

PLANNING COMMITTEE

29 MARCH 2012

Item No	Application Ref/ Officer	Proposal/Site Description
1	11/02736/FUL Mrs H M Laws	Construction of an agricultural building for the storage and housing of a grain dryer. at Rose Cottage Crayke North Yorkshire YO61 4TJ for Mr R Dawson. RECOMMENDATION: DEFER
2	11/02733/FUL Mrs H M Laws	Construction of 8 dwellings as amended by plan received by Hambleton District Council on 16 March 2012. at Hutchinsons DIY And Stationery Chapel Street Easingwold North Yorkshire for Hutchinson's DIY. RECOMMENDATION: GRANTED
3	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 for Redrow Homes Yorkshire RECOMMENDATION: GRANTED
4	12/00197/FUL Miss C Walton	Change of use of office to 4 flats. at Industry Resource Services Ltd First Floor And Second Floor Offices 97 High Street Northallerton for Threadneedle Property Investments Ltd. RECOMMENDATION: GRANTED
5	11/02264/FUL Mr J Saddington	Demolition of former residential home and construction of 11 dwellings, garages with access road and public open space as amended by plans received by Hambleton District Council on 12 March 2012. at Oak Mount Thirsk Road Northallerton North Yorkshire for Northern Commercial Developments Ltd. RECOMMENDATION: GRANTED
6	12/00019/FUL Mr J Saddington	Change of use from dwelling to a country house hotel. at Rudby Hall Skutterskelfe North Yorkshire TS15 0JN for Python Properties Ltd. RECOMMENDATION: GRANTED

<p style="text-align: center;">7</p>	<p>12/00228/FUL Mrs B Robinson</p>	<p>Proposed alterations and extension to existing dwelling as amended by plan received by Hambleton District Council on 27 February 2012. at 36 Northfield Drive Stokesley Middlesbrough TS9 5PF for Mr P Darcy.</p> <p>RECOMMENDATION: GRANTED</p>
<p style="text-align: center;">8</p>	<p>11/02741/FUL Mr A J Cunningham</p>	<p>Change of use of office to dental surgery and office. Formation of an exit door, stairs and platform lift as amended by plan and letter received by Hambleton District Council on 31 January 2012. at River House 23 Finkle Street Thirsk North Yorkshire for Mr M Beaufoy.</p> <p>RECOMMENDATION: GRANTED</p>
<p style="text-align: center;">9</p>	<p>12/00115/FUL Mr A J Cunningham</p>	<p>Change of use of agricultural building to workshop and storage area for the assembly of hydraulic hoses and accessories. at Rising Sun Farm Topcliffe Thirsk North Yorkshire for Mr G Savage.</p> <p>RECOMMENDATION: GRANTED</p>

1.

11/02736/FUL

Construction of an agricultural building for the storage and housing of a grain dryer. at Rose Cottage Crayke North Yorkshire YO61 4TJ for Mr R Dawson.

1.0 PROPOSAL & SITE DESCRIPTION

1.1 Members have had the opportunity prior to the 29 March 2012 Planning Committee meeting to visit the site at Rose Cottage, which lies in open countryside to the west of Crayke and north of the Easingwold Road, outside of the Howardian Hills AONB. The site comprises a dwelling and several farm buildings including a newly constructed grain store and a weighbridge, both of which were granted planning permission last year.

1.2 The proposed scheme is for the construction of an agricultural building at the northern end of the site beyond the edge of the existing farmyard. The building has dimensions of 34.5m x 18.5m with an eaves height of 12m and a ridge height of 15m. The building is to be finished in juniper green coloured profiled sheeting with concrete dwarf walls up to 500mm.

1.3 The position of the proposed building lies on land that is at a similar ground level to the neighbouring dwelling Rookery House. The land between the two sites is in a slight dip.

1.4 The business currently operates from Rose Cottage, which is the main base of the farm, and also from Mount Pleasant Farm, which is tenanted. The business farms a total of 475 acres, 435 of which is down to arable combinable farming. An additional area of 280 acres is to be farmed next year. The business also finishes approximately 900 hogs per year. The existing drying method involves the use of an external dryer, (for which planning permission is not required). Grain has previously been stored externally or in one of the older buildings at the farm.

