to the supermarket access and a vehicle exiting the supermarket pulls out on the assumption that the vehicle will turn left into the supermarket.
 - Similar scenario for a vehicle exiting Leasemires Avenue and a vehicle approaching from the east indicating to turn right into the supermarket prior to the Leasemires Avenue junction.
 - Potential conflicts between left turning vehicles from the supermarket and right turning vehicles from Leasemires Avenue.
 - Vehicles waiting to exit the supermarket access obscuring the visibility to the west of vehicles waiting to exit Leasemires Avenue.
 - Vehicles waiting to exit Leasemires Avenue obscuring the visibility to the east of vehicles waiting to exit the supermarket access.

- 5.32 Manual for Streets (MfS) comments on the spacing of junctions and that it can be based on the reduced stopping site distances (SSD) which the document has introduced. The LHA has however undertaken vehicle speed checks at this location which shows the 85th percentile wet weather speeds to be 36 mph eastbound and 34 mph westbound. In MfS this equates to a SSD of 59 metres which is in line with the 60 metres spacing distance the LHA recommends.
- 5.33 The proposed location of the access to the parking court for the residential dwellings is opposite the access to Ingleton Drive. This is likely to result in conflicting vehicle movements at a location where by virtue of the increase in traffic flows the opportunities to exit onto Stillington Road will reduce. It is therefore considered that location of the two junctions will create conditions prejudicial to highway safety.
- 5.34 With regard to parking at the supermarket 130 spaces are proposed for use by customers, including disabled, and staff. The parking standards at Annex D of PPG13 (January 2011) recommend that 166 spaces should be provided, Note 3 requires parking for disabled to be provided in addition to the maximum parking standards. The level of parking proposed falls below this standard. Notwithstanding the contents of paragraph 50.2 of PPG13 the LHA considers that in rural locations such as this proposed developers should provide the maximum level of parking indicated.
- 5.35 The LHA cannot support the application as submitted and has recommended refusal.

Sustainable Construction

- 5.36 Policy DP34 of the Development Policies DPD requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.37 The Applicant has submitted a Sustainability Appraisal which states that energy efficiency will be achieved through building design and that consideration has been given to orientation, lighting systems, heating and cooling systems although no firm proposals have been submitted. Should Members be minded to grant planning permission, it recommended that a suitability worded condition is applied to ensure that a scheme to address sustainable energy issues is submitted and implemented.

The Proposed Residential Development

Location of New Housing

- 5.38 Policy DP8 of the Development Policies DPD states that *“Permission for development will be granted within the settlement Development Limits as defined on the Proposals Map, provided that it is consistent with other LDF policies”*.
- 5.39 The application site is located within the development limits of Easingwold as defined on the Proposals Map of the Allocations DPD.
- 5.40 In addition, the proposed development constitutes reuse of a brownfield site close to existing services and amenities. Consequently, the location of the proposed development is considered to be acceptable in locational terms.

External Appearance

- 5.41 Generally, the external appearance of the proposed dwellings is considered to be of good design in accordance with the principles of PPS1. The design reflects the

traditional vernacular of Easingwold but meets modern aspirations. The Applicant has responded to public consultation by replacing the original contemporary housetypes with a traditional design.

Protecting Amenity

- 5.42 The proposed layout achieves adequate levels of space about the proposed dwellings in order to avoid problems of overlooking and overshadowing between the proposed properties and existing neighbours.

Highway Safety & Car Parking

- 5.43 As identified above, the proposed location of the access to the parking court for the residential dwellings is opposite the access to Ingleton Drive. This is likely to result in conflicting vehicle movements at a location where by virtue of the increase in traffic flows the opportunities to exit onto Stillington Road will reduce. It is therefore considered that location of the two junctions will create conditions prejudicial to highway safety.
- 5.44 The internal car parking layout does not allow for vehicles to turn on-site and exit in a forward motion. The LHA has requested amended plans from the Applicant's Highway Consultant. These are awaited.

Security

- 5.45 The Police Architectural Liaison Officer has expressed concern about the remote car parking arrangements. The parked cars are not overlooked by their owners and they are immediately accessible by just taking a few steps from the highway. With rear fencing being 1.8m high, the cars would not be able to be seen from 'regularly habitable rooms', i.e. ground floor rooms. Provision should be made for 'in-curtilage parking'. The Police ALO recommends that the housing layout is reconfigured to allow in curtilage parking within front gardens.

Affordable Housing

- 5.46 Policy CP9 relates to the provision of affordable housing and seeks the provision of 50% affordable housing on sites of more than 0.5 hectares or 15 dwellings within Easingwold. The scheme does not exceed either threshold and, as a result, there is no absolute requirement to provide affordable housing. Nonetheless the proposed development allows for smaller / less expensive properties and will contribute to the provision of mixed communities.

Public Open Space

- 5.47 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.
- 5.48 Given that no public open space can be provided on site, the Applicant will be required to make a contribution of £16,539 towards off-site provision.

Generic Issues

Cultural Heritage

- 5.49 PPS5 sets out the Government's national policies on the conservation of the historic environment. It is accompanied by the 'Historic Environment Planning Practice Guide'.

- 5.50 Policy HE6 of PPS5 sets out the requirement for planning applicants to include with their application an assessment of the importance of heritage assets affected by their development.
- 5.51 A PPS5 Heritage Assessment dated October 2011 has been submitted with the application. The Assessment concludes that the proposed development, by virtue of the location of the application site in respect of the Conservation Area and the other heritage assets it contains, will have only a minimal impact on the setting of the Conservation Area as a result of the very limited inter-visibility between the application site and the Conservation Area. These findings are supported by English Heritage's mute response to the application.

Flood Risk & Drainage

- 5.52 PPS25 seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding and to direct development away from areas at highest risk.
- 5.53 Policy DP43 outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.
- 5.54 The application site is located within flood zone 1 and over 750m from flood zone 3. Consequently, the risk of flooding is extremely low.
- 5.55 In terms of surface water drainage, the Flood Risk Assessment (FRA) calculates a reduction in impermeable surfacing from 7980 sqm to 7211 sqm, a reduction of approximately 10%. Although the FRA recommends a further reduction via the use of 'SUDS'.
- 5.56 It is proposed to improve foul drainage by relocating the sewer and discharging further along Stillington Road into a new manhole. This will improve the sewer's gradient to 1:295 which has been calculated as being a more appropriate fall for the building's it will serve.

Ecology

- 5.57 PPS9 sets out the national policies for the protection of biodiversity and geological conservation via the planning system. PPS9 underlines the Government's commitment to conserve, enhance and restore the diversity of wildlife and geology and to contribute to rural renewal.
- 5.58 To this end, PPS9 states that where the granting of planning permission would result in significant harm to such interests, LPA's must be satisfied there are no alternative sites and that the development of which would result in less or no harm.
- 5.59 Where this is not possible, LPA's should ensure that, before planning permission is granted, adequate mitigation measures are in place. Where significant harm cannot be prevented, adequately mitigated against or compensated for, PPS9 states that planning permission should be refused.
- 5.60 Policy DP31 of the LDF states that *'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'*.

- 5.61 A Phase 1 Extended Habitat Survey, produced by Delta-Simons, has been submitted with the application. The Survey concludes that the three mature oak trees on the site are considered to be of high ecological value, all other habitats at the site are considered to be of low ecological value.
- 5.62 The site was seen to support a small number of bird species, including house sparrows which are listed on the Red List of Birds of Conservation Concern, and ideal bird nesting habitat was recorded across the site and included scattered trees, scrub and disused buildings.
- 5.63 A number of buildings were assessed as having low potential to support a bat roost due to external features that were suitable to support occasional crevice dwelling bat species.
- 5.64 It is recommended that:-
- All areas of tree and scrub vegetation should be removed before early March or late July to avoid affecting nesting birds.
 - Internal inspection of the buildings to check for signs of bats. If bats are found it will be necessary to apply for a European Protection Species Licence from Natural England to enable the buildings to be demolished lawfully.
 - Eradicate occasional common ragwort before redevelopment works commence.
 - Enhance biodiversity by planting a hedgerow on the site boundary.
- 5.65 Should Members be minded to grant planning permission, it will be necessary to impose a condition to ensure that the mitigation and biodiversity enhancement works detailed within the Extended Phase 1 Habitat Survey are carried out in full.
- 5.66 In light of the above considerations, the proposed development is considered to comply with PPS9 and Policy DP31.

Trees

- 5.67 Policy DP33 specifies that landscaping of new development must be an integrated part of the overall design which compliments and enhances development and, inter alia, protects key landscape features.
- 5.68 An Arboricultural Implications Assessment, produced by Delta-Simons, has been submitted with the application. The Assessment identifies that tree cover on site is limited with key tree groups restricted to the site's southern boundary, where a number of the larger specimens add character to Stillington Road and screen views into the site from the south.
- 5.69 It is proposed to remove 16 trees in addition to an established hedgerow. It is proposed to retain and undertaken some minor works to trees T4, T12, and T13.
- 5.70 The proposed removal of T7 (Cherry) and T14 (Oak) is concerning. The Assessment identifies T7 and T14 as representing "design conflicts". No other reason for their removal is given.
- 5.71 T7 is a healthy middle-aged Cherry with a height of 9m and stem diameter of 0.7m. T14 is a healthy middle-aged Oak with a height of 15m and stem diameter of 2.5m. Both trees make a significant contribution to the streetscene and their removal would be detrimental to the visual amenity of the locality. The removal of T14 (Oak) is required to allow for the proposed access which has been identified by the Local Highway Authority as being unsuitable. It is recommended that a Tree Preservation Order is replaced on these trees and this planning application be refused accordingly.

- 5.72 Should Members being minded to approve the application, an Arboricultural Methods Statement (AMM) providing details of tree protective fencing and supervision, by a suitably qualified arboriculturalist, of any demolition works and subsequent control of development operations should be secured by condition.

Conclusion

- 5.73 Following a detailed consideration of the application and all consultation responses, it is considered that the proposed foodstore will have a detrimental impact on the vitality and viability of Easingwold town centre and surrounding village shops.
- 5.74 The proposed foodstore will have a detrimental impact of residential amenity and highway safety and fails to protect key landscape features.
- 5.75 The proposed residential development will result in conditions prejudicial to highway safety, fails to minimise opportunities for crime and fails to contribute towards reducing quantitative and qualitative deficiencies in public open space provision.

7.0 RECOMMENDATION

REFUSED for the following reasons:

Retail

- (1) The proposed foodstore would have an adverse impact on the vitality and viability of Easingwold Town Centre and surrounding village shops, including local consumer choice, contrary to Policy EC16 of Planning Policy Statement 4 and Policy CP14 of the Core Strategy.

Residential Amenity

- (2) The proposed foodstore and its associated infrastructure will cause serious harm to the living conditions of the occupiers of residential properties within Galtres Drive, George Long Mews and Leasmires Avenue by virtue of its overbearing nature and enclosing effect contrary to policies CP1, DP1 and DP44 of the Hambleton Local Development Framework. In addition, insufficient information has been submitted to demonstrate that noise and disturbance generated by the foodstore and associated car park will not have a detrimental impact on the amenity of nearby residents.

Access Arrangements

- (3) The proposed accesses to the development would interfere with the free flow of traffic with consequent danger to highway users by virtue of its proximity to existing junctions contrary to policies CP17 and DP32 and guidance contained within Manual for Streets.

Foodstore Car Park

- (4) In the absence of adequate on-site parking space the proposed foodstore would be likely to result in vehicles being parked outside the site on the County Highway to the detriment of the free flow of traffic and road safety contrary to policies CP2, CP17, DP3 and DP32 and guidance contained within PPG13.

Loss of trees

- (5) The proposed removal of T7 (Cherry) and T14 (Oak), as shown within the Arboricultural Implications Assessment produced by Delta-Simons, would have a detrimental impact on the visual amenity of the streetscene contrary to Policy DP33 which seeks to protect and enhance key landscape features.

Residential Parking - Security Concern

- (6) The proposed residential parking area is secluded with limited natural surveillance and therefore fails to minimise opportunities for crime contrary to policies CP17 and DP32

Public Open Space

- (7) The proposed development fails to deliver any open space, sport and recreation facilities contrary to Policy DP37 of the Development Policies Development Plan Document which requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.

2.

11/01661/FUL

Construction of 93 dwellings, associated parking, highway works and the provision of public open space as amended by plans received on 14 December 2011 at OS Field 9972, York Road, Easingwold for Redrow Homes Yorkshire

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Full planning permission is sought for the construction of 85 dwellings, associated parking, highway works and the provision of public open space. This will deliver a development of approximately 33 dwellings per hectare.
- 1.2 This application was presented to the Planning Committee on 13th October 2011 as an agenda item. Members were invited to make initial comments on the application which led to a discussion about the policy background, developer contributions and general design and highways issues. In particular, Members wished to see improvements to the site layout, house types and car parking provision and further consideration given to drainage, car parking for the school, delivering a higher percentage of affordable housing and the inclusion of bungalows.
- 1.3 Redrow Homes has carried out a detailed character analysis of Easingwold which has informed a complete re-design of the proposed house types and significant changes to the site layout. The palette of materials has also been amended to reflect local vernacular and now include soft orange stock bricks, multi bricks, red stock detail bricks, art stone details, terracotta pantiles and grey slate effect tiles. 12no Bungalows have been introduced to the north-eastern edge of the application site and 12no apartments are concentrated around the central area of public open space, which itself has been increased in size to 1,369 sqm. The southern area of public open space has been reduced in size to 3,048 sqm but is no longer physically separated from the development. Plots are now orientated side onto the southern area of public open space which allows open views from other parts of the application site significantly improving natural surveillance and security. Affordable housing plots are now pepperpotted throughout the application site. Amended plans were received on 14th December 2011 and a further round of public consultation was undertaken.
- 1.4 The proposed house types will take the form of terraced, semi-detached and detached homes, all two storeys in height, with a mix of 1, 2, 3 and 4 bedrooms. All dwellings are two-storeys in height and will be constructed using modern facing brickwork and rendered sections on selected plots, as highlighted above. All dwellings are designed to have private amenity space.
- 1.5 Access to the site will be taken from York Road. The road layout will run through the residential area into the commercial land to the north (subject to application ref: 11/01763/OUT) leading to an access onto Stillington Road to the north. 184 car parking spaces are proposed (excluding garages) which equates to approximately 2 parking spaces per dwelling.
- 1.6 Within the heart of the scheme, an existing oak tree is to be retained and will represent the focal point of a centre green square. Approximately 0.13ha of public open space will be provided at the southern tip of the site. The existing hedgerow adjacent to York Road is to be retained along with hedgerows and tree cover along

the southern and eastern site boundaries. An established hedgerow running across the site will be retained as a green buffer between the proposed residential and commercial areas.

- 1.7 The site is located on the south-eastern edge of Easingwold and is almost entirely in current agricultural use (as pasture). Apart from the south, where it adjoins flat open fields, the character of the surrounding area is largely developed: residential and education uses to the west, employment to the east and residential/agriculture to the north. The site has frontages onto both Stillington Road and York Road, and from York Road there is easy access to the A19 Easingwold bypass.
- 1.8 The application site, together with the open land to the north and to the south form a larger site that is allocated for mixed use development by Policy EM1 of the Allocations Development Plan Document, subject to: -
- i) housing (2.6ha), being developed in Phase 1 (up to 2016), located in the central part of the site accessed off York Road;
 - ii) development being at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 90 dwellings (of which a target of 50% should be affordable);
 - iii) housing types meeting the latest evidence on local needs;
 - iv) employment development (6.0ha) being in two distinct parts: B1 employment uses, together with health and small retail facility uses (2.5ha) at the north of the site, accessed from Stillington Road, and B2/B8 uses (3.5ha) at the south of the site, accessed from York Road;
 - v) the design and nature of the B1, B2 and B8 employment developments should be set in high quality environments and respect the proximity of the neighbouring housing (existing and proposed);
 - vi) the main access points to the site being taken from York Road with a secondary access point from Stillington Road with no vehicular links between the two;
 - vii) provision of any necessary improvements to the existing drainage system or appropriate and suitable alternative drainage methods;
 - viii) provision of landscaping to the southern part of the site, and between the housing and B1 and B2/B8 development;
 - ix) contributions from the developer towards the costs of a Sports Hall at Easingwold Secondary School, cycle or footpath links within the site and to other existing or proposed footpaths/cycleways, and, if required, drainage and sewerage infrastructure; and
 - x) contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

2.0 RELEVANT PLANNING HISTORY

- 2.1 11/01763/OUT - Outline application for the construction of a mixed use development (business B1 and B2, retail A1, healthcare D1 and leisure D2) – Application returned as invalid on 15 November 2011.

3.0 RELEVANT PLANNING POLICIES

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

National

PPS1 - Delivering Sustainable Development 2005
PPS3 - Housing (Nov 2006)
PPS9 - Biodiversity and Geological Conservation 2005
PPG13 - Transport (3rd edition 2001).
PPS22 - Renewable Energy

Development Plan

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

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP10 - Form and character of settlements
DP11 - Phasing of housing
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP30 - Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP43 - Flooding and floodplains

Allocation DPD – Policy EM1

Hambleton Biodiversity Action Plan
Corporate Plan
Sustainable Communities Strategy

4.0 CONSULTATIONS

Easingwold Town Council

- 4.1 Wish to see the application approved.
- 4.2 The Town Council consider the amended plans to be a big improvement on the original submission with a lot more varied housing and a better layout.
- 4.3 The Town Council wish to see the following further amendments:
- i) The York Road entrance to the development should have a suitable roundabout.
 - ii) A reasonable amount of affordable housing delivered to meet the local need.
 - iii) The existing narrow footpath extending to a 2 metre footpath from Stillington Road along York Road to the South Villa entrance.
 - iv) Block off the illegal access to the highway from 1 York Road.

NYCC Highways

4.4 No objections subject to conditions covering the following:-

- i) Detailed plans of road and footway layout
- ii) Construction of roads and footways prior to occupation of dwellings
- iii) Discharge of surface water
- iv) Visibility splays
- v) Pedestrian visibility splays
- vi) Details of access, turning and parking
- vii) Prevent mud on highway
- viii) Construction traffic hours
- ix) Doors and windows opening on the highway
- x) On-site parking, storage and construction traffic parking

NYCC Education

- 4.5 Based on the current proposal no contribution would be sought against this development. If however, the density of the site were to change NYCC would need to reassess the situation.

Police Architectural Liaison Officer

- 4.6 Recommendation 1 - the whole estate apply for Secured By Design certification.
- 4.7 Recommendation 2 - that any access to the proposed '*footpath / cycle link to commercial development*' in the east be excluded from this new development. The rear fencing of most housing facing onto this footpath will have 1.8m fencing that would exclude any access to or from this footpath from between the houses. However there are a number of other access points along the eastern boundary that require fencing to secure the estate from this proposed footpath. From a 'designing out crime' point of view, I have concerns about the permeability if this proposed footpath to the east is approved. It is recognised that too many footpaths and through-roads in a development can facilitate crime.
- 4.8 Recommendation 3 - That the footpath be lit to BS5489, and that the footpath be as straight as possible so users can see as far ahead as possible to reduce the fear of crime.
- 4.9 Recommendation 4 - that this domestic site be kept separate from the industrial site and there should not be a roadway linking the proposed new estate to either the industrial site or to Ingleton Drive.
- 4.10 Recommendation 5 - I note that there are several houses where there is car parking provision within the curtilage but at the side of the house. In this instance there should be a window in the gable end of the house overlooking the parked vehicles there. The window should be from a 'regularly inhabited ground floor room.'
- 4.11 Recommendation 6 - That the rear gardens be secured by using 1.8m high close boarded fencing and side gates to the same height.
- 4.12 Recommendation 7 - The external doors should meet British Standard BS6375 or PAS 24:2007 or WCL 1. The windows should meet BS7950:2007.
- 4.13 Recommendation 8 - The street lighting should meet BS5489-1:2003.