1.5 It is proposed to use the building for the storage and operation of a grain dryer. The grain is brought into the building from the fields. Grain is retained within the building until transferred automatically between the bunkers and the dryer.

1.6 The nearest neighbouring dwelling, Rookery House, lies approximately 130m to the north east of the application site. The neighbour to the south at Halfway House lies approximately 160m from the position of the proposed building.

1.7 The proposed development makes provision for landscaping to the north, east and west of the building to include silver birch, sycamore, pedunculate oak, beech, ash and hazel. Landscaping schemes have also been approved and partly implemented in relation to the two earlier applications for the approved development last year. A plan illustrating the position of the landscaping will be available at the meeting.

2.0 PLANNING HISTORY

2.1 05/01254/FUL – construction of agricultural building. Permission refused 23/8/2005 for the following reason:

The proposed development is contrary to the Hambleton District Wide Local Plan Policy EM15, L11 and L14 due to the harm that would be caused to the landscape by virtue of the height and bulk of the proposed agricultural building and the lack of appropriate landscaping proposals to restore the landscape to its former condition and to appropriately screen the new building from the surrounding countryside.

2.2 08/00948/APN – application for prior notification for the construction of a storage building for keeping straw dry. No objections 14/5/2008.

2.3 10/02961/FUL – Construction of an agricultural storage building and hardstanding. Permission granted 8/3/2011

2.4 11/01483/FUL - Retrospective application for the construction of an agricultural weighbridge, associated hardstanding and control portacabin. Permission granted 8/9/2011 subject to the following condition:

“The weighbridge hereby approved shall not be a Public Weighbridge, it shall only be used in connection with the farming operation undertaken at Rose Cottage and the Mount Pleasant Farm, Crayke and shall not be used in connection with any other farming activity or separate commercial enterprise without the prior written consent of the Local Planning Authority.”

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP25 - Rural employment
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- PPS7 - Sustainable Development in Rural Areas

4.0 CONSULTATIONS

4.1 Parish Council – The Crayke Parish Council has reviewed the additional and professionally produced information and considers that it was useful and endorses the Council’s original decision to approve the application. The Council also hopes that it will put to rest some of the more speculative and apparently unfounded figures that have been circulated around the area.

4.2 Ward Member - I’ve visited Mr R Dawson on site at Rose Cottage and taken note of the site when driving in all three directions. The proposed building will sit against current group of farm buildings; colour should blend as best as possible with surrounds - as adjacent grain stores. If dryer is to be enclosed within a building then overall height will need to be greater than existing adjacent buildings for dryer access and working.

Noise from the working dryer should be at a minimum with it being enclosed; modern drying equipment; surrounding landscaping will also help to muffle. As a continuous dryer, it means that the drying of corn can be carried out in a shorter time period than it currently takes now. It doesn’t mean that it will be operating 12 months of the year, as some people have feared.

Landscaping will certainly help to mitigate the bulk of the buildings group. The planned sweep of tree planting to the west in Easingwold direction will again help to mask the effect. I note that the conditioned landscaping from a previous application will become part of the whole picture.

Would concur with the comment that should traffic increase then access would need to be reviewed to and from the site to east –in Crayke direction. Most of the objections relate to a presumed increased traffic flow to and fro the building and whether the traffic relates entirely

to applicant's own business/land. However, as mentioned in Mr Grinham's letter, farm vehicle movements have decreased considerably over recent years owing to the sugar beet factory closing in York and the gradual changes locally in dairy farm working etc. Admittedly surrounding roads are not wide, but this is predominantly a rural, farming area with vehicle movements to match.

The proposed dryer is solely for the applicant's business. The land that is worked, either owned or rented, is more widespread than just the Crayke parish so vehicle movements are inevitable.

Providing above is agreed, then I have no objections to this current application.

4.3 NYCC Highways – If the use of the grain dryer were to be restricted to the applicant only (i.e. no drying of grain other than that produced by the applicant) then the Highway Authority would have no objection to the proposal.

4.4 Environmental Health Officer – I have read the acoustic report DC0743 by Dragonfly acoustics. I was concerned that the levels measured during the evening background survey in the report were higher than expected, and when I checked the weather at the time of the assessment, the wind speed was over 18km/h at the time. I therefore carried out a 12 hour overnight survey on the 8th and 9th March 2012 to verify the background levels in the area. The wind speed was below 10 km/h for most of the night, and the levels recorded were below 23dB LA 90 for the quietest periods of the night, approximately 00.00 to 04.00. If 12 dB is added to the measured 23dB background level to represent the expected sound attenuation through an open window, it can be determined that a level below 35dB LA 90 at the facade of the nearest noise sensitive premises is acceptable to prevent disturbance from the proposed development.

The acoustic report calculates that the predicted noise from the equipment with 2 "2D" silencers fitted to each fan exhaust is 31.9dB which meets the above criteria, and the supplementary information provided in Kevin Grinham's letter dated 7th March 2012 does not anticipate there being any other potential night time noise sources.

I therefore recommend the following conditions are applied to any permission granted:

- Any permission granted shall specify that the grain dryer and fan units are those units specified or equivalent units as specified in acoustic report DC0743 dated February 2012 by Dragonfly Acoustics supplied for the application ref 11/02736/FUL.
- The two "2D" silencers detailed in the acoustic report shall be installed in the exhaust train for each fan before the external exhaust before the grain dryer or fans are commissioned.
- Noise levels from the building housing the grain dryer shall not exceed 35dB LA 90 over 10 minutes at 3.5 metres from the facade at the nearest noise sensitive premises.
- The grain dryer, fan units and all ancillary equipment shall be installed, operated and maintained to continue to meet the maximum sound level prescribed in the above condition. Any modifications or changes to the installed equipment shall be agreed in writing with the local planning authority before they are commissioned.

4.5 Howardian Hills AONB Manager – has submitted the following comments:

1. When approaching from Easingwold, views to Crayke Castle will be almost completely lost by the construction of the new building (in combination with the recently constructed grain stores). However, once past Rose Cottage (and to the road junction that forms the AONB boundary), the views of the Castle and into the AONB are uninterrupted and unaffected.
2. When viewed from the layby/seat adjacent to Crayke Castle the new building will add to the bulk of the Rose Cottage site, but it is at a lower elevation and therefore more easily mitigated by landscape planting.
3. It is important to realise that, large though this particular building would be, and rapid as the development of the Rose Cottage site has been, it is in a location (just) outside the AONB boundary and more importantly in one that is potentially better able to be integrated into the AONB landscape and adjacent area. The (albeit probably theoretical) alternative site of Mount Pleasant is located within the AONB and at a higher elevation, potentially making the impact of any new buildings more significant and landscaping harder to achieve.

4. I do not therefore wish to object to the proposal, but I do feel that more substantial landscaping is essential and that the species mix needs to be amended to create a better screen. In that respect I have noted the visual effect of the copse next to Rookery House immediately to the north of the application site, and that is the effect that needs to be replicated. Amendments needed are therefore:

- A significant increase in the width of the planting strip. I currently estimate it as 10m (which would equate to 4-5 rows of trees) - it needs to be a minimum of 20m.
- It should also extend, at that 20m width, along the north side of the new grain stores and also down the eastern side as well. This is to ensure that views of the taller building are screened from the Crayke - Easingwold road when travelling west.
- Species - I am unclear as to what is meant by 'common white birch' given that silver birch is what would normally be considered the common birch. Aside from that, all the proposed new screening belts should also include sycamore and pedunculate oak (*Quercus robur*), in order to give tall, dense-foliaged trees in the longer term.
- I believe that the approval for the storage building (10/02961/FUL) included the proposal to replant the roadside hedge to the south east of Rose Cottage (as per the plan, not the letter). This should be actioned this season (I note that the triangular shelterbelt appears to already be planted). It appears that a new hedge had been planted to the west of the yard, as well as the triangular shelterbelt. The new hedge however appears to be of *Leylandii*, in common with the existing hedge, which clearly would not be acceptable in landscape terms - native species only should be used.