NYCC Historic Environment Team (Archaeology)

- 4.14 Advise that an archaeological watching brief is undertaken during the ground disturbing works associated with this development. Advise that a suitable scheme of

archaeological recording should be undertaken over this site/area in response to the proposed development. This is in order to ensure that a detailed record is made of any deposits that will be disturbed.

Yorkshire Water Services Limited

4.15 YWS has no objection in principle to:

- i) The proposed diversion of the 525mm sewer.
- ii) The proposed building stand-off distances shown from the public sewer centre-lines of three metres.
- iii) The proposed diversion of the water main, with 3 metre clearance from the centre line.

Kyle and Upper Ouse Internal Drainage Board

4.16 Object to the application subject to receiving further information concerning surface water discharge arrangement. The site does fall within the Board's district and adjoins Board maintained water courses that only have a capacity for agricultural run-off rates.

Environmental Health Officer

4.17 The proposed development is in close proximity to a major road and will be exposed to high levels of road traffic noise. Development shall not begin until a scheme for protecting the proposed dwellings from noise from York Road has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the proposed dwellings are occupied.

4.18 The proposed development is in close proximity to a regional fire training centre which holds training exercises involving the burning of OSB3 boards and chipboard as part of the exercise once per week. This generates smoke and a pungent odour which is very likely to be detectable at the location of the proposed dwellings. Previous experience tells us that this is likely to give rise to nuisance complaints. I would therefore question the siting of the residential dwellings in relation to the fire training centre, and request that full consideration is given to this matter by the applicants.

Network Rail

4.19 In relation to the above application I can confirm that Network Rail have no observations to make.

Publicity

4.20 The application was advertised within local press, by site notice and directly to the neighbouring residents. The consultation period expired on 6th January 2012. Nine individuals have objected whilst two people have written in support of the application, which are summarised as follows: -

Location of New Housing

1. The proposed supermarket would be better on this application site and the supermarket site for housing. Both projects should be considered as one.
2. No demand for new housing in Easingwold. Prospect Farm and Arncliffe developments are still unfinished and unsold.
3. Should remain as a greenfield.
4. Existing services are stretched.
5. This part of Easingwold is overwhelmed with pressure for new development.

6. The development is out of scale and context with Easingwold as a Georgian Market town.
7. Need more employment land not housing land.
8. Additional dwellings will add little economic value to the town.

Housing Mix

9. Luxury homes don't meet local housing need.
10. Easingwold does not need more 4/5 bedroom houses for its inhabitants.
11. Large dwellings will result in inward migration.
12. Easingwold needs lower cost housing for its existing inhabitants and bungalows for people wishing to downsize.
13. The high number of 4 and 5 bedroom homes will encourage the influx of more mature and older families. Easingwold already has a skew in its population of older people and a lack of under 30 year olds.

Drainage & Flooding

14. The land earmarked for development floods at least three or four times a year and is completely inundated with standing water for long periods of time each autumn / winter.
15. The site may well be prone to flooding.
16. Concerned about increased flooding risk to neighbouring properties.
17. The proposed site is a flood plain with very poor drainage. The proposal to raise the ground level will merely back up water on the lower lying properties around it.
18. The high water-table will inevitably be disrupted during construction and into the future causing an upward pressure on the water which will saturate the topsoil layers form underneath.
19. Water flow through the development has not been thoroughly examined.
20. Due to the underlying clay layer which lies under the topsoil only a few feet beneath the surface and especially the fact that this area lies at the base of in effect Easingwold hill, the water flow is from Uppleby via Leasemires down through the existing Broadlea estate, ultimately across to the beck. If the ground layer of the new development is to be raised then this in effect will provide backpressure to the water flow lines from Broadlea estate. What consequences will there be if this development does in fact cause a "back up" or ponding of water within the Broadlea estate?
21. The Flood Risk Assessment is littered with words like "may" and "could" and "if". It seems the consultants are unable to state categorically that no problems will take place. Who is to take responsibility for the ongoing maintenance of this system in an era of increasing cuts in public spending?
22. How many houses will take notice of care of drainage pipes under their properties in even 5 years time? These pipes are unlikely to be maintained.
23. With water at artesian pressure being fed away by land drains rather than left to seep away naturally, this will lead to new channels of water movements across the whole area – not just the area for development. Several houses on the Broadlea estate have already had to be underpinned due to movement of ground water under their foundations and this project will not improve things. Messing about with the water in a haphazard manner will upset the stable relationship between the saturated soil under existing properties and the stability of their foundations.
24. Do the applicants know where and how the artesian pressure varies over the site? Get it wrong and properties in Ingleton Drive and land wider afield including our school grounds will get increased number of properties requiring structural remedial work to repair subsidence.
25. The increase in ground level height for the new estate and its "may", "could" and "if" drainage scheme is not proven and is untested, and will in all likelihood not operate effectively in the long term without affecting existing properties on

the Broadlea Estate. Once the subsidence starts, all the homes in our area will be unable to obtain buildings insurance against subsidence damage. The estate will get a reputation for subsidence and we will not be able to sell our home.

Design

26. The whole character and balance of our market town will be changed irrevocably for the worse.
27. All dwellings should be fitted with photovoltaic panels.
28. The southern "play area" is likely to contain the flood containment system. The applicant must raise the ground level or it will be a permanent marsh for 6 or more months of the year. Forcing children to play in the parking areas.

Affordable Housing

29. The "Affordable" housing provision is grouped together in only two blocks which are cynically placed at the outer reaches of the estate. For social inclusion, they must be dispersed throughout the new estate.
30. The proposed development does not meet the housing needs of local people.
31. Is it possible for 'affordable homes' to be allocated to local residents of Easingwold and district first?

Developer Contributions

32. Easingwold Town Council has favoured the option of 40% 'affordable' housing in the Redrow Homes development in Easingwold. If this were to go through there would be no sports hall for Easingwold Secondary School. Has Redrow's consultation process been completely ignored?
33. A huge majority of people preferred the 25% 'affordable' housing option at this event. See no benefit to the town of having more than 25% 'affordable' housing, whereas there would be huge benefit to the area if Redrow were allowed to build a sports hall.
34. Sports facilities are appalling. PE students are unable to take their preferred options at GCSE and A level because of the lack of facilities and when the weather is wet, which it often is in this climate, a dangerous amount of children are having to use a very small gym. The schools PE facilities have not changed at all since the school was built. Money for a sports hall should be coming from the government but it clearly is not going to. Fundraising at the school is active and if provided with a hall I know that equipment etc could be provided but to fund a hall is just an impossible task by ourselves.
35. Easingwold Secondary School is a very popular and successful school; however, to my knowledge it is the only one without a sports hall in North Yorkshire. How can this have been allowed to happen? Please would you vote to support the 25% option for 'affordable' housing and give Easingwold School and surrounding communities their last chance of getting a much needed sports hall.
36. Around 90% of respondents to Redrow's consultation preferred the option of a lower rate of affordable homes so that they would make the maximum grant for building a much needed sports hall at Easingwold School.
37. If "Localism" is to be seen to give power to ordinary voters then the outcome of such consultations must have primacy and be reflected in the decisions taken by local planning authorities.
38. In this particular case the benefits accruing to the 800 plus students must be seen to be more important than the provision of about 15 extra "affordable" homes.
39. I am also concerned that the developer is trying to bribe the local community with offers of a new Sports Hall for the secondary school. This type of project should have been provided and fully funded by North Yorkshire CC Education

Department years ago and should not be now used as a bribe on a totally unrelated housing development scheme.

Protecting Amenity

40. Why should the residents of Broadlea Park be expected to look out on yet another housing estate?
41. Loss of view and open aspect currently enjoyed.
42. Two story houses will completely dominate residents in the south and east of Broadlea Estate.

Highway Considerations

43. Do not wish to see a “rat-run” created from York Road through the residential site into the neighbouring commercial site and out onto Stillington Road.
44. Cars race out of Easingwold as it is; with a major junction inserted by a school with 1300+ pupils and associated vehicle movements, it is an accident waiting to happen. 85 homes will mean circa 125+ cars each day exiting and entering the new estate - all amongst school buses, cars and pupils on foot trying to access the school at the same time. Add to that people arriving in Easingwold for work and leaving for work is just madness.
45. The proposed site has poor access, which I would guess has been one of the bugbears of previous application refusals. The Stillington Road is a minor one and has a 30mph limit which nobody sticks to now, let alone if there were more vehicles.
46. Object to extra traffic
47. York Road is busy enough especially at school times. This development with its access road will only create traffic build up, more hazards and thus endanger lives.
48. Stringent attention must be made with the exit junction onto York Road and the traffic flows during school time must be studied at say 8.30am to prevent accidents involving schoolchildren and traffic on the York Road, typically well over the speed limit by then. The speed limit must be pushed back and an escape island must be placed in the A19 to accommodate school children from the new estate.
49. A speed survey should be undertaken outside the proposed junction on York Road so that correct data is used to plan effective road conditions here.
50. No roadway or footpath should be built between the Broadlea estate and both the commercial on new housing area.

Ecology

51. What about consideration for wildlife?
52. Destruction of long established mature trees.

Other Considerations

53. Loose access for the repair and maintenance of fences and hedges.
54. Does this new proposed development mean closure for The Fire Training Station? Existing residents often make complaints about the thick smoke and fumes that come over the field like a rolling bank of fog.

Amended Plans

55. A big improvement and a step in the right direction.
56. Welcome the introduction of bungalows.
57. Appreciate that Ingleton Drive is no longer surrounded by ghetto style “affordable homes”.
58. Would prefer single storey dwellings to be positioned to the rear of Ingleton

Drive rather than two-storey as proposed.

5.0 OBSERVATIONS

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

- a) Location & Mix of New Housing
- b) Design & Density
- c) Protecting Amenity
- d) Drainage & Flood Risk
- e) Sustainable Construction
- f) Highway Safety & Car Parking
- g) Ecology
- h) Public Open Space
- i) Affordable Housing
- j) Developer Contributions & Viability

Location & Mix of New Housing

5.2 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.

5.3 To this end, the application site is allocated within the submitted LDF Allocations Development Plan Document as Policy EM1. This site is allocated for housing development in Phase 1 (up to 2016) subject to: a density of approximately 35 dph resulting in a capacity of around 90 dwellings (of which a target of 50% should be affordable); type and tenure of housing meeting the latest evidence on local needs; the main access being taken from York Road; provision of necessary improvements to the existing drainage system and contributions from the developer towards the costs of a sports hall at Easingwold School, cycle or footpath links, additional school places (if required) and increased or improved access to local healthcare facilities.

5.4 Furthermore, Policy DP9 of the Development Policies DPD states that *“Permission for development will be granted within the settlement Development Limits as defined on the Proposals Map, provided that it is consistent with other LDF policies”*. The re-defined Proposals Map within the Allocations DPD shows the application site to be within the Development Limits in order to reflect its recent allocation.

5.5 In terms of housing mix, The Housing Needs Study 2004 updated by the Housing Market Demand Study 2008 indicates that there is demand for accommodation for families and retirees. The former seeking 3 and 4 bedroom properties (but not town houses) and the latter seeking 2 and 3 bedroom properties, although there is a general shortage of bungalows in the Easingwold Sub Area.

5.6 The application makes provision for 12no one-bedroom bungalows, 12no two-bedroom apartments, 3no two-bedroom dwellings, 28no three-bedroom dwellings and 38no. four-bedroom dwellings in a range of terrace, semi-detached and detached styles. Consequently, the proposed development addressed the housing need for a range of 2, 3 and 4 bedroom dwellings along with the specific local demand for apartments and bungalows.

5.7 In light of the above considerations, the principle of the proposed development is considered to be acceptable.

Design & Density

- 5.8 As identified within paragraph 1.3 of this report, amended plans have been submitted which seek to address the concerns and comments of officers and members.
- 5.9 Following a character analysis of Easingwold, the Applicant has made significant improvements to the proposed house types and the site layout. The proposed house-types have been completely redesigned using Claypenny as inspiration for the elevational treatment, the palette of materials has been amended to reflect local vernacular, 12no Bungalows have been introduced to the north-eastern edge of the application site whilst 12no apartments have been introduced around the central area of Public Open Space, which in itself has been increased in size to 1,369 sqm. The southern area of public open space has been reduced in size to 3,048 sqm but is no longer physically separated from the development. Plots are now orientated side onto the southern area of public open space which allows open views from other parts of the application site significantly improving natural surveillance and security. Affordable housing plots are now pepperpotted throughout the application site.
- 5.10 The proposed layout achieves adequate levels of space about the proposed dwellings in order to avoid problems of overlooking and overshadowing between the proposed properties.
- 5.11 In terms of density, the minimum range of between 30 dwellings per hectare is no longer quoted within national planning policy. Nonetheless, PPS3 does state that local planning authorities should have regard to, inter alia: the characteristics of the area; the desirability of achieving high quality, well-designed housing; the current and future level and capacity of infrastructure, services and facilities; the desirability of using land efficiently and current and future levels of public transport.
- 5.12 The proposed allocation EM1 specifies a gross density of about 35dph. Excluding public open space and other areas of landscaping, the proposed scheme equates to a density of approximately 35dph which mirrors the density expectations of EM1.
- 5.13 In light of the proposed changes, the broad principles of the site layout and the proposed house types are considered to be acceptable. Consequently, the proposed development is considered to be in accordance with PPS1 and Policy DP32 of the Hambleton Local Development Framework.

Protecting Amenity

- 5.14 Policy DP1 of the Development Policies DPD requires all development proposals to adequately protect amenity.
- 5.15 The Council applies indicative separation distance of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. This is based upon those standards contained within the time expired *Supplementary Planning Guidance Note 3: Residential Infill*. Despite this guidance being time expired, SPG3 continues to be a useful tool for assessing the likely impact of a proposed development upon residential amenity in a case by case basis. Similar guidance relating to separation distances is contained within *By Design*. Notwithstanding the usefulness of these documents, their standards should not be slavishly adhered to but professional judgement should be used on a case by case basis.
- 5.16 The original layout failed to comply with the Council's indicative separation distances, particularly in terms of the impact on numbers 17, 19 and 19a Ingleton Drive. It was also considered that the sheer number of properties grouped around 19 and 19a Ingleton would have a detrimental impact on amenity. In response, the applicant has made significant changes to the site layout by replacing two-storey dwellings to the side of 19a Ingleton Drive with a row of bungalows and by increasing the separation distances between Ingleton Drive and the proposed dwellings to comply with the

Council's indicative separation distances – 13.4m from the side elevation of 19a Ingleton Drive and a minimum of 22m from the rear elevation of numbers 16 to 19a Ingleton Drive (inclusive). Elsewhere, the relationship between the proposed and existing dwellings is considered to be acceptable.

- 5.17 In addition, the revised layout now achieves adequate levels of space about the proposed dwellings in order to avoid problems of overlooking and overshadowing between the proposed properties.

Drainage & Flood Risk

- 5.18 A Flood Risk Assessment (FRA) produced by JBA Consulting has been submitted with the application. The FRA confirms that the application site drains to Leasmires Drain which runs adjacent to the site on the eastern boundary and is maintained by the Kyle & Upper Ouse Internal Drainage Board. The site lies within the catchment of the River Kyle and is outside the area predicted by the Environment Agency to flood from main rivers in up to the 1 in 1000 year return period flood event. A site investigation has been carried out, the report of which confirms the potential problem of high ground water levels.
- 5.19 The FRA concludes that flood risk to the development is low providing that the following mitigation measures are carried out:-
- Proposed floor levels to be set at least 300mm above the highest of either the existing adjacent ground level or the nearest existing bank level of Leasmires Drain:
 - Flow routes for surface water in extreme events are included in any general filling of the site:
 - Provide mitigation measures to manage the on site high ground water levels. This is to be achieved by a combination of lifting site levels in the western part of the site and install new land drains.
 - Measures are taken to prevent silts from discharging into Leasmires Drain from the land drainage systems both during and after construction:
 - Inform future owners of the land drainage systems and the maintenance liabilities:
 - Detailed design of the proposed surface water drainage system to reduce discharge to Leasmires Drain to that of the 1 in 1 year greenfield run off rate and provide underground storage for up to the 1 in 30 year event and on site storage for up to the 1 in 100 year event including a 30% allowance for the effects of future climate change:
 - Diversion of existing public sewers to run within highways or public open space:
 - Discharge foul sewage to the existing public sewer in York Road - pumping is required therefore the maximum discharge rate is 6l/s.
- 5.20 Notwithstanding the submitted FRA, several local residents have expressed concern about the increased flooding risk to neighbouring properties as a result of the development.
- 5.21 In response that applicant has advised that historically the site has been served by extensive land drainage system, the extent of which has been proven by a combination of intrusive and non-intrusive methods. Whilst early investigations suggest sections of the land drainage system may not be working as well as when initially installed, there is evidence of positive discharge from the systems to Leasmires Drain. The proposed land drainage system is to provide a replacement to the existing system which cannot be retained as part of the proposed development. This approach should limit any possible impact on the neighbouring properties to negligible (this would potentially be different if the site had not historically been drained). In addition the smaller diameter land drainage (150mm diameter) is to be located at a shallow depth, so as to affect the upper ground water levels. No land drainage is to be located against the boundary and as a result of the influence profile

of land drainage (impact of groundwater reduction reduces the further away from the drain), there will be no effect on the neighbouring properties.

- 5.22 In light of the above, it is recommended that robust conditions be applied to any planning permission to ensure the implementation of suitable foul and surface water drainage schemes. Full consultation would be carried out with the Internal Drainage Board, Yorkshire Water and the Council's Drainage Engineer in respect of any subsequent application to discharge drainage conditions.

Sustainable Construction

- 5.23 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.24 In response to the requirements of DP34, the Design and Access Statement states that Redrow Homes will ensure that the development addresses climate change mitigation through its landscape design and with homes that are energy efficient, although no definitive proposals are contained within the application.
- 5.25 Consequently, it is recommended that a suitably worded condition be applied in order to secure a scheme for suitable design improvements to the approved housetypes and/or on-site renewable energy generation.

Highway Safety & Car Parking

- 5.26 The site will be accessed off York Road which provides access to the wider highway network. The proposed visibility splays accord with the guidance of "Manual for Streets" and therefore no objection has been raised by the Local Highways Authority.
- 5.27 NYCC maximum parking standards require 1 space for one and two bed units, two spaces for three and four bed units and one visitor space per five dwellings within market towns, which equates to approximately 179 spaces. The proposed layout incorporates 184 car parking spaces, 5 more than maximum standard. The provision of 5 additional spaces is not considered to be excessive on the basis of the site's edge of town location and the Council's desire to avoid on-street car parking. Therefore, no objection is raised to the level of car parking provision proposed.

Ecology

- 5.28 Policy DP31 of the LDF states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'.
- 5.29 An Ecological Assessment produced by TEP has been submitted with the application. This assessment concludes that the majority of the site comprises improved grassland of limited ecological value. The most valuable habitats present are the stream bordering the east of the site and the species rich mature hedgerows and trees bordering the site area.
- 5.30 There are no ponds on site or within 500m of the site. Consequently, there are no issues for development with regard to great crested newts.
- 5.31 All of the hedgerows within and surrounding the site represent UKBAP priority habitat. Hedgerow H4 which borders the south east of the site qualifies as 'Important' under the Hedgerow Regulations 1997.

- 5.32 Bats were found to use Hedgerows H3 and H4 along the eastern site boundary as commuting and foraging habitat. Bats were also recorded to use Hedgerows H5 along the southern site boundary and Hedgerow H14 along the western boundary as foraging habitat.
- 5.33 Dunnock, a UKBAP priority bird species are likely to breed within hedgerows within the site.
- 5.34 Evidence of water voles was found on the stream to the east the site during a 2010 survey. However during the 2011 water vole survey, only one water vole burrow was found on the stream 30m south of the south eastern corner of the site. It is likely that water voles range along the length of stream.
- 5.35 The Ecological Assessment recommends that the mature hedgerows and trees on site are retained in the final landscape where possible. An arboricultural survey and tree protection plan will be required to ensure that these features are protected during construction works. Hedgerow H4 is classed as 'Important' under the *Hedgerow Regulations 1997* and should not be impacted on by the development.
- 5.36 Nesting birds are protected under the *Wildlife and Countryside Act 1981 (as amended)*. Any removal of vegetation should be undertaken outside of the nesting bird season (March – August inclusive). If this is not possible a pre-clearance check should be made by an ecologist on the day of removal.
- 5.37 A minimum standoff of 8m from the top of the bank of the stream should be maintained along the length, in order to protect water vole burrows from any ground works. During works any construction traffic should be prevented from passing any closer than 8m from the bank top of the stream.
- 5.38 The following additional recommendations are made to maximise the potential for biodiversity on site:
- Lighting on the new buildings should avoid light spillage onto the mature hedgerows bordering the site so that these are maintained as a bat foraging and commuting corridor. This can be achieved by appropriate selection of lights, installation of directional lights and by utilising suitable shielding.
 - Additional opportunities for bats could be provided through the installation of bat roost units within the new buildings and/or on suitable trees. Examples are presented at Appendix Five.
 - Additional opportunities for birds could be provided through the inclusion of boxed eaves in the design of the new buildings and by the use of bird boxes within the new buildings and/or on suitable trees. Examples of bird box designs are presented at Appendix Five.
 - A high proportion of native species should be incorporated into landscaping plans for the site.
 - Green trellising, utilising ivy, honeysuckle or berry producing climbers, could be installed on buildings to provide foraging and sheltering opportunities for insects and birds.
- 5.39 In light of the findings and recommendations of the Ecology Assessment, a Tree Preservation Order has been placed on a significant proportion of trees and groups of hedgerows bordering the southern and eastern edge of the application site. Furthermore, it is recommended that a condition is imposed to ensure that a Habitat Management and Enhancement Plan is submitted to and approved by the local planning authority.

Public Open Space

- 5.40 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. Contributions will be dependent on increased demand resulting from the development.
- 5.41 The proposed development incorporates a central area of public open space extending to 1,369 sqm and a further area adjacent to the south measuring 3,048 sqm. Both spaces will be used for informal recreation and will be controlled by a management company. It is not intended to place play equipment the site although a scheme for landscaping, bins and benches will be agreed and implemented.
- 5.42 Policy DP37 also requires a financial contribution towards improving off-site provision elsewhere within Easingwold. A contribution of £306,522.80 is required in accordance with policy although this figure is reduced to £79,132.70 when the “sport” element of the calculation is excluded.

Affordable Housing

- 5.43 Policy CP9 specifies that housing development of 2 dwellings or more within the Easingwold Sub-Area should make provision for 50% affordable housing which is accessible to those unable to compete on the local housing market. Although, the actual provision on site will be determined through negotiations, taking into account viability and the economics of provision. This policy stance is reinforced by Allocation EM1 which stipulates that 50% of the proposed development should be affordable dwellings.
- 5.44 A “Viability Appraisal” has been submitted with the application which provides evidence of the scheme’s ability to deliver affordable housing and other developer contributions. The Viability Appraisal shows three scenarios for the level of affordable housing which has a direct impact on the level of other developer contributions. This is explored in more detail in the following section of this report.
- 5.45 The tenure and type of affordable housing would be agreed between the Applicant and the Housing Services Manager once a decision is taken concerning which scenario should be delivered.

Developer Contributions & Viability

- 5.46 In addition to delivering affordable housing and public open space, policy EM1 of the Allocations DPD identifies a need for contributions from the developer towards the costs of a sports hall at Easingwold School, cycle or footpath links, additional school places (if required) and increased or improved access to local healthcare facilities.
- 5.47 The submitted Viability Appraisal has been scrutinised by the District Valuer under the instructions of the Council. It is agreed that the proposed development could deliver one of the following packages of s.106 contributions:-

Element	Policy	Option One	Option Two	Option Three
Affordable Housing	50%	40% (37 units)	34% (32 units)	30% (28 units)
Education Sum	£0	£0	£0	£0

Public Open Space Sum	£306,522.80 (£79,132.70)	£306,000	£79,000	£79,000
Sports Hall	“A contribution”	£0	£600,000	£900,000
Health	“A contribution”	£32,000	£32,000	£32,000

5.48 Policy EM1 is not specific about the level of contribution towards building a new Sports Hall. However, the “Statement of Community Involvement” submitted with the application identifies that over 95% of the 250 people who attended a pre-application consultation event stipulated a preference for a “full-build” sports hall and 25% affordable housing over the other identified scenarios.

5.49 Easingwold School has submitted a business case for delivering a sports hall at the school. This document has been circulated to Members of the Planning Committee in advance of the meeting. The School identifies that the current sports facilities are virtually unchanged since they opened in 1954 and are considered to be well below acceptable modern standards. The School’s vision is to develop a new sports hall and facilities that are fully accessible to both students and the local community. The business case estimates the total build cost to be £2,020,000 and the School seeking a contribution of £900,000 from this application.

5.50 As identified in paragraph 5.42 of this report, a contribution of £306,522.80 is required for the delivery of off-site public open space, sport and recreation projects. The Applicant has suggested that the “sport” element of this calculation (£167,585.20) could be directed towards the sports hall and the remaining public open space sum reduced to £79,132.70 accordingly.

5.51 All three scenarios represent an equivalent cost to the developer. Therefore, how the overall pot of s.106 monies is divided amongst the competing elements is ultimately a matter for Members of the Planning Committee although regard must be given to the Council’s strategic objectives alongside the policies and principles of the Local Development Framework.

Conclusion

5.52 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be granted for the application as amended.

6.0 SUMMARY

6.1 The principle of development has been established as the site is allocated for residential development within the submitted LDF Allocations Development Plan Document as Policy EM1. The amendment scheme will deliver an attractive and sustainable development which will add to the built environment of Easingwold.

6.2 Subject to the signing of a s.106 agreement covering those matters detailed within this report, the proposed development is considered to be acceptable and accords with the aims of the development brief and relevant policies of the Hambleton LDF.

7.0 RECOMMENDATION

GRANTED subject to the following conditions:-

1. Commencement

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

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

2. Approved Plans

The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered: 01; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 21; 22; 23; 24; 25; 26; 27; 28; 29 and 30 (all prefixed 4708-16-02) received by Hambleton District Council on 14 December 2011 unless otherwise agreed in writing by the Local Planning Authority.

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

3. Materials

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

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

4. Boundary Treatments

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

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

5. Boundary Treatment Construction

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

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

6. Permitted Development Rights Removed – Boundary Treatment

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

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

7. Landscaping Scheme

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

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

8. Secured By Design

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

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

9. Sustainable Construction

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

Reason: In order to minimise energy demand, improve energy efficiency and promote energy generated from renewable resources in accordance with policy DP34 of the Hambleton Local Development Framework.

10. Levels

Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

Reason: To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in

accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

11. Flood Risk Assessment & Finished Floor Levels

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by JBA Consulting dated July 2011 and finished floor levels are set no lower than 300mm above existing ground levels.

Reason: To reduce the impact and risk of flooding on the proposed development and future occupants.

12. Surface Water Drainage

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Surface water runoff shall discharge at the greenfield run-off from a 1 in 1 year storm.
- The applicant must also provide sufficient attenuation and long term storage at least to accommodate a 1 in 30 year storm. The design should also ensure that storm water resulting from a 1 in 100 year event, plus 30% to account for climate change, and surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into the watercourse.
- Details of how the scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.

13. Foul Drainage Scheme

The development hereby approved shall not be commenced until details of the foul sewerage disposal facilities have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.

Reason: In order to avoid the pollution and flooding of watercourses and land in accordance with Local Development Framework CP21 and DP43

14. Archaeology

“No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.”

Reason: The site is of archaeological interest.

15. Habitat Management & Enhancement Plan

Notwithstanding details hereby approved, no development shall begin until a detailed habitat management and enhancement plan, complete with a programme of implementation, has been drafted and submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved

scheme shall be implemented and maintained in accordance with the approved details.

Reason: To preserve protected species and their habitat in accordance with policies CP16 and DP31 of the Hambleton Local Development Framework and guidance contained within ODPM Circular 06/2005.

16. Detailed Plans of Road and Footway Layout

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 following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- (1)** Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and sewerage system
 - (g) lining and signing
 - (h) traffic calming measures
 - (i) all types of surfacing (including tactiles), kerbing and edging.

- (2)** Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.

- (3)** Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.

- (4)** Details of the method and means of surface water disposal.

- (5)** Details of all proposed street lighting.

- (6)** Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

- (7)** Full working drawings for any structures which affect or form part of the highway network.

- (8)** A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

21 Construction of Roads and Footways Prior to Occupation of Dwellings (Residential)

No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason: To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

22. Visibility Splays

There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 90 metres measured along both channel lines of the major road York Road from a point measured 2.4 metres down the centre line of the access road to the development. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety.

23. Pedestrian Visibility Splays

There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, there visibility areas shall be maintained clear of any obstruction and retained for their intended purposes at all times.

Reason: In the interests of pedestrian safety.

24 Details of Access, Turning and Parking

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 buildings 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) tactile paving
- (ii) vehicular, cycle, and pedestrian accesses
- (iii) vehicular and cycle parking
- (iv) vehicular turning arrangements

- (v) manoeuvring arrangements
- (iii) loading and unloading arrangements

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development

25. Parking for Dwellings

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

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development

26. Precautions to Prevent Mud on the Highway

There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

27. Construction Traffic

During construction works there shall be no Medium Goods Vehicles up to 7.5 tonnes and Heavy Goods vehicles exceeding 7.5 tonnes permitted to arrive, depart, be loaded or unloaded on Sunday or Bank Holiday nor at any time, except between the hours of 9:00 & 15:30 on Mondays to Fridays and 8:30 to 12:30 on Saturdays.

28. Doors & Windows Opening over the Highway

All doors and windows on elevations of the buildings adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within 0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

29. On-site Parking, on-site Storage and construction traffic during Development

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

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.
- (iii) The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason: To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

30. Noise

Prior to occupation of the first dwelling, a scheme to protect dwellings from noise generated by York Road shall be submitted to and approved in writing. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.

31. Tree Protection Plan

The development shall not be commenced until a tree protection plan including details of the positions and height of protective fences, tree guards, areas for the storage of materials and stationing of machines and huts and the direction and width of temporary site roads and accesses. The protective fencing and tree guards shall be maintained in position and good order during the whole period of construction works on site.

3.

11/00198/FUL

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

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The application has been returned to the Planning Committee for further consideration. The Planning Committee resolved to grant planning permission at the meeting on 10 November 2011. It had previously been considered on 31 March 2011 and 23 June 2011 and a second site visit took place prior to the 10 November 2011 Committee.

1.2 Since November 2011 the planning law issue relating to the access to the existing commercial workshop has been clarified. If a planning permission was granted and implemented on this site the planning permission to access the workshop would cease. The application site did not include the commercial workshop and the proposal did not include continued use to access the commercial workshop. The applicants challenge the legal interpretation but acknowledge that they would need to submit a further planning application to seek approval for vehicular access to the workshop.

1.3 It was the resolve position of the Planning Committee that a Section 106 Agreement was to be prepared to control the provision of parking of Heavy Commercial Vehicles outside of the commercial workshop. In light of the legal interpretation that there is no planning permission for vehicular access to the commercial workshop there would be no need for a Section 106 Agreement to enable the issue of the permission for the storage of fairground lorries.

1.4 The report to the 10 November 2011 Committee set out planning conditions that would be necessary for the site. The applicant, via their agent, was requested to use the site in accordance with the proposed conditions pending the completion of the Section 106 Agreement referred to above and to use the time following the November 2011 Committee to prepare and submit details relating to the planning conditions that needed further approvals from the Council. Some details have been submitted in respect of the landscaping scheme.

The remainder of this report upto paragraph 5.47 is unchanged from that considered in November 2011.

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

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

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

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

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

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

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

1.12 In recent weeks (September 2011), a fresh set of swept path analyses for vehicle movements have been provided, based on a topographical survey and showing movements based on a pulling 'tractor' unit, one large trailer and small kiosk.

2.0 RELEVANT PLANNING HISTORY

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

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

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

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

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

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

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

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

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

2.11 10/00761/CLE Application for the certificate of lawful use for the use of land for the parking and storage of 9 HGV's and 9 trailers Withdrawn.

(Correspondence from the Head of Legal Services explained that the use of the vehicles concerned is materially different from the use of HGVs for haulage purposes. Therefore the parking on the site of the fairground vehicles would need consent and that a Certificate of Lawfulness could not have confirmed that the use they required was already lawful.)

3.0 RELEVANT PLANNING POLICIES:

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

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

4.0 CONSULTATIONS.

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

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

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

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

Observations go on to set out concerns on grounds of

- i) policy,
- ii) impact on the surroundings and noise nuisance from maintenance,
- iii) highway safety, including lack of consideration for longer vehicle trains,
- iv) enforcement action should have been taken.
- v) inaccuracies in the application
- vi) 'hidden agenda', reference made to concerns about ongoing breaches of planning control at the site, distress to local community, lack of direct involvement of local community by the

Highway Authority, Village Design Statement is being produced. First draft is provided for information.

vii) extensive screening requirement suggests the site is not suitable, especially if leylandii planting is involved.

viii) Other queries - never ending process, lack of motivation to conclude, query whether space is short on the Northallerton site. Thin end of the wedge. LDF principles of sustainability should not be ignored. What if more than 'seasonal' use results. Why preference for this user, basically commercial vehicles. What if user changes.

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

4.5 Parish Council comments (25.10.11) Attached as requested.

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

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

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

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

iii) Vehicles parked on the proposed hardstanding to over sail the hardstanding on to the grass

iv) Visual intrusion from the A168 and neighbouring property noting that there are 14 properties with views of the site

v) The lack of a local need for the proposal which does not bring any jobs with vi) That redundant equipments and vehicles could be left on the site

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

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

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

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

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

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

1) The measurement of the speed of vehicles approaching the access and the immediate area.

2) the calculation of the required visibility splay from the speed measurements taken in 1 above and comparing against the standards for the Design Manual for Roads and Bridges and Manual for Streets 2 (DMRB and MfS2). Details shown below.

3) The investigation has established that the position of the current access is one which achieves maximum visibility in both directions for the vehicles accessing / egressing the site.

4) vehicle over run on the grass verges of the access. This is dealt with in the recommendation.

5) The swept path analysis for the vehicles proposed to access and egress the site.

Speed Survey carried out on 8 September 2011 15:22Hrs Weather overcast : wet.

Mean speed 37 mph

85%ile speed 41 mph

Maximum Speed 45 mph

Minimum Speed 28mph

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

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

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

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

Conditions requested – including access improvements.

4.8 Environmental Health

“As per our previous comment this department have considered the above application and note that the area will be used for periodic maintenance of the fairground lorries. The maintenance of vehicles can give rise to a noise disturbance. In light of the proximity to noise sensitive dwellings and, notwithstanding the proximity to a major road, it is recommended that if consent is granted that a condition be attached to limit the hours of maintenance, as follows: Monday to Friday 8am to 6pm; Saturday 8am to 1pm and no activities on Sundays or Bank Holidays”

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

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

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

3 Thornton-le-Street is a quiet residential village of typical character for the area. Large vehicles would affect the character and amenity of the village. The following extracts from the LDF and other council policies are pertinent Secondary Villages In the designated “Secondary Villages”, limited development may be acceptable where it clearly supports a local need and contributes to the sustainability of the local community. The proposal contravenes this policy Thornton-le-Street does not meet this classification nor is it a designated service centre. In neither case does this project support a local need or contribute to the sustainability of the local community Other Areas In other settlements and in the countryside (i.e. outside the Service Centres, the designated Service Villages and Secondary Villages), development will only be permitted in exceptional circumstances. One such exception will be where development would provide affordable housing in smaller settlements, meeting a local need, which cannot be met in a more sustainable location. The primary basis for the designation of these Service Villages is that they currently have the best range of services and public transport to their Service Centre, based on an audit of services. In a nutshell, these villages have a school, a food shop, a community hall, sports and recreation facilities and a bus to a Service Centre arriving before 9 am and returning after 5 PM (thus allowing for journeys to work); The designated “Secondary Villages” have a more limited scope for development and are not proposed as a focus for service delivery. Some limited development in these villages may however support their sustainability and the maintenance of existing services such as village schools and also help to meet rural needs. The proposal contravenes this policy specifically the proposal will not contribute to the services in Thornton-le-Street. CP2 Development and the provision of services should be

located so as to minimize the need to travel. Convenient access via footways, cycle paths and public transport should exist or be provided, thereby encouraging the use of these modes of travel for local journeys and reducing the need to travel by private car and improving the accessibility of services to those with poor availability of transport. The proposal contravenes this policy CP4 Development or activities of a scale and nature appropriate to secure the sustainability of each settlement, as identified in Spatial Principle 3 and in the Core Strategy policies, will be supported within the Development Limits of the settlements in the hierarchy designated in the following table. Development in other locations (in settlements or in countryside) will only be supported when an exceptional case can be made for the proposals in terms of Policies CP1 and CP2, and where: i. It is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy; or ii. It is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or iii. It would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or iv. It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or v. It would make provision for renewable energy generation, of a scale and design appropriate to its location; vi. It would support the social and economic regeneration of rural areas. The proposal meets none of these criteria

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

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

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

Neighbours and site notice.

4.9 One 'neutral' letter received

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

4.10 Individual objection letters were received from 5 households.

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

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

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

4.13 Highway Safety – Concerns due to location of the access on a bend and close to a double bend and across double white lines. Obstruction will be caused by large lorries turning in and out of site. Lorries will be slow moving and will halt traffic. Lorries will tend to use the whole road. Speed and quantity of traffic on the road, including extra traffic when

this road is used as a diversion at times when A19 closed. Potential for use by different arrangements of showmen's vehicles.

Conflict with existing vehicles on the site.

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

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

4.16 Object (Carter Jonas 8.3.11)

On behalf of 14 households, representing 25 individuals.

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

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

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

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

Winter only use will maximise prominence of site.

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

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

4.17 Subsequent observations (Carter Jonas 22.3.2011)

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

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

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

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

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

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

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

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

4.18 Further observations (Carter Jonas 9.5.11)

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

4.19 (Carter Jonas 14.10.2011)

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

Disappointing lack of supporting commentary re: parameters and context.

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

4.20 Additional concerns

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

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

5.0 OBSERVATIONS

Policy Principles

5.1 The applicants are accepted to be travelling showpeople, and Circular 04/2007 Planning for Travelling Showmen, highlights that the need of this group are unusual in planning terms, with particular requirements in relation to housing and pertinent to this case "permanent bases for the storage of their equipment" (paragraph 1) and maintenance space for equipment. The Circular set out its main intention of which item 1 was "to increase the number of travelling showpeople's site in suitable locations with planning permission in order to address current under-provision". It requires local authorities to make suitable provision, respect the traditional way of life, and highlights the need to help travelling show people in efforts to make their own provision in locations that are suitable in planning terms, with sustainability as a key consideration.