4.6 Site notice/local residents – more than 60 objections have been received from immediate neighbours, residents of Crayke and residents of Easingwold. The comments are summarised as follows:

1. We have observed larger numbers of very big trucks passing, and a few near misses on the corner. The pavements near the junction are often over run and damaged. Developments of this sort should be near main trunk roads;
2. The original application for the existing 2 buildings of 3000tons capacity was on the condition that there was to be no commercial use i.e. for the use to store product produced on the farm. A weighbridge was subsequently approved. 3000 tons would equate to an acreage of approx 600 acres and the current application for a large continuous grain dryer cannot be economically viable for 3000tons even if it all came from a 600 acre farm. All the evidence must suggest that the applicant wishes to run a commercial operation;
3. The roads through Crayke, Stillington and Easingwold are congested enough without further large numbers of heavy artics trundling through the village at all hours;
4. The traffic already flowing through Crayke, especially the increasing numbers of HGV's and similar, on a daily basis is cause for concern in itself particularly when you take into account the natural topography of the village and narrowness of the roads. From the information provided in the application there is every reason to believe the traffic would increase substantially, thus having a significant negative impact on levels of noise, pollution and road safety;
5. All the roads in and out of Crayke are inadequate and were never built for this sort of traffic. Indeed the road from Easingwold is barely wide enough for two-way traffic;
6. There could be potentially hazardous road situations, noise pollution during unsociable hours and possible structural damage to historic buildings. Crayke is an historic village in a conservation area set in an area of natural outstanding beauty and it would seem very short sighted to allow a single enterprise to expand to the potential detriment of the surrounding countryside and its residents, whose lives would be adversely affected by such action;
7. the site is getting bigger and bigger and it I snow being used as a commercial site with big lorries going in and out frequently already;
8. The village playing fields are sited on the Easingwold/Crayke road, the access to the field does not enjoy good visibility and children walk to and from playing field, tennis courts and playground unaccompanied. I would not wish the children of Crayke to be endangered by competing with any increase of heavy lorries whilst enjoying the village facilities;
9. This is in addition to the already overdevelopment of Rose Cottage which is (as are other nearby properties) dwarfed by the current grain stores and has turned an Area of Outstanding Natural Beauty into a Business Park;

10. It is difficult to accept that the grain dryer proposed is for the use of this farm alone, given its size;
11. the traffic at Crayke School is already extremely dangerous, especially at peak periods. The risk to the children at the school if these lorries are passing will be enormous;
12. dryers make a noise for 24 hours a day causing noise pollution. This will affect people in the vicinity as well as the villagers in Crayke;
13. the visual aspect of the sheds has already caused an eyesore, with further additions it will ruin this aspect of Crayke, which is an AONB;
14. there is already an "accident waiting to happen" situation without articulated lorries passing through the village. The children's safety must come first;
15. This proposed application is of financial gain to only one person but long term highly damaging for the local community. If this application is approved it would not enhance the community in any way. It would not even create any new jobs;
16. concerns about the impact of an increased traffic flow on underground utilities to my property, notably the water pipes, and to the structure of the house itself. Feed lorries going through and harvesting traffic during summer already cause notable vibrations;
17. Concentration and disruption of school lessons will be greatly impacted due to noise and disruption;
18. Uppleby is quite unsuited to traffic of this nature and the creation of the proposed continuous flow grain drier at Crayke would undoubtedly greatly increase the volume of such vehicles travelling through Church Hill and Uppleby and also through the various access roads that lead into them;
19. During the building period there would be excessive heavy vehicles on a vital road that connects Easingwold to Crayke;
20. All footpaths are very narrow and there are no street lights for safety;
21. The proposed grain dryer is wholly disproportionate to the size of the farm, which, at approximately 500 acres could only be expected to produce about 1.500 tons of grain a year. I understand that the proposed dryer has a capacity of 45 tons per hour which would fulfil the requirements of the farm in 33 hours! The only possible reason for installing such a machine is if the owners intend to import large quantities of grain from over a wide area as an industrial process which would require large numbers of large lorries delivering and removing grain from dawn to dusk six days a week;
22. Alternative sites adjacent to A19 or other major roads should be preferred;
23. there has been considerable doubt in the minds of some people as to whether or not the weighbridge recently installed at Rose Cottage can be used by members of the public. HDC's letter of the 8th. September 2011 paragraph 4 clearly states that ' the weighbridge hereby approved shall not be a Public Weighbridge'. However the enclosed document even more clearly states that this is a Public Weighbridge;
24. This proposed development when added to the existing grain stores and weighbridge, for which planning has only recently been obtained will blight the immediate area, with unsightly agricultural activity, noise, light, antisocial hours of work and environmental pollution, in an attractive area of natural beauty on the approach to Crayke. It will damage the interests of immediate neighbours, and the noise levels will have an impact on a wider range of dwellings in Crayke itself;
25. The access to Rose cottage is on a particularly dangerous corner and which the Highways Authority has already identified as dangerous with insufficient sight lines, which led them to place constraints preventing "intensification" of use in the earlier weighbridge application;
26. lack of transparency over the "ultimate" intentions of the applicant. This means that it is impossible to fully assess the impact described above without knowing the full intentions of the applicant.

4.7 7 letters of support have been received. The comments are summarised as follows:

1. This proposal will provide valuable opportunities for increases to the local economy and will provide local jobs;
2. The plan proposed provides a outstanding opportunity for both a younger and a more experienced member of this strong agricultural community to expand and increase business and bring modern farming methods to Crayke;

3. Crayke has seen a decreased level of traffic as compared to previous years. Historically the village was able to safely maintain a much higher level of agricultural traffic from the now closed businesses of dairy, sugar beet and potato crops which were necessarily folded due to changes in agricultural policies;
4. We need to encourage what is left of the farming community in Crayke to bring agricultural life into the 21st Century to prevent erosion of the whole village community;
5. The farm is taking a major step forward having bought land and built a grain store to improve profitability. This is an essential requirement for modern day farming to aid flexibility and marketing. It will create employment for local people who in turn will support local amenities such as schools and shops.
6. With the loss of farmhouses being bought as private residences and the adjoining agricultural buildings being developed as extra dwellings – this means that there is a requirement for farmers to create new agricultural buildings for the future of farming in this country;
7. this new development simply reflects a change in usage of the land in the area signifying a switch from milk and sugar beet production to wheat production;
8. there are many other businesses in the local area that result in large vehicles travelling through the village, be it other farmers, Wath quarry, local feed businesses, supermarket delivery vans and heating oil suppliers. Everybody in Crayke either directly or indirectly contributes to there being more lorries on our roads;
9. the majority of the grain harvest occurs during the summer holidays when the school is closed;
10. the UK requires a sustainable and resilient farming industry which can provide food security for our country. Attempts to limit efficiency and resilience of food production will ultimately lead to increased food prices and reliance on imported food of uncertain provenance, which is produced in ways beyond our control;
11. We must remember why our area looks so beautiful and why we all still wish to live in this area – it is thanks to our farmers who are the land keepers;
12. Wagon movement is irrelevant when you consider the daily milk tankers that have now gone – sugar beet wagons that have gone and bearing in mind the sugar beet harvest and movement took over 5 months, (this farm grew hundreds of tonnes of sugar beet which was transported out daily) harvest of corn (weather permitting) is a lot shorter time period.

4.8 Following receipt of the agricultural appraisal on behalf of the applicant further comments have been received, one of which is appended to this report. Other comments are as follows:

1. Having carefully studied the additional information submitted I accept that my earlier concerns appear to have been alleviated.
2. The letter from J.D.Wood of Chris Clubleby & Co Ltd is most helpful in providing the further information which I had previously requested. I am now satisfied that the proposal does not plan to increase the traffic above existing levels.
3. The Noise report by Dragonfly Acoustics is helpful and makes a good recommendation regarding soundproofing which I note that the applicant proposes to introduce.
4. The AONB officer recommends various landscaping and screening works which will enhance the visual impact;
5. Their assertion that heavy traffic movements will not increase from current levels if the project goes ahead makes no sense. How could the project be viable if there were not many more HGV movements? Could the applicants own land grow enough to make the dryer profitable?

5.0 OBSERVATIONS

5.1 The issues to be considered include consideration of the use operating at this site; the visual impact of the development; the effect on the amenity of local residents and highway safety.

Use of site

5.2 Concern was raised during consideration of the weighbridge application that due to the financial investment required, together with the construction of such a large grain store, the

use of the site was going to be for commercial purposes over and above the farming operation undertaken at Rose Cottage and Mount Pleasant Farm. The decision was made on the basis that use beyond the needs of the farm business itself would not be acceptable in this location due to concerns of highway safety and residential amenity, therefore a condition was imposed restricting the use.