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

Recent developments in National Planning Guidance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary of policy principles

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

Landscape and visual impact

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

5.26 The proposed hardstanding has been implemented, and from time to time fairground lorries have been parked on the site. They are visible on approach from the south, over hedges and against the background of trees. From the north they are moderately well screened from the roadside by reasonably high hedges.

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

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

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

Noise nuisance

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

Church Farmhouse: Schedule of maintenance works

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

- Repairing of light holders
- Minor spot welding and soldering
- Sanding of surfaces after spot welds
- General cleaning

- Polishing of metal
- Spot painting (not specialist spraying)
- Lacquering
- Changing plugs
- Replacing bulbs
- Replacing light starters
- Fitting of covers
- Repairing damaged covers
- Application of vinyl stickers
- Replacing of tyres
- Replacing seat belts
- Removal of scratches
- Repairing pads on seats
- Fitting new speaker boxes
- Fitting new light caps
- Repairing/patching of damaged fibreglass
- Replacing damaged wire

Off-site Maintenance Works (by specialists)

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

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

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

Highway Access and safety.

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

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

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

5.33 Obstruction of the turning areas within the site could arise due to HGV's unrelated to the fairground business being parked within the turning area. This stems from an earlier approval on the site for a shop fitting business. It is proposed that this is addressed by

means of a Planning Obligation under Section 106 of the Planning Act to ensure any such visiting vehicles are not retained on site.

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

Parish Council questions (indented)

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

Highway Authority response to questions 1, 2 and 5

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

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

Highway Authority response to question 3

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

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

Highway Authority response to questions 4 and 6

When considering the personal injury accident record in relation to a planning application, consideration is only given to those accidents which are directly associated with the

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

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

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

See Highway Authority response to question 1 and 2 above.

6. **Why is NYCC saying there have been 'no accidents' when their own records show there have been?** This information is obviously relevant to any decisions being considered whether to allow the change of use of this site and unusually long (26m) and multi-trailer vehicles entering and exiting via this dangerous bend in the A168, opposite the entrance to Thornton le Street village.

See Highway Authority response to question 4 above.

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

Highway Authority response

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

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

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

Highway Authority response

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

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

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

Highway Authority response

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

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

Highway Authority response

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

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

Highway Authority response

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

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

General principle of commercial development outside development limits.

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

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

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

Other policies

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

Amenity - landscape

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

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

Amenity of neighbours

5.42 Outlook - The parking area is relatively distant, and notwithstanding that it is in sight of the occupiers, vehicles parked upon it could not be shown to be exceptionally imposing or intrusive on residential property. It may be that some concerns originate in the particular characteristics of these lorries, which can have unconventional protrusions and projections reflecting the equipment they carry, and the traditional fairground artwork associated with them. It is clear however that when closed and secured for storage these elements will not be obtrusive, and notwithstanding occasional opening for minor maintenance, as specified, they will not normally be incongruous or obtrusive.

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

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

- i) Inaccuracies of the planning application that do not hinder a full understanding of the proposal do not prevent the consideration of the application. Following very detailed consideration of this proposal it is considered that all the relevant aspects have been explored and information provided to address concerns or that a planning condition can be used to resolve the issues.
- ii) Regarding landscape proposals, these are indicative and do not preclude other details being prepared in accordance with any landscaping condition imposed.
- iii) The potential for parking of lorries in association with shop fitting business obstructing turning space within the site is understood, and additional details have been demonstrating that some on site parking is feasible without hindering access to the fairground lorries.
- iv) The proposal can be conditioned to ensure vehicles park on the relevant area only. Whilst minor 'infringements' are not likely to be a nuisance, if parking of vehicle strays significantly beyond a defined area, this could then be addressed by enforcement processes. A physical demarcation can be required by planning condition.

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

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

viii) The proposal is for the parking of fairground lorries only and a condition can require that other items are not kept in the area.

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

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

Other Issues

5.45 Apparent inaccuracies in the application.

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

Enforcement issues.

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

Update since Planning Committee on 10 November 2011

5.47 As set out at the beginning of this updated report the legal basis of the access to the site may not be as members had understood at the time of the resolution to grant planning permission. Granting a planning permission on the basis of the submission would remove the planning permission to access the commercial workshop. This fact overcomes the need for a Planning Obligation under Section 106 of the Act to control the location of parking of HCV's outside the commercial workshop. The applicants have written to confirm their intent to submit a further application to confirm the joint use of the access to serve Church Farmhouse, the joinery workshop and the area to be used for the storage of fairground vehicles. If such an application is made it would need to be considered on its own merits.

5.48 The planning conditions set in the November 2011 report set out the extent of the permission that would be granted. This included the requirement that a maximum of 5 fairground lorries consisting of 1 cab unit and one trailer be stored on the site. Complaints have been received that kiosks and caravans have also been brought on to the site. Reports have been received that maintenance activities have taken place at the site outside of the hours set out in the Committee report "8 am to 6 pm Monday to Friday; 8am to 1pm Saturday, and at no time on Sundays or Bank Holidays".

5.49 As the planning permission has not been issued the breaches of planning control can not be the subject of enforcement action by service of a Breach of Condition Notice. The ability to control the use of the site by planning condition is critical.

5.50 The report in November 2011 set out that the recommendation was approval because the extent of the use could be controlled by condition.

5.51 Since the resolution in November 2011 additional experience has shown the difficulties that would occur in exercising proper control of the activities. Circular 11/95 on the use of planning conditions sets out the tests for a condition and requires amongst other things that the condition must be enforceable and precise. There are significant concerns that there will be real difficulties in enforcing planning conditions on the storage use to enable proper control of the development and similar difficulty in ensuring that "storage" can be adequately defined to ensure that it is precise.

5.52 The proposal had been noted in the November 2011 report to be in breach of the requirements of CP2 as "exceptional need" had not been shown to exist, but that on balance the scheme could be supported as issues of highway safety and visual amenity were capable of resolution. Given the observations of the use of the site in breach of the terms of the recommended planning conditions it is appropriate to reconsider the recommendation. It is considered that the balance given the breach of CP2 and in the light of experiences since the resolution in November 2011 and substantial difficulties in forming enforceable and precise planning conditions to control the use of the development that appropriate response is to recommend refusal of the scheme.

6.0 RECOMMENDATION:

6.1 That the application be REFUSED for the following reason:

The proposal is contrary to the Hambleton Local Development Framework Policy CP2 and CP4 as the use has not been shown to be likely to reduce the need for travel and fails to show that an exceptional case exists that justifies a breach of the principle of resisting development that is not sustainable.

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

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

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

Foreword

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

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

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

Introduction

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

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

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

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

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

'it's not policy to grant inappropriate development'

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

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

What does the incoming National Planning Policy Framework say?

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

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

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

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

Page 4, summary

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

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

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

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

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

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

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

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

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

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

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





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

Road Safety Issues

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

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

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



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

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

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

Causes of recorded accidents include
'Failed to judge other persons path or speed'

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

REASON FIVE

Inaccuracies in the application, agent letters, plans and revisions

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

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

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

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

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

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

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

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

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

REASON SIX – Is there a hidden agenda?

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

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

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

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

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

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

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

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

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

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

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

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

'Leylandii – got to come out'

REASON EIGHT

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

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

What next with this application?

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary - Parish Council Observations to the Planning Authority:

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

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

Attachments

Carter Jonas letter, October 2011

Thornton le Street Village Design Statement

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

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

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

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

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

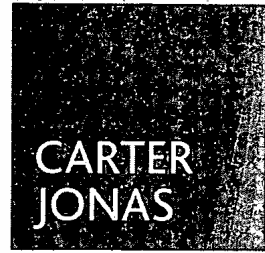
Summary – The Parish Council emphasises its fundamental opposition to this retrospective application on the wide range of grounds described below, in the attachments and within earlier correspondence and presentations to the Planning Committee. Reasons why this application should be refused:

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

- 8. The full train of vehicle plus maximum number of trailers allowed and maximum length has not been not fully considered, as per HDC Planning Committee instructions in June 2011 – ie vehicle plus 3 trailers and c. 26 metres long.**

- 9. How can sound, reliable and credible recommendations or decisions be made by Hambleton District Council when doubts remain, information goes unchecked and critical questions are still unanswered?**

Our Ref: DIB/DM/
Your Ref:



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

The Property People

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

Dear Mrs Robinson,

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

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

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

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

Sequentially Preferable Alternative Sites

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

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

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

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

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

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

Extent of the Use

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

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

Thin End of the Wedge

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

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

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

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

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

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

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

Landscape Impact

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

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

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

Highway Safety and Access Issues

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



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

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

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

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

Conclusions

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

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

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

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

Yours sincerely

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

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

Cc: Councillor Bob Baker

4.

11/02620/REM

**Reserved matters application for the construction of a dwelling as amended by plan received by Hambleton District Council on 9 January 2012.
at Land Adjacent To Hall Cottage Sutton Howgrave North Yorkshire
for Mr E Niebla & Mrs K Alvarez.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application was deferred at the 2 February 2012 meeting of the Committee, following a visit to the site, to enable an appropriate period of time for the consideration of additional details, and scales/measurements to be added to existing plans, by consultees and local residents. The details requested have been received and the final date for the receipt of further comments expires on 27th February. Any additional/amended representations will be reported at the meeting.

1.2 The application currently under consideration is a revised proposal (submitted on 28 November 2011) for the approval of reserved matters pursuant to an outline permission which was granted in December 2008. The site, formerly in agricultural use lies on the south-western side of the road which runs through the centre of the village and is directly adjacent to the south-eastern boundary of the Medieval Village of Howgrave, a Scheduled Ancient Monument.

1.3 The outline permission was granted as 'Enabling Development' in order to achieve the restoration and consolidation of The Banqueting House, a grade II listed building directly adjacent to Howgrave Hall 180m to the north-west. The application site has subsequently been sold and the current applicant has no interest in the Hall or Banqueting House. Money from the sale of the land was placed into an account controlled by the Council and the works to repair the Banqueting House have been satisfactorily completed and the premises are now in use as a holiday letting unit.

1.4 A previous application on this site was submitted in 2010 but was withdrawn following concerns in respect of the scale of the dwelling and proximity to the adjacent Scheduled Ancient Monument to the north and west. The detailed plans now submitted show a five bedroomed detached property, the main house being constructed in natural stone and cobble with reclaimed brick quoins and detailing with a natural slate roof. The attached garage and recording studio (66sq.m floor area) are currently shown in cedar boarding under a slate roof. Amendments have been requested from the applicant to show the front elevation of these buildings in stone/cobble to match the main house. All doors and windows are to be timber units. Since the 2010 application the footprint of the dwelling has been reduced and the attached recording studio has been reduced to a single storey form. The siting has also been altered to move the footprint southwards away from the boundary of the Monument. The statement submitted in support of the application indicates that the applicant is 'an internationally acclaimed guitarist and composer performing throughout the UK, Europe and beyond'. He currently has a studio at Melmerby. It is stated that for practical purposes the studio needs to have convenient access to the house as well as the need for appropriate soundproofing. In addition it is stated that the applicant's wife is also his manager and there is also a requirement for an office, approximately the size of a normal domestic study. It is confirmed that the studio is entirely for the use of the applicant and perhaps one, or at most two, accompanying musicians and is not a commercial facility available for any outside use by other artistes. It is put forward as an ancillary live/work unit and will not attract a level of visitors in excess of that of a small home office business.

1.5 The statement submitted in support of the application also indicates that 'The architectural style is rubble with brick panels, reveals and quoins. It is a quiet building with modern overtones. To the rear the building is more expansive and has more glazing to best enjoy the open aspect. (NB revised plans were requested from the applicant omitting two large balcony areas and reducing the footprint and roof area to the rear elevation. These have subsequently been received.) The outbuildings (ie the garage and recording studio) are articulated as such with the use of timber cladding which is a current design motif but also has obvious 'agricultural' associations. (NB it has been mentioned above that revisions to require the front elevations to be in brick/stone have also been requested. The applicant's agent has indicated that the applicant wishes these to be retained as shown: i.e. with cladding to the front elevation. This aspect is commented on below.) The site is a little higher than the adjoining road, the overall height of the building is no higher than West View (the two storey dwelling directly east across the road). The proposed ridge height is the same as the existing West View ridge height. The site presently has an overhead electricity power line bisecting it. This supply is to be relocated, underground, to improve the visual amenity of the area. The site is defined on all sides by established field hedgerows. It is proposed to keep, maintain and cherish these hedgerows and there are certainly no proposals for walls or fences in any locations. Similarly the tree in the northerly corner will be retained and protected.'

1.6 There are four detached dwellings close to the site, three across the road to the east which lie between 16m and 20m from the site front boundary and a dwelling immediately to the south which lies within 4m of the southern site boundary. The closest distance between the dwelling to the east (West View) and the single storey recording studio is 30m with the garage being 27m away and the main part of the proposed dwelling 34m away. The closest distance between the garage and the detached bungalow (Intake House) to the east is 26m and the distance between the rear of the proposed garage and the dwelling to the south (Hall Cottage) is 7m with the walls of the main house being 9.5m away. The distance between the proposed dwelling and Hall Cottage has been increased by 1m following comments made at the site meeting.

2.0 PREVIOUS PLANNING HISTORY

2.1 2/05/143/0029E : Alterations to Banqueting Hall and construction of 9 dwellings : Withdrawn July 2005 (prior to consideration by Committee with a recommendation of refusal)

2.2 2/05/143/0029F : Listed Building Consent for alterations to Banqueting Hall to form holiday letting accommodation : Consent Granted July 2005.

2.3 05/02096/OUT : Outline application for the construction of a detached dwelling : Permission Refused August 2006.

2.4 07/01130/OUT : Outline application for the construction of a detached dwelling : Permission Granted December 2008. (This is the subject of a Section 106 Agreement to fund works to the Banqueting House. The time period for the submission of the reserved matters expired 5 December 2011, the current application was submitted prior to the expiry date and is therefore a valid submission.)

2.5 10/02148/OUT : Submission of Reserved Matters pursuant to an outline application for the construction of a detached dwelling : Withdrawn 2010.

3.0 RELEVANT PLANNING POLICIES:

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

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP32 - General design
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP18 - Support for small businesses/working from home
PPS5 - Planning for the Historic Environment (2010)

4.0 CONSULTATIONS

4.1 Sutton Howgrave Parish Council : Awaited (The Parish Council's meeting is likely to take place on Monday 27th February prior to the meeting of the Committee and a response will be available at that time.)

4.2 North Yorkshire County Council (Highways Authority) : No objections subject to conditions.

4.3 North Yorkshire County Council (Heritage Unit) : No objection subject to the imposition of a 'watching brief condition'.

4.4 English Heritage : Has been consulted on revised plans and a final response is awaited.

4.5 Yorkshire Water : No objections.

4.6 The application was advertised by site notice on the village notice board and 19 local residents were consulted. Eight Responses have been received to date objecting to the proposal on the grounds of the scale and form of the dwelling and its impact on adjacent residential and local visual amenity, the inclusion of the attached recording studio which objectors claim is contrary to the principle of the outline permission previously granted and will comprise a commercial operation generating significant additional traffic into the village, and the impact on the adjacent Scheduled Ancient Monument. It has also been claimed that the survey level plan submitted by the applicant is inaccurate. Local residents have been consulted on the revised/amended plans and the final date for the receipt of additional comments is 27th February. Any comments received will be reported at the Committee.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this submission are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the scale, design and materials proposed (Policies CP17 and DP32) including the provision of an integral recording studio (ie a 'live/work unit in the terms of Policy DP18) together with the impact on local visual amenity and the appearance and character of the existing settlement (Policies CP16 and DP28), the impact on adjacent residential amenity (Policy DP1) and the possible impact on the adjacent Scheduled Ancient Monument (Howgrave Hall Medieval Settlement) and ancillary archaeological remains (Policy DP29). The principle of the development of this site, which is not in a normally acceptable sustainable location, has been accepted by virtue of the outline permission granted in 2008. It should also be emphasised that the proposed recording studio is an ancillary work-related addition to the dwelling and can properly be considered as part of a reserved matters submission.

5.2 As many members, who were on the Committee in 2008, will be aware from the consideration of the previous applications, this is a very sensitive site which has given rise to significant local interest and concern and lengthy and detailed discussions with the applicants and their agents have taken place over a considerable period. As noted above

amended and revised plans have been received since the site inspection and February meeting of the Committee.

5.3 The proposed dwelling and ancillary elements do comprise a substantial structure although this is set within a development plot of 0.19ha (0.48acres) with an attached paddock to the rear (which does not have planning permission for any development) of 0.63ha (1.54acres). The scale and height of the development has been very carefully considered and plans have been detailed which show the ridge height of the proposed dwelling to be exactly the same as the dwelling directly to the east (West View) even though the finished floor level is 0.8m higher than the level of the intervening road. The dimensions have been discussed with the applicant and a precise condition ensuring the maximum ridge height does not exceed the specified dimension would be imposed. Notwithstanding the comments received by one respondent who claims that the submitted plan shows an inaccurate site level, the relative ridge levels shown have been confirmed by the applicant's agent as definitive and it has been confirmed that the site survey was commissioned by the applicant and is accurate. The distances between the proposed dwelling and adjacent properties has been set out above and the relevant distances to the fronts of dwellings to the east, ranging from 26m to 30m is considered, bearing in mind the existence also of the intervening highway and hedgerow, to be such that there will be no demonstrable adverse impact on their light or amenity. The dwelling to the south is closer although that is 'side to side' and will have no significant impact on light or privacy. It is, nevertheless, noted in paragraph 1.6 above that the distance to the dwelling to the south has been increased by 1m. Sectional drawings have been prepared to demonstrate the relationship of the proposed dwelling to the level of the road and dwelling opposite, together with the relationship to the previously prepared schemes.

5.4 The main front and side elevations of the dwelling can be described as 'modern traditional' with a distinct vertical emphasis and the use of natural stone/cobble with reclaimed hand made brick to the quoins and other detailing. The roofs are to be in natural slate. The forward projecting ancillary elements of the proposal comprising the single storey garage and recording studio have been proposed in cedar boarding under natural slated pitched roofs. The Design and Access Statement indicates that this treatment was chosen to show a neo agricultural style and to lighten the appearance of the group. This front elevation has been maintained as cedar cladding and members may agree that this feature is acceptable and also could be said to reduce the perceived visual mass of the building. The rear elevation is also to be constructed in stone/cobble with brick detailing although a significant area of ancillary glazing around balcony features under extended pitched roofs was proposed. Revised plans have been received which do omit most of this element and consequently reduce the overall mass of the dwelling and its footprint. Although the rear elevation is not conspicuous, it was considered that such a construction was not appropriate close to the Scheduled Ancient Monument and the omission of these features also reduces the overall mass of the building group. Sutton Howgrave is a scattered village with no set building line or overall vernacular character. There is, consequently, a wide range of styles, materials and features within the settlement and it is considered that the proposed dwelling (subject to the amended plans referred to) satisfies those elements of Policy DP32 which states that 'development should pay due regard to traditional design and forms of construction and avoid the use of inappropriate details' and also 'development should incorporate high quality building design and detailing with particular attention given to appropriately designed elements'.

5.5 Reference has been made above to the inclusion of the recording studio within the scheme. Despite comments which have been made by some local residents the applicants state that the studio is not a commercial facility and is for the sole use of the applicant in his role as a classical guitarist. It is for recording purposes only and there is no provision for 'CD production and packaging' as has been claimed by some respondents. The applicant would, at times, be accompanied by supporting musicians but this is stated to be a maximum of 2 at any one time. Further the applicants state that there will be no occasions when coaches (as has been claimed) would enter the site. For the standard of professional recording which is to be undertaken the level of soundproofing must ensure that no extraneous noise from

outside the site enters the studio. Conversely there will, therefore, be no noise from within which will be audible from outside the site. An appropriate condition requiring the submission of a scheme confirming this would be imposed upon any permission granted. Policy DP18 notes that support will be given to 'home working and live/work units provided that the development creates no precedent for alternative uses should the employment use cease. The applicant tours extensively throughout Britain, Europe and beyond and the studio will not, therefore be in constant use. However, when the applicant is not touring the proximity to the 'place of work' is a sustainable benefit and reduces the need to travel. A condition ensuring that the studio is for the personal use of the applicant only would be imposed on any permission granted.

5.6 It has been noted above that the site directly adjoins the Scheduled Ancient Monument of the Medieval Village of Howgrave. The description of the monument states that 'it includes the remains of the early medieval settlement and medieval lordly residence of Howgrave and later formal gardens of Howgrave Hall located in low-lying undulating land in the Vale of Mowbray. The remains include earthworks and buried reand occupy the fields west and south of the current Howgrave Hall. The monument also includes the brick and stone wall separating the two northern fields and the ground beneath the former banqueting house.' The current proposal has involved moving the footprint of the proposed dwelling further away from the boundary of the monument. The response received from North Yorkshire County Council's Historic Environment Team states 'on the previous outline application for this development we advised that an archaeological evaluation be undertaken to establish the likely archaeological impact of the proposals. This evaluation was carried out in November 2006 to January 2007 and consisted of a geophysical survey followed by the excavation of four trial trenches. This evaluation did not identify any significant archaeological deposits so there would appear to be no archaeological constraints to the construction of a dwelling on this site.' However they further recommend that a 'watching brief condition be again imposed, particularly to cover the necessary installation of a foul drainage system to the site. With regard to the wider implications of the impact of a dwelling adjoining the monument, English Heritage requested further details of the 'massing' of the building and has pointed out that Scheduled Monument Consent may be required for the surfacing of the access into the site which directly adjoins the monument. A final response from English Heritage on the amended/additional plans are awaited but have been promised by the time of the Committee meeting. It may be noted however, that the dwelling is not within the area of the monument and matters relating to the scale, materials and appearance are properly the consideration of the Local Planning Authority in the context of this Reserved Matter application.

SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document identified in the above report in that the scale, design and materials proposed are considered to be appropriate to this site location, the ancillary recording studio facility will reduce the need for the applicant to travel to a place of business and there will be no demonstrable adverse impact on adjacent residential amenity, landscape character or the adjacent Scheduled Ancient Monument.

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

the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

3. 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 has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (i) The crossing of the highway verge shall be constructed in accordance with Standard Detail number E6. (ii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway.

(iii) That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15. (iv) The final surfacing of any private access and parking area within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

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

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

5. 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 drawing number 10192 (2) 104. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

6. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

7. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

8. The finished floor levels for the dwelling and ancillary buildings and the finished ridge height of the dwelling shall be not higher than the level shown on drawing (SK) 021.

9. 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. a) Prior to the commencement of the construction of any walls above ground level, the applicant shall provide, for the inspection of the Local Planning Authority, panels of at least 1m square containing samples of brick, stone and/or cobblestone to be used in the construction of the dwelling. The development shall then be constructed of the approved materials in accordance with the approved methods relating to the coursing of stonework, the mortar mix and pointing finish to be employed. b) Prior to development commencing details of the cross-section of the all window and door frames, and any glazing bars, together with details of the method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority.

10. Prior to the commencement of development within the site the applicant shall submit for the written approval of the Local Planning Authority, details of the surface treatment of the site access to the county highway together with the surface treatment of all areas of driveway, parking/turning areas and footpaths within the site.

11. The proposed ancillary recording studio shall be operated solely for the benefit of the occupier(s) of the dwelling hereby permitted and shall not be used or made available for use by any other person(s) at any time.

12. Prior to the bringing into use of the recording studio facility the applicant shall submit for the written approval of the Local Planning Authority a scheme of soundproofing for the building which shall demonstrate that there shall be no adverse noise impact on neighbouring residents.

13. Prior to the commencement of any development within the site the applicant shall submit for the written approval of the Local Planning Authority details of the means of the treatment and/or disposal of foul drainage from the development.

14. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 13 above.

15. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details attached to application 11/02620/REM received by Hambleton District Council on 28th November 2011 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. In the interests of highway safety.
3. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
4. In the interests of road safety.
5. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

6. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
7. The site is of archaeological importance and as such warrants the recording of any relevant materials found at the site in accordance with Policy DP29.
8. In the interest of local visual and adjacent residential amenity in accordance with Policies DP1 and DP30.
9. 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 Policies CP16 and DP28.
10. In the interest of local visual amenity and landscape character in accordance with Policies CP16 and DP30.
11. The facility is permitted solely as an ancillary work unit for the occupier(s) of the dwelling and not for any commercial purpose which would be inconsistent with its location adjacent to residential development in the village of Sutton Howgrave.
12. In the interest of adjacent residential amenity in accordance with Policy DP1.
13. In the interest of the prevention of pollution of adjacent watercourses and the safeguarding of any archaeological remains within the site in accordance with Policies DP29 and DP42.
14. In the interest of the prevention of pollution of adjacent watercourses and the safeguarding of any archaeological remains within the site in accordance with Policies DP29 and DP42.
15. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings, the amenity of neighbouring residents and in accordance with the Development Plan Policies DP1, CP16, DP28, DP29, CP17 and DP32.

5.

11/02658/FUL

**Revised application for the construction of a replacement dwelling.
at The Cottage Aiskew Watermill The Bridge Aiskew
for Mr D Clarke.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This is a revised application is for the construction of a replacement dwelling on land within the ownership of one of the partners of the 'Big Sheep and Little Cow' Farm Visitor Centre adjacent to Aiskew Mill (a grade II* listed building) and south of Bedale Station Yard Craft Complex. A previous application was permitted in December 2010. The site adjoins a private track which runs to the Centre from its junction with the A684 immediately north of Aiskew Bridge. The site borders, but is outside, both the Bedale/Aiskew Conservation Area and the defined development limits for the town. The Visitor Centre regularly attracts in excess of 40,000 visitors per year.

1.2 The site was previously occupied by a dwelling which, according to supporting information supplied by the applicants as part of the 2010 submission, was an ex-World War One Army Hut and which was occupied and subsequently used for domestic storage until 2008. The building was, apparently, built without suitable foundations and had deteriorated to such an extent that the applicants were advised that renovation was uneconomic and demolition and the construction of a replacement was intended. Permission for a replacement unit was first granted in January 2007 but was not implemented and expired in January 2010. The site is not a straightforward one to develop due to its sloping nature and location adjacent to the Bedale Beck and ancillary floodplain. The applicants state that they had intended to implement the 2007 permission and demolished the previous dwelling in 2009 prior to the commencement of the tourist season. However, the costs subsequently received for piling and groundworks in respect of the approved dwelling were excessive and work did not commence for that reason. The 2007 permission for the replacement dwelling consequently expired unimplemented in January 2010. Within the context of the current application the applicant claims that the demolition of the building comprised a commencement of the 2007 permission although pre-commencement conditions imposed upon that permission remained undischarged.

1.3 The proposed dwelling is stated to be for occupation by Mr D Clark who is a son of the original founders of the business and one of four partners. He has worked at the Centre since leaving school and is the main farming partner involved in the running of the enterprise. It is stated in support of the application that the replacement dwelling is needed for him to carry out his role, which involves working outside normal hours, and for security purposes as the Centre has been burgled several times in recent years. Although Mr D Clark is one of four partners in the business he owns the application site personally. An application was submitted in June 2010 for a replacement dwelling but no information relating to need, use and background was put forward at that time and there were also objections to the proposal on design grounds. Permission was, therefore, subsequently refused although a revised scheme, as noted above, was subsequently approved in December of that year.

1.4 The application now submitted comprises a basically rectangular 3-bedroomed dwelling having a lower appearance to the front (northern) elevation than the rear in view of the steeply sloping nature of the site. A garage is attached to the western gable giving an L-shaped development. The revised design remains within the same general footprint as the original dwelling and constructed in appropriate materials including reclaimed brickwork and natural clay pantiles. The supporting statement which accompanied the application states that ' The revised scheme for the replacement dwelling adopts an entirely different approach

to that of earlier schemes. The form and design of the dwelling particularly seeks to present a more traditional appearance based on the concept of a converted storage/warehouse building immediately adjacent to the mill race and reflecting the restricted nature of the site. The form of the building and the design approach further seeks to respect and relate to the distinctive appearance and character of the Grade II_ listed Aiskew Watermill building.' The statement goes on to say 'The revised proposals introduce a step in the ridge and eaves line and in the alignment of the north elevation in order to break up the length and thus reduce the overall massing of the building....The form and design detailing adopted present a more traditional building incorporating elements and features which are reflective of the older buildings in the area. The main aim was to produce a simple but distinctive building which responds to the constraints of the site but sits comfortably in its place.'

1.5 The site is well screened from the west by a high mature boundary hedge to the adjoining allotments. Views from the south are seen against existing landscaping within the car park (which it is proposed be supplemented with additional trees immediately to the south) and to the north by a high stone wall which is a retaining structure for the Wensleydale Railway track and ancillary land. There are no residential neighbours within 100m of the site. The site is visible from the east and from the public footpath on the south western side of Bedale Beck.

1.6 The permission granted in December 2010 was subject to a condition restricting the occupation of the dwelling to an employee or manager of the adjacent farm visitor centre. As part of the current application it is requested that such a condition is not imposed. The reasons given by the applicant relate to a stated difficulty in obtaining finance for the project caused by the imposition of the condition and a contention that the condition should not have been imposed in the first place as the previous application related to the construction of a replacement dwelling which did not have any such restriction. The applicant has asked that the following points (put forward by the agent in a statement which supported the application) are borne in mind by the Committee when determining the application :

i) The original dwelling was a substantial building which provided family accommodation and was not subject to an occupancy condition.

ii) The structural problems with the foundations to the building were well established and recognised and in this context planning permission was granted for a replacement dwelling in 2007 with no occupancy condition.

iii) The demolition of the dwelling was essential to the implementation of the scheme for the replacement dwelling and constituted a valid commencement of the development.

iv) The current proposal is an exceptional case which justifies the grant of a planning permission and meets the requirements and expectations of planning policy.

v) The current scheme comprises a major improvement/enhancement of the visual qualities of the area and an increase in sustainability not dependent on any restriction over occupancy of the dwelling.

vi) The imposition of an occupancy condition is not in accordance with Government advice on the imposition of such a condition on a permanent dwelling relating to a business in separate ownership.

vii) The current economic situation makes it difficult for the applicant to finance the works through the bank with an occupancy condition imposed.

viii) Financing the development through the business would delay the bringing forward of other projects which are intended to enhance the viability of the Visitor Attraction.

1.7 These matters are discussed further below.

2.0 PREVIOUS PLANNING HISTORY

2.1 Several applications have been Approved relating to the adjacent farm visitor centre to the south and east of the site.

2.2 Permission was granted for the construction of a replacement dwelling within the site on 4th January 2007 (06/02389/FUL). This permission was not implemented and expired on 4 January 2010.

2.3 10/01306/FUL : Construction of a replacement dwelling : Permission Refused August 2010 for the reason that the property is outside Development Limits and as "The construction of a dwelling of the scale and design proposed is contrary to Policies CP17 and DP32 of the Local Development Framework which requires that development proposals should seek to take into account local character and settings, promote local identity, contribute positively to their location and to respect any historic context of the site. It is considered that the suburban nature of the dwelling put forward does not meet those criteria."

2.4 10/02482/FUL : Revised application for the construction of a detached dwelling : Permission Granted Dec 2010. In the report it was noted that "The building was demolished principally for safety reasons (relating to its condition and people visiting the Centre) prior to the beginning of the tourist season for the Farm Centre in 2009 and the planning permission for the replacement expired in January of 2010. It is considered appropriate to acknowledge the long standing use of the site for residential purposes and the short period between the expiration of the extant permission and the demolition of the previous dwelling." The scheme was approved subject to a condition that: "The occupation of the dwelling shall be limited to a person employed at, or having day to day management responsibility for, the adjacent Farm Visitor Centre or a dependant of such a person residing with him or her, or a widow or widower of such a person."

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 CP4 - Settlement hierarchy
- Development Policies DP9 - Development outside Development Limits
- Core Strategy Policy CP13 - Market towns regeneration
- Core Strategy Policy CP15 - Rural Regeneration
- Development Policies DP25 - Rural employment
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design
- Planning Policy Statement 4: Planning for Sustainable Economic Growth

4.0 CONSULTATIONS

4.1 Aiskew Parish Council : No observations.

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

4.3 Environment Agency : No objections subject to conditions.

4.4 Yorkshire Water : No objections and suggest consultation with The Environment Agency.

4.5 Bedale and Upper Swale IDB : No adverse comments.

4.6 Ramblers Association : No objections.

4.7 The application was advertised at the junction of the private lane leading to the site from the A684 and the 12 closest neighbours/businesses were consulted. No representations have been received.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the sustainable nature of the location of the dwelling (Policy CP4), the scale, design and materials proposed and the impact on local visual amenity and landscape character (Policies CP16, CP17, DP30 and DP32) together with the relationship of the dwelling to an established local tourist facility (PPS4 and criteria i) of Policy CP4 and Policies CP13 and CP15). In this case the nature of the proposal and the history of the scheme and its 'qualification' as a replacement dwelling rather than a new unit also merits consideration together with the need, if appropriate, to seek a restricted occupancy of the dwelling in this location.

5.2 It has been noted above that the site is outside, although borders, the defined Development Limits for Bedale/Aiskew. It is, nevertheless, within walking distance of the town centre and all relevant facilities and is served by public transport. In those respects it is considered to be a sustainable location. It is also noted above that the dwelling is proposed to support the operation of the Farm Visitor Centre. Additional support can be given on the sustainability agenda in that the occupier of the dwelling will be directly on hand at the centre and will walk to work and back. The first exception criteria within Policy CP4 indicates that development can be supported outside defined Development Limits when the development is also in accordance with Policies CP1 and CP2 and is necessary to meet the needs of, inter alia, 'tourism, recreation and other enterprises' which will help to sustain the rural economy. It has been noted above that the ('replacement') dwelling is required for practical and security reasons in connection with the Animal Visitor Centre which does attract significant numbers, particularly children to the site. It has also been noted that although outside Development Limits the site is in fact within the developed area between Bedale and Aiskew and is well served by public transport.

5.3 PPS4 (Planning for Sustainable Economic Growth) states in Policy EC7, Planning for Tourism in Rural Areas, 'To help deliver the Government's tourism strategy, local planning authorities should support rural tourism and leisure developments that benefit rural businesses, communities and visitors which utilise and enrich, rather than harm the countryside, its towns and villages.' It goes on to say that 'Facilities requiring new buildings should where possible be provided in or close to service centres or villages... where they are required in conjunction with a particular countryside attraction.'

5.4 The proposed dwelling is of simple and improved design utilising natural materials including reclaimed brickwork and natural clay pantiles. It is closely related to the Visitor Centre in that it is both convenient for its purpose and not attractive as a 'house in the country' as a free market property. The topography and existing planting to the north, east and west of the site means that it is inconspicuously located and the intervening planting between the site and Bedale Beck (which is to be supplemented) means that it will not be prominent from Harbour View and the public footpath along the Beck to the south.

5.5 In view of the background history of this site, its association with the Farm Visitor Centre, sustainable location and general compliance with the Policy background set out above, including design and materials, it is considered that this revised submission can generally be considered favourably. However, the question as to the need for the imposition of a condition requiring the dwelling to be occupied by an employee or manager of the Visitor Attraction remains relevant.

5.6 It has been noted above that there has been a dwelling on this site since shortly after World War One but that this structure was demolished in early 2009. At the time of such

demolition there was an extant permission for the construction of a replacement dwelling but that scheme was postponed due to the greater than anticipated costs of piling and groundworks to enable the scheme on the basis of the permitted design to take place. The refusal of permission in August 2010 was partly as a result of a lack of background information explaining the construction difficulties and partly due to the inappropriate design of the dwelling. The building was demolished principally for safety reasons (relating to its condition and people visiting the Centre) prior to the beginning of the tourist season for the Farm Centre in 2009 and the planning permission for the replacement expired in January of 2010. The details put forward with the current application include the contention that 'certain elements of the building still remain on the site' and that the demolition of the building comprised a valid commencement of the 2007 permission although, as already noted, this is not considered to be correct as a number of pre-commencement conditions remained undischarged and no discussions were initiated by the applicant to secure such a discharge at that time. This is regrettable and has, to a certain extent complicated the situation. Members may recall from the previous visit to the site that little, in fact, remains of the building which is identifiable as a structure. It is, nevertheless, considered appropriate to acknowledge the long standing use of the site for residential purposes and the short period between the expiration of the extant permission, the demolition of the previous dwelling and the subsequent permission granted. It should also be noted, in addition, that the restricted occupancy condition was imposed in 2010 with the full knowledge of the applicant. The time allowed for an appeal against the condition has, however, now passed.

5.7 The statement submitted with the application states that 'The situation with regard to the extant planning permission for the replacement dwelling is such that, due to the occupancy condition imposed by planning condition on the planning permission, the applicant is unable to secure monies through a mortgage on the property to allow him to proceed with the development. The present economic situation only adds to the difficulties of financing this development project. If indeed the circumstances of financing the replacement through the Farm Visitor Centre business could be overcome, it would place a major financial burden on the operation and the future development of this important local facility and visitor attraction.' The statement also includes a list of potential future schemes and projects associated with the Visitor Attraction which the business hopes to carry out in the future. This part of the supporting statement concludes 'The estimated cost of these projects are in the region of £750,000 and these projects present the priority in terms of the future investment in the development of the business. The replacement dwelling for the applicant has to be funded from personal borrowing but as detailed above the occupancy tie is making this impossible to achieve.'

5.8 The Local Authority is fully aware, and supportive, of the Visitor Attraction and its significant role in local tourism and spin-off expenditure and wishes to see the business maintain both its viability and potential growth. This support is evident by virtue of the permissions which have been granted for the house to manage and assist security at the site. Notwithstanding the statements which have been put forward in support of the current proposal on behalf of the applicant it is not accepted that significant evidence remains on site of the previous dwelling or that the demolition of the building in 2009 constituted a material commencement of the 2007 permission. The applicant's financial arrangements with regard to the development of the dwelling are not considered to be a relevant planning consideration in the determination of this application. It is, finally, considered that the imposition of an occupancy condition is fully in accordance with Government advice regarding new dwellings which are outside defined development limits even if required ancillary to a business or visitor attraction. Indeed in the absence of a functional link to the operation of the visitor centre or other rural business for which a dwelling is essential PPS1 and PPS7 and LDF policy would point towards a refusal of this proposal. It is considered, therefore, in the absence of any additional material information that it remains appropriate to impose an occupancy condition as previously imposed and as set out below.

SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document identified in

the above report in that the dwelling unit is of appropriate scale, design and materials, will assist in the secure and efficient operation of the adjacent Farm Visitor Centre and will have no adverse impact on local visual amenity or landscape character

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. a) The development shall be constructed of the approved materials in accordance with the approved method. b) The mortar mix and pointing finish to be employed shall be agreed in writing by the Local Planning Authority. c) Prior to development commencing details of the cross-section of the all window and door frames, and any glazing bars, together with details of the method of construction and opening mechanism and opening movement of all windows 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. The dwelling shall not be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
4. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
5. The dwelling shall not be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
6. The occupation of the dwelling shall be limited to a person employed at, or having day to day management responsibility for, the adjacent Farm Visitor Centre or a dependant of such a person residing with him or her, or a widow or widower of such a person.
7. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings attached to planning application 11/02658/FUL received by Hambleton District Council on 4th January 2011 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the location of the site and the area as a whole in accordance with Policies CP16 and DP30.
3. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with Policies CP16 and DP30.
4. To ensure that the development is appropriate to the character and appearance of its surroundings.
5. To ensure that the development is appropriate to the character and appearance of its surroundings.
6. The site is outside the defined development limits for the settlement of Bedale/Aiskew as set out in Policy CP4 and permission is sought to ensure the efficient and secure operation of the Farm Visitor Centre.
7. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16 and DP30.

6.

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 was brought before Members at the February 2012 Planning Committee meeting. The applicant has now agreed to contribute £3990 of the required £5717.54 towards Public Open Space provision and the North Northallerton Link Road. 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 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 isnt even a resident will directly impact the families who have to continue living here'. A further response received objecting to the proposal: 'The application to extend the rear of 16 Water end will seriously restrict the light entering both the kitchen and landing of my property. We are already blocked in on the landing by number 10, this proposed extension will seriously reduce the amount of available light into my home. I have huge reservations on the proposed extension due to the impact this will have on my lighting bills and overall quality of life. The shared garden will also lead to an issue with ownership and accountability leading to an untidy mess'.

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 - No objections to the proposal subject to compliance with the Flood Risk Assessment. A condition is recommended in this regard.

4.6 River Wiske Internal Drainage Board; expires 29.12.11 - No responses received as at 20.02.12.

4.7 NYCC Footpaths; expires 29.12.11 - No objection subject to footpath not being obstructed.

4.8 Brompton Heritage Group; expires 29.12.11 - No responses received as at 20.02.12.

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 initially contended that the scheme would not be viable were these sums factored in. Initially as a result the applicant provided the Local Planning Authority (LPA) with a comprehensive breakdown of the costs associated with the works at 16A Water End. The LPA analysed these 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 were 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. As a result the scheme was brought to the February Planning Committee meeting on the basis that given the low level of viability, a contribution, or even a partial contribution would prevent the scheme progressing. Members resolved that the full contribution should be made. The applicant has now agreed to pay £3990 of the required £5717.54 which is considered to be a reasonable contribution towards the policy requirements. The applicants have been invited to provide a justification for the 70% contribution - a response on this matter is awaited.

- 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.

7.

11/02804/FUL

**Application for the retention of an existing portable building for continued use as an agricultural workers dwelling.
at Cedar Lodge Tollerton Road Newton On Ouse YO30 2DQ
for R W Rooke And Sons.**

1.0 PROPOSAL AND SITE DESCRIPTION:

1.1 This application seeks permission for the continued temporary siting of a mobile home for an agricultural worker. The mobile home is a 2 bedroom timber lodge.

1.2 The mobile home lies on the western side of the main Newton-on-Ouse to Tollerton Road which is diagonally opposite the existing dwelling at Beeches Farm. It is sited to the south of 2 existing agricultural buildings within a field and utilises the existing vehicular access.

1.3 An agricultural appraisal has been submitted, updating the details submitted with the previous application in 2007. This confirms that the cattle are kept on the western side of the road utilising the existing agricultural buildings, which has reduced the need for moving cattle from one side of the road to the other. The cattle enterprise has expanded as planned. The main farmhouse at Beeches Farm is not within 'sight and sound' of the livestock. It is noted that the nearest village is one mile away at Newton-on-Ouse and this "comprises principally expensive commuter dwellings to York".

1.4 The application is submitted by a Member of the Council.

2.0 RELEVANT PLANNING HISTORY:

2.1 05/01979/OUT – Outline application for the construction of an agricultural workers dwelling – Withdrawn.

2.2 2/86/109/0072 – Construction of general purpose agricultural building – Granted.

2.3 05/01981/FUL – Construction of an agricultural storage building – Granted.

2.4 07/02319/FUL - Temporary siting of an agricultural workers mobile home. Permission granted for a temporary period of 3 years on 30/5/2008.

2.5 09/03917/FUL - Construction of a treated timber clad building for the storage of machinery and produce. Permission granted 29/6/2010.

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP26 - Agricultural issues

Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
PPS1 - Delivering Sustainable Development 2005
PPS7 - Sustainable Development in Rural Areas

4.0 CONSULTATIONS

4.1 Parish Council – no reply received (expiry date for representations 12/1/2012)

4.2 North Yorkshire County Council Highways –conditions recommended

4.3 Yorkshire Water – no comments

4.4 Site notice/local residents – no comments received (expiry date for representations 31/1/2012)

5.0 OBSERVATIONS

5.1 The key issues include the principle of a residential use on this site, whether the need for a farmworker'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 relationship to the farm, and highway matters.

5.2 The provision of residential accommodation in the countryside is strictly controlled by Policies CP1, CP2 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 planning application determined in 2008 concluded that there was a functional need for an additional dwelling unit to be sited in this location to address the needs of the farm. It was considered that in order to provide the necessary supervision and surveillance of the cattle that are housed on the western side of the road, opposite to the position of the main farmhouse, a dwelling unit was required within sight and sound.

5.5 Since that time the cattle enterprise has expanded as expected. The calving numbers in 2007 were 80 and expected to rise to 110 in 2010. The figure provided with the application for June 2011 is a total of 102 cows with calves or heifers due to calve. The total number of cattle on the farm in June 2011 is 248 compared to 180 in 2007.

5.6 It is concluded therefore that the functional need for the dwelling in this location that was found to exist in 2008, still exists.

5.7 There is also a requirement for the development to undertake a financial test to establish the viability of the farming enterprise in the longer term. A significant amount of investment has been undertaken prior to the 2007 application and since that date with the expansion of the cattle herd and the construction of additional buildings. Financial information has been submitted, which suggest that the farm unit is well established, financially viable and able to support an additional dwelling on the holding.

5.8 There are no objections to the siting and to the access, which are as previously agreed although a condition is recommended requiring an access improvement. The dwelling unit is

temporary in nature and therefore not considered to be appropriate for permanent retention on the site. A further temporary permission for a period of 5 years is therefore recommended.

SUMMARY

The continued siting of an additional residential unit at the holding fulfils the functional and financial requirements of Annex I, PPS7 and the siting, access and appearance of the mobile home are considered acceptable. It is considered that the development is in accordance with LDF Policies CP1, CP2, CP4 and DP9 and the advice within PPS7.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED TEMPORARILY**

1. The temporary permission hereby granted is valid only until 1 March 2017 and the building and resulting materials, and associated structures shall be removed from the site, and the land re-instated to its former condition on or before that date.
2. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.
3. Within 3 months of the date of this decision the access to the site shall be set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (ii)(b) The existing access shall be improved by reconstruction to current standard drawing E9.
(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.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing number 2011-12-248 received by Hambleton District Council on 19 and 22 December 2011 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. The building is not considered to be visually acceptable or constructed of suitable materials for permanent retention on this site.
2. The dwelling is in an area where the Local Planning Authority considers that new residential development should be restricted to that which is essential in the interests of agriculture or forestry in accordance with LDF Policy CP4.
3. 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.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with LDF Policies.

8.

11/02783/FUL

**Application for the retention of a temporary 70M meteorological mast for an additional period of three years.
at Land To South Of A684 Winton North Yorkshire
for Infinis.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 Planning permission was granted in March 2009 for the siting of a 70m high meteorological monitoring mast and associated equipment on this site south of the A684 at Winton, for a temporary three year period. The conditions imposed upon this permission were discharged in June 2009 and the mast was subsequently erected and has been in use by the applicants to gather appropriate information relating to the local wind resource and the potential capability to generate renewable energy in this location. Subsequently, in December 2010 permission was granted for the erection of four 130m high wind turbines adjacent although these have not yet been constructed.

1.2 The site of the mast is approximately 1.5km to the east of Brompton and 1.5km north of Bullamoor. The nearest residential property lies approximately 490m away from the site at Hill House Farm, Winton. The surrounding area is characterised by open fields, hedgerows and a rolling contoured landscape.

1.3 The applicants have now submitted a further application to renew the permission for the retention of the mast for an additional three years. Whilst the information identified to date has been useful for the applicants/future operators purpose it has been indicated that additional data for a longer period will be most valuable.

2.0 RELEVANT PLANNING HISTORY:

2.1 08/04984/FUL - Siting of 4no 130M high wind turbines, associated works and a new vehicular access : Permission Granted December 2010.

2.2 08/05014/FUL : Erection of 70m high meteorological monitoring mast : Permission Granted March 2009.

2.3 09/00987/DIS : Discharge of conditions relating to 08/05014/FUL : Approved June 2009.

3.0 RELEVANT PLANNING POLICIES:

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

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

4.0 CONSULTATIONS

4.1 Northallerton Town Council : No observations on the proposal.

4.2 Ministry of Defence (Defence Infrastructure Organisation) : No safeguarding objections.

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

4.4 NATS (Air Traffic Control) : No safeguarding objections.

4.5 Ramblers Association : No objections.

4.6 The application was advertised by site notice at two locations on the C-class road to the south-west of the site and 35 neighbours in the area were consulted. Six responses were received objecting to the proposal on grounds of adverse visual impact and amenity and stating that adequate time had elapsed to allow the applicants to gather the relevant meteorological data required.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the impact which the continued siting of the mast may have on local visual amenity and landscape character (Policies CP16 and DP30) and adjacent residential amenity (Policy DP1). Considerations relating to hydrogeology, protected species and air traffic safety were considered in detail at the time of the determination of the original application and appropriate responses made and safeguards received at that time such that these matters do not require further appraisal.

5.2 The applicant previously commissioned a specialist wind yield assessment report for the site which concluded that the proposed wind farm (subsequently approved in 2010) would operate at a capacity factor significantly above that necessary to make the site viable. The continued need for the temporary mast, therefore, is not to assess whether the site is viable, but rather to assess the characteristics of wind flow across the site selected for the wind farm. Wind turbine suppliers prefer to submit tenders with the benefit of such wind data as it gives them more confidence in predicting the warranted output of the turbines they supply.

5.3 The site is not specifically designated or protected through planning policy. Although at a relatively high point within the landscape and being potentially visible from the wider area, it is apparent that the slender nature, height and finishing colour of the mast prevents it from being significantly visually intrusive in the wider context. Furthermore, other similar structures such as electricity pylons exist within the area. It is, consequently, considered that a further period of use would not significantly impact on the overall appearance of the landscape of this part of the District.

5.5 The proposal is of limited scale and it is located a sufficient distance away from residential properties to prevent undue loss of amenity to local residents. No objections have been received from local neighbours since the erection of the mast.

5.6 The continued siting of this mast should also be viewed, visually, in the context of the extant permission for the four 130m high wind turbines which has already been granted. It is, therefore, also considered that a further full and detailed appraisal of the benefits of the provision of renewable energy are not necessary in the case of this application.

SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document identified in the above report in that the proposed mast is considered to be slender in form and, given its temporary nature, does not demonstrably compromise the character and appearance of the area. The mast is located a sufficient distance away from residential properties to have no significant detrimental impacts on amenity with proven impact on wildlife.

6.0 RECOMMENDATION:

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

1. The permission hereby granted is valid only until 31st March 2015 and the mast, its ancillary materials and associated structures shall be removed from the site, and the land re-instated to its former use and condition on or before that date.

2. The extended permission hereby granted shall be undertaken and maintained in complete accordance with the details approved by virtue of decision 08/05014/FUL granted on 6th March 2009.

The reasons for the above conditions are:-

1. The mast is not considered to be appropriate for permanent retention on this site.

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP16 and DP30.

9.

12/00032/OUT

**Outline application to replace an extant outline planning permission in order to extend the time limit for implementation for a construction of a dwelling.
at Rose Cottage Scruton North Yorkshire DL7 0RD
for Mr A Wood.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is to extend the period of time for the implementation of an extant permission in respect of the construction of a detached dwelling on the northern side of the village street in the centre of the old part of Scruton village. The applicant currently operates a car repair and servicing business from the site and lives in a detached bungalow directly adjacent. He may, however, consider closing the business at some point in the future and the commercial garage building would then be demolished and a house built within the footprint albeit with a smaller floor area. Although originally submitted with all matters of detail reserved for later approval a block plan was supplied to indicate the siting of the dwelling. This shows the dwelling accommodated within the footprint of the existing workshop.

1.2 Although the indicated dwelling footprint is well within the defined development limits for the village, the proposed curtilage includes additional land to the rear (north) as garden. Although this is outside the limits it is bounded by an existing stone wall/fence.

1.3 The closest dwellings to the site are those owned by the applicant (10m to the south-west) and another bungalow, fronting onto the village street, some 23m to the south-east. Access to the dwelling would be via a shared (existing) drive with the applicant's current property.

1.4 The application is to be determined by the Planning Committee as the applicant is a Member of the Council.

2.0 PREVIOUS PLANNING HISTORY

2.1 08/00246/OUT : Outline application for the construction of four dwellings : Permission Granted April 2008.

2.2 08/04962/FUL : Alterations and extensions to existing dwelling : Permission Granted Feb 2009.

2.3 08/04963/OUT : Outline application for the construction of a detached dwelling : Permission Granted March 2009.

3.0 RELEVANT PLANNING POLICIES:

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

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy

4.0 CONSULTATIONS

4.1 Scruton Parish Council : Wishes to see the application Approved

4.2 North Yorkshire County Council (Highways Authority) : No objections subject to conditions.

4.3 Shire Group Internal Drainage Board : No adverse comments.

4.4 Yorkshire Water : No comments.

4.5 The application was advertised by site notice on the village noticeboard and the eight closest neighbours were consulted. No representations have been received.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to whether there have been any changes in policy or the circumstances on site particularly as they relate to the sustainable nature of the site location (Policy CP4), the size of the proposed curtilage and its relationship with, and any impact on, adjacent neighbours and their amenity (Policies CP17, DP32 and DP1).

5.2 Scruton is, in the context of Policy CP4, a Secondary Village wherein 'limited development may be acceptable where it clearly supports a local need and contributes to the sustainability of the local community.' The site also comprises previously developed land and the loss of the garage business must be balanced against the environmental improvements which would accrue from the removal of the workshop buildings and development of a well designed and landscaped site. The site is, nevertheless, a sustainable location in national and local policy terms and these factors have not changed since the previous approval.

5.3 The curtilage currently proposed and the siting indicated is considered to be an appropriate form of development which could take place with no demonstrable adverse impact on either local visual or adjacent residential amenity.

5.4 The potential future loss of the village business is unfortunate but that must be balanced against the removal of the unattractive buildings, hardstanding and the associated traffic movements particularly within the 'cul-de-sac' part of the village and in any event there has been no change in policy circumstances since the previous grant of planning permission.

SUMMARY

It is considered that the proposal continues to be in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document identified in the above report in that the proposal comprises the provision of a detached dwelling unit in a sustainable location with the potential for the improvement of the village environment resulting from the removal of a commercial building and associated traffic movements with no demonstrable adverse impact on adjacent residential amenity.

6.0 RECOMMENDATION:

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

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

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

3. No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a validation report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

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

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

6. 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 and pedestrian accesses (ii) vehicular and parking (iii) vehicular turning arrangements (iv) manoeuvring arrangements

7. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition 6 above have been constructed in accordance with the submitted drawing. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

8. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

9. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing (Ref SCH118/1 REV.B) attached to planning application 08/04963/OUT received by Hambleton District Council on 18th December 2008 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990

2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Policies CP21 and DP42.
4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
6. In order to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
7. In order to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
8. In the interests of highway safety and amenity.
9. 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 Policies CP4 and DP1.

10.

11/02029/FUL

Alterations and extensions to existing domestic outbuilding to form a new dwelling and construction of a detached double garage as amended by plans received by Hambleton District Council on 9 December 2011..

**at 76A Front Street Sowerby North Yorkshire YO7 1JF
for Mr & Mrs A Turner.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks consent for alterations and extensions to an existing outbuilding to form a new dwelling. The existing building measures approximately 9.7 metres x 5.4 metres with a height of 6.8 metres. A single storey extension with a glazed link will be constructed to the south elevation and one to the west elevation. The dwelling consists of a dining room, utility, w.c, snug, kitchen, bedroom with en-suite and lounge at ground floor level and two bedrooms, bathroom and study at first floor level. The application also proposes the construction of a detached domestic garage. The garage measures approximately 6.6 metres x 6.1 metres with a height of 3.6 metres.

1.2 The existing building is located on land to the rear of 76A Front Street. The land is currently used as domestic garden by 76A Front Street. There is an existing vehicular access from Back Lane. The applicant's have confirmed that 'the application site, including the access and track, has changed hands several times over the years, mainly between No's 80, 78 & 76a Front Street. Over this time, all three properties have had rights of vehicular access to the rear of their properties and have exercised those rights regularly and in most cases on a daily basis'. If the application is approved then all rights of way to third parties would be removed. The building is located inside the Development Limits of Sowerby and in the Conservation Area.

1.3 The proposal has been amended to take account the Planning Authority's concerns regarding design and scale of the alterations and detached garage.

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 CP2 - Access
- Development Policies DP4 - Access for all
- Core Strategy Policy CP4 - Settlement hierarchy
- Development Policies DP8 - Development Limits
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Development Policies DP28 - Conservation
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Development Policies DP37 - Open space, sport and recreation

4.0 CONSULTATIONS

4.1 Parish Council – As the applicant Mr Turner is a Councillor at Sowerby Parish Council the Sowerby Councillors would prefer that a decision on the application for alterations and extensions to existing domestic outbuilding to form a new dwelling and construction of a detached double garage/workshop at 76A Front Street, Sowerby, be determined by the HDC Planning Committee please, received 14 October 2011.

4.2 NYCC Highways – Visibility from the access on Back Lane is very restricted in a northerly direction and has been assessed at 2.0 x 7.0 metres. It is recommended that the application be refused for the following reason:

The existing access, by which vehicles associated with this proposal would leave and rejoin the County Highway is unsatisfactory since the required visibility of 2.0 metres x 33 metres cannot be achieved at the junction with the County Highway in a northerly direction and therefore, in the opinion of the Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety, received 13 October 2011.

4.3 Yorkshire Water – No objections, conditions recommended, received 12 October 2011.

4.4 Neighbours consulted and site notice posted – Following comments submitted:

a) Our property borders the new development and we welcome the planned changes to the outbuilding and the new garage/workshop construction. The new revised building appearance will not intrude and will be a very satisfactory use for a structure that might otherwise be left to decay, received 26 September 2011.

b) Do not wish to yield our rights of maintenance for our hedge to Mr Turner. The access has been used without experiencing any difficulties in rejoining Back Lane. The track used to serve the allotments forming part of the garden at The Old Barn, received 17 January 2012.

4.5 Press Notice – No response, expiry 24 October 2011.

5.0 OBSERVATIONS

5.1 The issues include the suitability of the principle of a residential use in this location, the scale and design of the alterations, extensions and detached garage, any impact upon neighbours amenities, highway safety or the Conservation Area.

5.2 The site is located inside the Development Limits of Sowerby which has been designated as a Service Centre within the Settlement Hierarchy. The site is within walking distance of the centre of the village and local services such as school, shop and pubs and is therefore considered to be within a sustainable location. A new dwelling is therefore considered acceptable, in principle.

5.3 The application has been amended to form a dwelling which reflects the character of the existing outbuilding. The existing building has been retained, with original openings utilised where possible. The extensions are at single storey height and are therefore subservient to the main building. They are separated from the main building by single storey glazed links which helps to reduce the scale of the extensions and maintain the character and appearance of the original building. The extensions will be constructed of red brickwork, clay roof tiles and timber windows and doors. The detached garage has been significantly reduced and is now more in keeping with the size of the site and nearby buildings. The proposal will result in the loss of a few fruit trees and an attractive orchard area to the south of the original building. However, the site is located between Front Street and Back Lane and is not therefore a prominent feature within the Conservation Area. Furthermore the Thirsk and Sowerby Conservation Area Appraisal does not highlight that this area is of significant importance. It is considered that the design, scale and materials of the proposed development are acceptable and will not have a harmful impact upon the character and appearance of the site or the Conservation Area.

5.4 The building is a sufficient distance from the neighbouring properties and the single storey extensions and garage will not be overbearing and will not create unacceptable levels of overshadowing. The majority of the windows at first floor level are sited on the west elevation to limit overlooking. It is considered that the building has been designed to minimise the impact on the neighbours and their amenities will not be significantly affected.

5.5 The site is a sufficient size to accommodate at least two vehicles, even if the detached garage is used for storage space. NYCC Highways has concerns as the existing vehicle access does not have the required visibility of 2.0 metres x 33 metres and the proposal would result in the intensified use of the access. They have recommended that the application is refused. The applicant has confirmed that for many years at least three of the properties on Front Street have had rights of access to the application site and have used this access on a regular basis. If the application is approved then all rights of way to third parties would be removed and the new dwelling would be the only property to use the access. Although the required visibility cannot be achieved at the site it is felt that the proposal would reduce the use of the access which would be beneficial rather than detrimental to highway safety.

5.6 A unilateral undertaking has been signed to ensure a payment is made towards the provision of public open space in the locality in accordance with LDF Policy DP37.

5.7 Taking into account all of the above, it is considered that the proposal meets with the policies and proposals of the Local Development Framework and is therefore recommended for approval.

SUMMARY

The site is appropriate in location and size to accommodate a dwelling without harm to the amenities of neighbours or the surroundings and without harm to road safety. It is able to comply with the above policies.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. Notwithstanding the provision of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' no additional windows shall be constructed in the east elevation of the building hereby permitted without the prior written consent of the Local Planning Authority.
4. The site shall be developed with separate systems of drainage for foul and surface water.
5. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

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

7. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) received by Hambleton District Council on 9th 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. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

3. To safeguard the amenities of occupiers of adjoining residential property.

4. In the interest of satisfactory and sustainable drainage.

5. To ensure that the development can be properly drained.

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

7. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP16, DP28, CP17 and DP32.

11.

11/02287/FUL

Revised application for the construction of a replacement dwelling with detached garage. at 51 Levenside Stokesley North Yorkshire TS9 5BH for Armstrong Richardson.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 Full planning permission is sought for a replacement dwelling on Levenside in Stokesley. Conservation Area Consent was granted to demolish the existing semi-detached dwelling in March 2010 (ref: 09/04181/CON).

1.2 The proposed dwelling is a simple two-storey cottage with traditional fenestration and measures approximately 11m wide x 7.7m deep x 9.6m high. The internal accommodation comprises a living room, dining room, study, kitchen/utility and WC at ground floor level and four bedrooms (one with en-suite) and a bathroom above. An enclosed garden and a double garden are positioned to the rear of the site. The proposed dwelling is approximately 1.2m narrower than the existing dwelling in order to allow for widening of the access road alongside the Old Mill.

1.3 The existing dwelling (49 Levenside) was formerly three terraced cottages (49, 51 and 53 Levenside) before being converted in a single dwelling. It is of undistinguished design and appearance, with three brick built chimney stacks (triple stacks) being its key feature. The building's external walls are finished in cream render with terracotta pantiles above. The existing windows and doors are unsympathetic modern UPVC additions whilst the rainwater goods are a mix of black and grey plastic. The dwelling is in a prominent location on Levenside itself but is not visible from the main pedestrian and vehicular thoroughfare along Stokesley High Street.

2.0 RELEVANT PLANNING HISTORY

2.1 09/04181/CON – Application for conservation area consent for the demolition of a dwelling (Granted on 09.03.2010)

2.2 09/04180/FUL - Construction of 50 no. dwellings on land to the rear of Union Mill and construction of a replacement dwelling at 51 Levenside (Refused on 28.04.2010)

2.3 10/00525/FUL - Construction of a replacement dwelling with detached garage (Withdrawn on 23.06.2010)

2.4 11/02288/CON - Revised application for conservation area consent for the demolition of a dwelling (Pending Consideration).

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

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

Core Strategy Policy CP17 - Promoting high quality design

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 DP8 - Development Limits
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
PPS1 - Delivering Sustainable Development 2005
PPS 3 - Housing (June 2011)
PPS5 - Planning for the Historic Environment (2010)
PPS25 - Development and Flood Risk 2006

4.0 CONSULTATIONS

4.1 Stokesley Parish Council – do not understand the reason to pull down a perfectly good property.

4.2 NYCC Highways – no objections subject to conditions.

4.3 Planning Policy & Conservation Officer – happy with clarification provided by the Heritage Statement.

4.4 Environment Agency – no objections subject to conditions.

4.5 Northumbrian Water – no objections.

4.6 Publicity – a site notice was erected and neighbours were consulted. The period for replies expired on 25 May 2010. Three representations have been received and are summarised as follows:-

- a) Approve of the overall appearance of the new property.
- b) The application is part of the larger aim to develop housing around the Union Mill site. The sole purpose of this application is to allow vehicular access for this larger development.
- c) All other access to Levenside is by narrow roads and this change is not in keeping with the traditional appearance of Levenside. Therefore, the new property should be the same length as the original property.
- d) The property concerned is part of the Stokesley Conservation area and is of traditional character. Replacement with a modern property (albeit one of sympathetic design) would result in a loss of historic character property in this beautiful area.
- e) Concerned about damage to the fabric of the adjoining Listed Building.
- f) The proposed garage will reduce the light reaching neighbouring garden space.
- g) Detached garages are not in keeping with the traditional layout of this area.
- h) A large amount of vehicles will be utilising Bridge Road to access the additional 51 houses that are now planned instead of the original 15. The increased danger to pedestrians and children feeding the ducks is of paramount importance when this planning application is again reviewed.
- i) The junction from the High Street into Bridge Road will come under increased strain. Should preserve the beauty of the river. The proposal will add to the destruction of this heritage.
- j) The current property is in good condition and should not be lost only to allow the possibility of a further development.

5.0 OBSERVATIONS

5.1 The main issues to consider in the determination of this application are whether the principle of residential development on the site is acceptable, the impact of the proposal on the character and appearance of the conservation area and its effect on amenity, highway safety and flood risk.

5.2 Policy CP4 of the Core Strategy establishes a settlement hierarchy which clearly defines sustainable settlements where new development will be encouraged. The

application site is located within the development limits of Stokesley, which is defined as a Service Centre for the purposes of CP4. Consequently, the proposed replacement dwelling is acceptable in principle.

5.3 The existing dwelling is of poor architectural merit and is not a Listed Building, contrary to the understanding of the Town Council. Therefore, replacement of the existing dwelling provides an opportunity to improve the character and appearance of the Stokesley Conservation Area.

5.4 The proposed scheme is considered to be of good design in accordance with the principles of PPS1. The design reflects the traditional vernacular of the Stokesley Conservation Area but meets modern aspirations whilst sufficient car parking and private amenity space are to be provided. Moreover, it is considered that widening of the access road by 1.2m will not have a material impact on the character and appearance of the Conservation Area.

5.5 The Council's Conservation Officer wishes to see details of the opening mechanism of the windows. It will be important that these open vertically as a traditional sliding sash, as any other form of opening will have a negative impact upon the character of the streetscene, particularly when they are in the open position. Appropriate details could be secured via condition.

5.6 The proposed layout achieves adequate levels of space about the proposed dwelling in order to avoid problems of overlooking and overshadowing. The space standards achieved towards existing properties are good and generally comply with the guidelines quoted within SPG3 residential infill, which requires 21m between main elevations of dwellings and a 14m distance between the side elevation and rear elevation of neighbouring dwellings.

5.7 Several neighbouring occupiers have objected to the application on the grounds that its main objective could be to facilitate residential development of land to the rear of the Union Mill.

5.8 Section 38(6) of the Planning and Compensation Act 2004 states that "if regard is to be had to the development plan for the purpose of any determination must be made in accordance with the plan unless material considerations indicate otherwise." Therefore every planning application must be judged on its own merits. Consequently, this application cannot be refused on the grounds that it could facilitate development elsewhere.

5.9 A flood risk assessment has been submitted by the applicant, which has subsequently been assessed by the Environment Agency. The EA has no objection to the application provided that the measures detailed in the Flood Risk Assessment prepared by BDN consultants are implemented and secured by way of a planning condition. The proposed mitigation measures cover finished floor levels and the implementation of an agreed surface water scheme.

5.10 The Local Highway Authority has raised no objections to the application in terms of car parking provision, access and turning arrangements.

SUMMARY

The principle of residential development on the site is acceptable. The proposal is acceptable in terms of its impact on the character and appearance of the Stokesley Conservation Area, individual design, impact on the amenity of neighbouring occupiers and highway safety. It therefore accords with National Planning Policy and 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 10.044 P-002 and 1199-P 51 received by Hambleton District Council on the 19th October 2012 unless otherwise agreed in writing by the Local Planning Authority.
3. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
4. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 3 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by BDN consultant's ref R0274 dated 24th June 2011 and the following mitigation measures detailed within the FRA:
 - Finished floor levels are set no lower than 67.30m above Ordnance Datum (AOD).
6. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
7. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 25m measured along both channel lines of the access road from a point measured 2.4m down the centre line of the driveway. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing marked "Proposed Site Plan – Project no 10.044 Dwg No P-004". Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with Policies CP16, 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 CP16, CP17 and DP32 of the Hambleton Local Development Framework.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with Policies CP16, CP17 and DP32 of the Hambleton Local Development Framework.
5. To reduce the risk of flooding to the proposed development and future occupants.
6. To prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.
7. In the interests of road safety.
8. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

12.

11/02288/CON

**Revised application for conservation area consent for the demolition of a dwelling.
at 51 Levenside Stokesley North Yorkshire TS9 5BH
for Armstrong Richardson.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 Conservation Area Consent is sought to demolish a semi-detached dwelling standing within Stokesley Conservation Area. The existing dwelling (49 Levenside) was formerly three terraced cottages (49, 51 and 53 Levenside) before being converted in a single dwelling.

1.2 The existing dwelling is of undistinguished design and appearance, with three brick built chimney stacks (triple stacks) being its key feature. The building's external walls are finished in cream render with terracotta pantiles above. The existing windows and doors are unsympathetic modern UPVC additions whilst the rainwater goods are a mix of black and grey plastic. The dwelling is in a prominent location on Levenside itself but is not visible from the main pedestrian and vehicular thoroughfare along Stokesley High Street.

1.3 A concurrent application for a replacement dwelling is currently under consideration (ref: 11/02287/FUL).

1.4 Conservation Area Consent was granted to demolish the existing semi-detached dwelling in March 2010 and is extant until March 2013 (ref: 09/04181/CON). The purpose of this application is to extend time period for implementation and allow the application for the replacement dwelling and Conservation Area Consent to run concurrently.

2.0 RELEVANT PLANNING HISTORY

2.1 09/04181/CON – Application for conservation area consent for the demolition of a dwelling (Granted on 09.03.2010)

2.2 09/04180/FUL - Construction of 50 no. dwellings on land to the rear of Union Mill and construction of a replacement dwelling at 51 Levenside (Refused on 28.04.2010)

2.3 10/00525/FUL - Construction of a replacement dwelling with detached garage (Withdrawn on 23.06.2010)

2.4 11/02287/FUL - Revised application for the construction of a replacement dwelling with detached garage (Pending Consideration).

3.0 RELEVANT PLANNING POLICIES:

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

4.0 CONSULTATIONS

4.1 Stokesley Parish Council – object. The Parish Council does not understand the reason to pull down a perfectly good property.

4.2 Publicity – a site notice was erected and neighbours were consulted. The period for replies expired on 22 November 2011. One representation has been received from the immediate neighbour who is concerned about the impact of the construction works on the adjoining listed building.

5.0 OBSERVATIONS

5.1 The issue to be considered when determining this application is the impact of the works on the appearance and character of the surrounding Conservation Area.

5.2 A Heritage Statement has been submitted with the application which examines the heritage significance of the existing dwelling and how its loss, and subsequent replacement, would impact upon the Stokesley Conservation Area.

5.3 The Heritage Statement concludes that the property is not listed, has no special architectural or historic interest and its traditional character has been eroded by inappropriate alterations which have significantly reduced its value to the wider Conservation Area. These findings are supported by the Council's Conservation Officer.

5.4 During an internal inspection by the Council's Planning Policy and Conservation Officer concluded that there are no internal features of any historical interest. Inspection of the roof space found some original timbers but nothing of particular quality.

5.5 The proposed replacement dwelling is considered to be acceptable, as detailed within the Planning Committee Report in respect of application ref: 11/02287/FUL.

5.6 It is considered that the replacement of this property would provide the opportunity for an improved building along Levenside, which would improve the character and appearance of the Stokesley Conservation Area and Article 4 Direction.

5.7 Notwithstanding the above considerations, an extant Conservation Area Consent exists until March 2013. Therefore, the principle of demolition has already been approved by the Council and therefore it would be unreasonable to refuse permission.

5.8 In terms of the impact on the neighbouring property during construction, this matter is dealt with under the Party Wall Act and the Building Regulations System.

SUMMARY

The building subject to this application has no architectural or historic interest and does not make a positive contribution to the character or appearance of the area. Its demolition and replacement with a well designed development would allow better use to be made of the site. 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. Upon commencement of the demolition hereby approved the site shall be kept secure and all waste arising from the demolition shall be removed from the site. On the completion of the demolition the site shall be kept secure in accordance with a scheme to be submitted to and 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. To ensure that the building is only demolished to allow redevelopment of the site for a specific scheme, in accordance with Policy CP16 and DP28 of the Hambleton Local Development Framework.

13.

11/00544/FUL

**Alterations to existing dwelling and annexe to form 2 flats and a dwelling plus construction of 2 dwellings.
at 28A Long Street Thirsk North Yorkshire YO7 1AP
for Mr & Mrs G Denison.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the conversion of an existing three-storey dwelling to form a one-bedroomed ground floor flat with a two-bedroomed unit to the first and second floors and the construction of a pair of two bedroomed semi-detached cottages in the rear garden curtilage. An existing 'cottage annexe' to the rear of the existing house will be retained as a two bedroomed unit giving a total of five dwellings in all.

1.2 The site is on the eastern side of Long Street immediately to the south of the ATS Motor Service business and to the north of a window manufacturing company. The western boundary of the site is shared with gardens on the Hambleton Drive estate. Vehicular access will be via the (improved) existing access to No.28 with an extended internal road with parking and turning area within the rear curtilage. In addition to the parking and turning area there will be provision for bike and bin storage with individual garden/amenity areas for each unit.

1.3 The alterations to the existing dwelling and annexe to form a total of three units are limited to the installation of a second roof light to the rear elevation. The two new dwellings are of a simple design and to be constructed in a multi red/buff facing brickwork with natural clay pantiles to match those of the existing dwelling.

2.0 PREVIOUS PLANNING HISTORY

2.1 2/86/152/0308 : Conversion of dwelling to form two flat units : Permission Granted 1986.

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 CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP8 - Type, size and tenure of housing
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP37 - Open space, sport and recreation

4.0 CONSULTATIONS

4.1 Thirsk Town Council : Wishes to see the application Refused (Backland development and overdevelopment of the site).

4.2 North Yorkshire County Council (Highways Authority) : Recommends that permission be refused.

4.3 North Yorkshire County Council (Heritage Unit) : Wishes to see a 'watching brief' archaeological condition imposed.

4.4 Environmental Health Officer : Scheme showing an acoustic scheme behind the property to the south to be submitted.

4.4 The application was advertised by site notice at the front of the site and the ten closest neighbours/businesses were consulted. One letter was received from a resident on the western side of Long Street objecting on the grounds of over-development of the site and attendant growth in traffic movements.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the sustainability of the site location (Policy CP4), together with the scale, design and materials proposed (Policies CP17 and DP32), the type, size and tenure of the dwelling units to be provided (Policies CP8 and DP13) together with the impact, if any, on adjacent amenity or activities, including highway safety (Policy DP1).

5.2 The site is well within the defined development limits for Thirsk which is designated within the context of Policy CP4 as a Service Centre, having a wide range of local services and facilities appropriate to assimilate additional residential development. The site is, consequently, fully sustainable in both national and local policy terms.

5.3 The proposed new dwellings, whilst not 'affordable' in a formal sense, are of a modest size and simple form appropriate to this site location which lies within a 'mixed' area where commercial, light industrial and residential uses co-exist without apparent conflict. The main dwelling has previously been sub-divided and then 're-united' and the current proposal seeks to reconvert this to provide accommodation which will satisfy the needs of individuals or couples whilst the new units are suitable for small local families with the possibility of walking or cycling to local shops and employment including both the town centre and the Thirsk Business Park. The justification to Policy DP13 states in para. 4.5.4 that 'The appropriate type of housing built must be more closely aligned than in the past to the needs of the local community, for example, the needs of elderly people, families, single and younger people. This should be reflected in the size, design and tenure of the accommodation, its relationship to facilities and mix with other dwellings and services.' It is considered that this development meets the aims of this element of the Policy. The applicant is to carry out the development himself and although some parts are to be sold he may retain some units for rental.

5.4 Although the overall site area is relatively small there are storage and private amenity areas for each of the units with a designated parking space with turning facility to ensure that any vehicles can leave the site, singularly, in a forward gear. The site curtilage is a very secluded and self-contained 'green oasis' which would provide a most pleasant environment for residents. The orientation of windows is such that there is no significant inter-visibility between the units. A condition requiring the eastern elevation second floor window of the easternmost new dwelling to be installed with obscure glazing would prevent any overlooking into the adjoining garden off Hambleton Drive.

5.5 The applicant has concluded a Unilateral Undertaking in respect of a payment towards the provision/improvement of public open space and recreational facilities in accordance with Policy DP37.

5.6 Notwithstanding the general acceptability of the scheme as described above the site is close to a pedestrian crossing/traffic lights on Long Street and the Highways Authority has recommended refusal on the grounds of impact on highway safety relating to the intensification of use of the access and operation of the pedestrian crossing.

6.0 RECOMMENDATION:

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

1. The Local Planning Authority considers that the intensification of use of the existing access to the development would interfere with the operation of the pedestrian crossing on Long Street and the operation of the other nearby accesses with a consequent danger to highway users.

2. The Local Planning Authority considers that in the absence of adequate on-site parking space the proposed development would be likely to result in vehicles being parked outside the site on the County Highway to the detriment of the free flow of traffic and road safety

14.

11/02305/FUL

**Demolition of existing outbuilding and construction of a dwelling.
at Land Adjacent To The Horseshoe Inn West Rounton North Yorkshire DL6 2LL
for Mr S Taylor.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 The application was presented to the Planning Committee on 2 February 2012 when it was resolved that the matter be deferred pending a site visit.

1.2 This application is seeking planning consent for the demolition of an existing outbuilding and construction of a dwelling at land adjacent to the Horseshoe Inn, West Rounton. The outbuilding is located within the curtilage of the Horseshoe Inn, a Grade II Listed building. As such it is considered as a Listed structure in its own right and a concurrent application for Listed Building Consent (11/02716/LBC) has been submitted and is pending consideration.

1.3 The outbuilding to be demolished currently sits to the south of adjacent public house, with a grassed area beyond this to the south. The proposed dwelling to provide for 2 bedrooms, 2 bathrooms, a lounge, a kitchen/dining area, and an integral garage, would measure approximately 12.5m x 8.2m, with a total height of approximately 5.3m. A garden area would be formed to the south of the proposed dwelling and would measure approximately 5m (width), [tapering to 3.8m at the western end], by 9.4m (length).

1.4 Materials for the proposed dwelling would comprise a sandstone coloured facing brick plinth, painted render and blockwork, with double roman concrete pantiles. The existing outbuilding is formed of stone and brickwork with a clay pantiled roof.

1.5 The site is open to the public highway to the west and is bound by a hedgerow measuring approximately 3m in height to the south. The landscape ascends to the east. A vegetable plot, understood to be owned by Village Farm is situated immediately to the east of the proposed dwelling.

1.6 In their Design and Access Statement the applicant sets out that the proposed dwelling would replace first floor managers accommodation within the public house that has already been converted to conference facilities. The applicant currently owns and manages the Horseshoe Inn and resides in West Rounton.

1.7 Further information was received from the applicant on 9 January 2012 in support of their application. This has provided further dialogue on points discussed in paragraph 5, and responds to a report by the Council's Listed Building Officer to the concurrent Listed Building application 11/02716/LBC.

2.0 RELEVANT PLANNING HISTORY

2.1 2/80/169/0024 - Application for Listed Building Consent for re-rendering and colouring of the front elevation of the existing public house; Granted 1980.

2.2 2/82/169/0024A - Application for Listed Building Consent for an extension to existing public house to provide increased living accommodation; Granted 1982.

2.3 2/82/169/0024B - Extension to existing public house to provide increased living accommodation; Granted 1982.

2.4 2/89/169/0024C - Application for Listed Building Consent for alterations to existing public house; Granted 1989.

2.5 2/90/169/0024D - Display of an externally illuminated sign; Granted 1990.

2.6 2/90/169/0024E - Application for Listed Building Consent for the display of an externally illuminated sign and a non-illuminated sign; Granted 1990.

2.7 2/92/169/0024F - Extension to existing public house and living accommodation; Granted 1992.

2.8 2/92/169/0024G - Application for Listed Building Consent for an extension to existing public house and living accommodation; Granted 1992.

2.9 10/00747/FUL- Single storey extension to existing pub, installation of 3 roof lights and 2 replacement windows, alterations to outbuildings, alterations to form a self contained flat and formation of a car park as amended by email and plan received on 10 June 2010; Granted 2010.

2.10 10/00748/LBC - Application for listed building consent for a single storey extension to existing pub, installation of 3 roof lights and 2 replacement windows, alterations to outbuildings, alterations to form a self contained flat and formation of a car park as amended by email and plan received on 10 June 2010; Granted 2010.

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP3 - Community Assets
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy 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 DP3 - Site accessibility
- Development Policies DP5 - Community facilities
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP28 - Conservation
- Development Policies DP32 - General design
- Development Policies DP37 - Open space, sport and recreation
- Development Policies DP4 - Access for all

4.0 CONSULTATIONS

4.1 Parish Council - The council wishes to submit some observations on the application in the absence of any clear consensus wishing to see the application either approved or declined.

Firstly, we understand that, within the original planning consent for the renovation of the public house were plans to create a self-contained flat (10/00747/FUL).

Secondly, the new building is not on the same footprint as the byre and looks to be significantly larger.

Thirdly, other local residents have converted barns and agricultural buildings into residential property and have been subject to strict planning rules about what can or cannot be altered. Straight demolition appears very unusual.

Finally, if the permission is granted, then a permanent restriction preventing the sale of the new building separate to the public house may be deemed appropriate if the applicant's

main argument, that the public house can only prosper with this separate building being available, is correct.

4.2 NYCC Highways -

- 1st Response: raising the following concerns: No objections in principle to the development however there is a concern with regard to the amount of parking that is associated with the development and the layout of the proposed driveway.

- 2nd Response: The Highway Authority recommends that the above application should be REFUSED for the following reason: The Planning Authority considers that in the absence of adequate on-site parking space the proposed development would be likely to result in vehicles being parked outside the site on the County Highway to the detriment of the free flow of traffic and road safety.

4.3 River Wiske Internal Drainage Board (IDB) - The soakaway should be designed in accordance with BRE 365. The soakaway will require permeability tests to prove that the soil is suitable for this purpose. The rainfall design should take account of climate change in accordance with PPS25.

4.4 Northumbrian Water - The applications have been examined and Northumbrian Water has no objections to the proposed developments.

4.5 North Yorkshire Building Control Partnership; expires 30.11.2011 - No responses received as at 23.01.12.

4.6 Neighbours notified and site notice posted; expires 12.12.11 - Two objections received, in summary, mainly concerning: impact to 2 White House Wynd (close separation distance), noise rebound effect to this property, better use of land would be for car parking (cars park on the pavements and verges when the pub is busy), local land drainage to existing grassed area, impact on light to October House, overlooking to this property. One further response received making observations that there is a vehicular right of way through the side of the pub car park adjacent to the proposed structure for the use of Village Farm (as well as pedestrian access for both Village Farm and Middle Cottage). One response in support of the proposal - improvement to the street scene and would ensure the viability of the public house.

4.7 Press Advert; Published: 25.11.2011; Expires: 19.12.11 - No responses received as at 23.01.12.

5.0 OBSERVATIONS

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

- Principle:

5.2 The site is within a settlement that is not considered sustainable in terms of the Hambleton Sustainable Settlement Hierarchy as is set out in Policy CP4 of the Hambleton Local Development Framework and is therefore 'outside of development limits'. Any proposal must satisfy at least 1 or the 6 exceptional criteria set out within Policy CP4 in order to comply with the policy. No evidence has been put forward to the Local Planning Authority to suggest that the proposal would meet with any of these criteria. The issue of principle has been conveyed to the applicant who reiterates the comments of their supporting statement that 'the provision of a dwelling to replace the loss of living accommodation in The Horseshoe Inn' and that the dwelling is required to ensure the day to day management of the public house, and on security grounds. The Policies CP3 and DP5 both support the retention, provision and enhancement of community facilities. In the absence of a need for

the dwelling that would enable compliance with CP4. Notwithstanding the policy opposition to the provision of a new dwelling an alternative solution to create living accommodation in part of the retained existing outbuilding, potentially with a small degree of extension, has been put to and dismissed by the applicant who wishes to progress with the current scheme. Taking this into account the principle of an additional dwelling in this location is not considered compliant with the policies of the Hambleton Local Development Framework and is not acceptable.

- Neighbour Amenity:

5.3 Taking into account the ascending landscape to the east of the proposed dwelling, the use of the land behind, the separation distance to neighbouring property and the overall design of the scheme it is not considered that there would be an adverse impact on neighbour amenity. Consequently the proposal would comply with policy DP1 of the Hambleton Local Development Framework in this respect.

- Visual Amenity, Design and Streetscene

5.4 The proposed dwelling sits very tightly on the restricted site. The size of the dwelling is such that it constitutes over development of the site. This is evidenced by the rear of the property sitting very close to the eastern boundary, a minimal sized garden area and the lack of manoeuvring space for vehicles to the western elevation. There is a very varied settlement pattern within the West Rounton. In this portion of the village the majority of properties are recessed from the highway providing a spacious feel to the locality. This proposed dwelling would sit less than 2m from the public highway and would cramp this recessed context. It is noted that the existing outbuildings are within this recessed frontage however the scale of the proposed dwellings goes well beyond the structures currently on-site. The proposed dwelling also introduces complicated design features in terms of its roofscape and principal elevation detailing that does not blend with the immediately surrounding street scene. The detailed elevational treatment is inappropriate to its setting and would have a harmful impact on the setting of the adjacent Listed Building. For the above reasons the proposal would not maintain the visual amenity of the locality and would not comply with policies CP1, DP1, CP16, DP28, CP17 and DP30.

- Highway Safety:

5.5 NYCC Highways have expressed their concerns in their first response. Their formal response recommends that the application should be refused as a result of the detrimental impact caused by the development to the free flow of traffic and road safety as a result of the absence of adequate on-site parking spaces and the increased likelihood of vehicles parking outside the site on the County Highway.

- Public Open Space Contribution:

5.6 A net increase in dwellings usually attracts a contribution towards off-site Public Open Space provision to satisfy the requirements of the Open, Space, Sport and Recreation Supplementary Planning Document and policy DP37 of the Hambleton Local Development Framework. A contribution has been calculated and requested from the applicant. The applicant considers that as the proposal is replacing the ancillary accommodation removed from the public house a contribution is not required as there has not been a net increase in dwellings. The Local Planning Authority consider that the proposal does constitute a net increase in a dwelling and therefore maintain that a contribution is necessary. The applicant has confirmed that they do not intend to make the required contribution. As such the proposal does not satisfy the requirements of policy DP37 in that there has not been a contribution towards off site Public Open Space provision.

- Neighbour Responses:

5.7 The comments of the neighbouring properties directly to the east and west are noted. At the nearest point the separation distance between 2 White House Wynd and the western elevation of the proposed dwelling would be approximately 16.4m. This distance and the relationship of the two properties would not be considered to erode neighbour amenity. Taking into account the scale of the development, its proximity to 2 White House Wynd, and the likely frequency of vehicles passing through West Rounton, it is not considered that the proposal would give rise to a harmful noise rebound effect. Local drainage issues have been assessed and commented upon by the IDB. There is approximately 25m between the eastern elevation of the proposed dwelling and the principal elevation of October House. This separation distance and the ascending landscape is considered acceptable in that it would not give rise to a loss of light or a harmful overlooking effect. The private right of access to the north of the proposed dwelling is noted and would constitute a civil and not a planning matter, and would therefore not form a material consideration in the determination of this application.

- Conclusion:

5.8 Taking the above into account it is considered that whilst the proposal is able to satisfy policy requirements in regard to neighbour amenity, it fails to be acceptable in principle, has an adverse impact on the visual amenity of the surrounding area, has a detrimental impact on highway safety and fails to make the necessary contributions towards off site Public Open Space provision. Consequently the application is recommended for refusal.

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 the development is, consequently, contrary to these policies.
2. The proposed dwelling would be contrary to Policies CP1, CP17, DP1 and DP32 of the Local Development Framework in that it would have an adverse impact on the visual amenity of the street scene, is of inappropriate detailing and would have a harmful impact upon the setting of the adjacent Listed Building contrary to Policies CP16 and DP28.
3. The proposal fails to provide an appropriate contribution towards achievement of the standards set out for open space, sport and recreation in Local Development Framework Policies CP19 and DP37.
4. The proposed development is contrary to policies CP2 and DP4 of the Hambleton Local Development Framework in that there is an absence of adequate on-site parking space which would be likely to result in vehicles being parked outside the site on the County Highway to the detriment of the free flow of traffic and road safety.

15.

11/02716/LBC

**Application for listed building consent for demolition of existing outbuilding and construction of a dwelling.
at Horseshoe Inn West Rounton North Yorkshire DL6 2LL
for Mr S Taylor.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is seeking Listed Building consent for the demolition of an existing outbuilding and construction of a dwelling at land adjacent to the Horseshoe Inn, West Rounton. The outbuilding is located within the curtilage of the Horseshoe Inn, a Grade II Listed building and is therefore a Listed Building.

1.2 The outbuilding to be demolished currently sits to the south of adjacent public house, with a grassed area beyond this to the south. The proposed dwelling to provide for 2 bedrooms, 2 bathrooms, a lounge, a kitchen/dining area, and an integral garage, would measure approximately 12.5m x 8.2m, with a total height of approximately 5.3m. A garden area would be formed to the south of the proposed dwelling and would measure approximately 5m (width), [tapering to 3.8m at the western end], by 9.4m (length).

1.3 Materials for the proposed dwelling would comprise a sandstone coloured facing brick plinth, painted render and blockwork, with double roman concrete pantiles. The existing outbuilding is formed of stone and brickwork with a clay pantiled roof.

1.4 The site is open to the public highway to the west and is bound by a hedgerow measuring approximately 3m in height to the south. The landscape ascends to the east. A vegetable plot, understood to be owned by Village Farm is situated immediately to the east of the proposed dwelling.

1.5 In their Design and Access Statement the applicant sets out that the proposed dwelling would replace first floor managers accommodation within the public house that has already been converted to conference facilities. The applicant currently owns and manages the Horseshoe Inn and resides in West Rounton.

1.6 Further information was received from the applicant on 9 January 2012 in support of their application. This has provided further dialogue on points discussed in paragraph 5, and responds to a report by the Council's Listed Building Officer.

2.0 RELEVANT PLANNING HISTORY

2.1 2/80/169/0024 - Application for Listed Building Consent for re-rendering and colouring of the front elevation of the existing public house; Granted 1980.

2.2 2/82/169/0024A - Application for Listed Building Consent for an extension to existing public house to provide increased living accommodation; Granted 1982.

2.3 2/82/169/0024B - Extension to existing public house to provide increased living accommodation; Granted 1982.

2.4 2/89/169/0024C - Application for Listed Building Consent for alterations to existing public house; Granted 1989.

2.5 2/90/169/0024D - Display of an externally illuminated sign; Granted 1990.

2.6 2/90/169/0024E - Application for Listed Building Consent for the display of an externally illuminated sign and a non-illuminated sign; Granted 1990.

2.7 2/92/169/0024F - Extension to existing public house and living accommodation; Granted 1992.

2.8 2/92/169/0024G - Application for Listed Building Consent for an extension to existing public house and living accommodation; Granted 1992.

2.9 10/00747/FUL- Single storey extension to existing pub, installation of 3 roof lights and 2 replacement windows, alterations to outbuildings, alterations to form a self contained flat and formation of a car park as amended by email and plan received on 10 June 2010; Granted 2010.

2.10 10/00748/LBC - Application for listed building consent for a single storey extension to existing pub, installation of 3 roof lights and 2 replacement windows, alterations to outbuildings, alterations to form a self contained flat and formation of a car park as amended by email and plan received on 10 June 2010; Granted 2010.

2.11 11/02305/FUL - Demolition of existing outbuilding and construction of a dwelling; Pending Consideration.

3.0 RELEVANT PLANNING POLICIES:

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

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

Development Policies DP28 - Conservation

PPS5 - Planning for the Historic Environment (2010)

4.0 CONSULTATIONS

4.1 Parish Council; expires 29.12.2011 - No responses received as at 01.02.12.

4.2 The Council for British Archaeology; expires 29.12.11 - No responses received as at 01.02.12.

4.3 Listed Building Officer -

The building to be demolished is a traditional pantiled structure which helps to close the view northwards along the village street in an attractive manner. The listed public house stands at the end of a short row of gabled cottages, and these provide a setting and backdrop to this building. West Rounton is a small village of some charm, characterised by groups of cottages and other buildings, and with a small green at its centre. This building forms a key element in the streetscene, and is treated as being a curtilage building forming part of the The Horseshoe Inn. The proposed bungalow appears to sit very tightly on its restricted site, and is sited very close to the public house. The design and detailing are poor, with much use of applied "timber framing" to the front elevation, and an incongruous mixture of gables of differing sizes and dormer windows. Further incongruity results from the use of a hipped roof at one end. None of this reflects the cottage vernacular of the village, with rows of gabled cottages set back from the roadside in short terraces. I think that the applicant may be drawing on the detailing of the Village Hall, which if I recall correctly, has some timber framing at high level, but that building is in the Arts and Crafts idiom, while this proposed building is devoid of both art and craft.

A 1988 photo shows these buildings in a prominent location in the village street. At that time, they consisted of a gabled stone building, gable towards the road, with an attached cat slide roofed section on the south side, and a lower gabled building with the gable on the edge of the road. They are an important element in the street scene, and their demolition would be

extremely damaging to the character and appearance of West Rounton. A photo 1987 of the Village Hall (1907) which does NOT have any timber framing, so there is no clue where the designer of the proposed bungalow got the idea for timber framing.

4.4 Neighbours notified and site notice posted; expires 31.01.12 - No responses received as at 01.02.12.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of the proposed demolition of the existing outbuilding and construction of a dwelling, and whether it would be acceptable in terms of its impact on the character and appearance of the existing adjacent Listed building and any impact on its architectural merit.

- Policy Context:

5.2 Policy DP28 of the Hambleton Local Development Framework (LDF) relates to the conservation of the historic heritage within the District. It states that this will be ensured by preserving and enhancing Listed Buildings...and that development within or affecting the feature or its setting should seek to preserve or enhance all aspects that contribute to its character and appearance, in accordance with the national legislation that designates the feature. The policy also mentions that particularly important considerations will include the position and massing of new development in relation to the particular feature, and the materials and design utilised.

5.3 Policy HE9 of Planning Policy Statement (PPS) 5 sets out that there should be a presumption in favour of the conservation of designated heritage assets, and that loss affecting any designated heritage asset should require clear and convincing justification. The policy also sets out that where the application will lead to substantial harm to or total loss of significance local planning authorities should refuse consent unless it can be demonstrated that: (i) the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that harm or loss; or (ii) (a) the nature of the heritage asset prevents all reasonable uses of the site; and (b) no viable use of the heritage asset itself can be found in the medium term that will enable its conservation; and (c) conservation through grant-funding or some form of charitable or public ownership is not possible; and (d) the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use. When considering the setting of a designated heritage asset PPS5 Policy HE10 advises that: 'When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval'.

- Principle and Impact:

5.3 The response of the Council's Listed Building Officer correctly highlights that the building proposed for demolition forms a key element in the street scene, which helps to close the view northwards along the village street. It is clear that the design of the building adds to the character of the street scene, but more importantly compliments the Listed Horsehoe Inn to the north. It is also clear the demolition of the structure would fail to preserve or enhance the Listed building, either the outbuilding to be demolished, or the adjacent public house. Additionally the demolition works and the construction of a dwelling would affect the feature, in this case the Listed building of the public house, and its setting and would fail to preserve or enhance all aspects that contribute to its character and appearance. The mass of the proposed dwelling would crowd and represent overdevelopment of the plot on which it sits and fails to adhere to the design or materials of the existing structure(s) on site or the immediate street scene. As such the scheme fails to comply with policy DP28 of the Hambleton LDF.

5.4 Regarding the specific and more recently adopted policy guidance of PPS5 it is considered that no clear and convincing justification for the loss of the outbuilding has been presented to the Local Planning Authority. There has been no evidence submitted to suggest that the proposal would deliver substantial public benefits that outweigh that harm or loss. The nature of the heritage asset does not prevent all reasonable use of the site. The alternative of conversion and extension of the building could be achieved and has been conveyed to and dismissed by the applicant. A viable use of the heritage asset itself could be found in the medium term that will enable its conservation as per the conversion alternative. The feasibility of conservation through grant-funding or some form of charitable or public ownership has not been conveyed to the Local Planning Authority. No details have been submitted to the Local Planning Authority to demonstrate that the harm to or loss of the heritage asset is outweighed by the benefits of bringing the site back into use. In regard to the setting of the heritage asset (Horseshoe Inn) it is considered that the no evidence has been provided that demonstrates that the harm caused by the demolition of the outbuildings and proposed dwelling would outweigh the wider benefits of the application.

- Conclusion:

5.4 Taking the above into account it is considered that the proposed demolition of the outbuildings and the construction of a detached dwelling would not accord with policy DP28 of the Hambleton LDF nor would it accord to the national policy of PPS5. Hence this application is recommended for refusal.

6.0 RECOMMENDATION:

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

1. The proposal is contrary to Policies CP16 and DP28 of the Hambleton Local Development Framework and Planning Policy Statement 5, in that it fails to preserve and enhance the Listed outbuilding and the adjacent Listed public house and has a harmful impact on the character and appearance of the setting of the Listed public house.