5.3 There have been indications that this condition has been breached and that the weighbridge has been used as a public weighbridge above and beyond its use as required by the farm business. Investigation has been undertaken to address issues such as the use of weighbridge tickets that refer specifically to 'Public Weighbridge', apparently due to initial printing when it was hoped that the weighbridge may be for available for public use at a future date. The reference on tickets to third parties is to the parties to which the produce is sold. Produce is sold via a dealer so buyers come to collect from various locations nationwide with a variety of vehicles. Wagons are weighed 'empty'; the wagon is then loaded, either from the farmyard or from other parts of the farm. The wagon then returns to the weighbridge to be weighed 'full'. Objectors state that larger lorries are visiting the site and apparently delivering grain and the scale of use is over and above what could be expected from the farm thereby demonstrating that the site is used as a commercial operation. The applicant argues that feed for the sheep is a product that is delivered to the site, and is generally stored at Rose Cottage and then dispersed in smaller quantities to Mount Pleasant Farm.

5.4 The proposed grain dryer building is for use by the applicant in connection with his business and if used by others within the local farming community further planning permission is likely to be required. There are no objections to the provision of the facility as an expansion of the existing agricultural operation in principle and this would be in accordance with LDF Policies CP1, CP2 and CP4. The issue of concern is regarding the need for such a facility in connection with the existing farming operation at Rose Cottage and Mount Pleasant Farm due to the scale and degree of investment required.

5.5 An appraisal has been submitted on behalf of the applicant, which is appended to this report. The existing grain store has capacity for 3000 tonnes of grain. Necessary segregation of different grain and seed types results in a lower capacity and it is anticipated that, following the farming of the additional 280 acres, a total of 2500 tonnes of grain and seed will be stored in the building. The appraisal concludes that the proposed facility is entirely appropriate for a farming business of this size and type.

5.6 An assessment of the appraisal has been undertaken by Carter Jonas on behalf of the Council, which agrees with its findings. A copy of the report is appended. The conclusion is that the proposed building is appropriate for the successful operation of the farming business.

5.7 One of the concerns of local residents is that the assessments are not based on fact and the figures do not stack up. There is agreement that the figures regarding tonnage and hours of use are correct but that it is unfeasible for such a large scale development to be used in association with a relatively small scale enterprise. A letter submitted on behalf of the local residents who live closest to the application site is appended to this report. Carter Jonas, as stated above, is considering these points and will comment on the economic issues raised. A copy of the additional response will be circulated as soon as it is available. The applicants argue that they are investing for the future to allow them to be prepared for expansion.

Visual Impact

5.8 A significant amount of development has taken place at the site in the last year, which has changed its appearance and made it more prominent in the landscape. The farm lies immediately adjacent to the road and is prominent from both directions along Easingwold Road for some distance. The site is also visible from the higher ground of Crayke Lane, approximately 1km to the east.

5.9 The weighbridge has extended the built development at the farm westwards beyond the farmyard area onto adjoining fields and the proposed grain dryer building extends the farmyard area northwards onto adjoining fields. In terms of footprint therefore the developed part of the farm is increasing beyond its previous boundaries thereby creating a greater visual impact on the surrounding rural landscape.

5.10 The greatest impact however is with regard to the scale of the proposed building. Its dimensions are significant and the proposed height is approximately 4.5m higher than the existing tallest building on site. The height and bulk of the building therefore mean that it will be prominent over a wide area.

5.11 A significant amount of landscaping is proposed to 3 sides of the development, which will in time help to screen and soften the impact of the development from the road and nearby residential properties. Planting has already been implemented following the weighbridge approval but the trees are small and it will take many years for it to achieve the aim of softening the visual impact of the farmyard developments. The current application proposes to plant more mature specimens, which will not therefore take quite so long to be effective.

5.12 The bulk and mass of the proposed building will not be screened by landscaping for a considerable number of years but the landscaping will gradually help to soften the impact of the development and establish it within the landscape.

Residential amenity

5.13 Concern has been raised regarding the potential for noise and disturbance at the site. The extent of the objections relates to the scale of the operation resulting from this building.

5.14 There is a level of activity associated with the use at the moment, involving grain being brought onto the site and dried. Currently grain is stored separately from the drier and therefore the procedure involves movements within the farmyard between store and dryer, which will be avoided if the proposed building is available. It is proposed that grain be brought onto the site, offloaded into the proposed building and then automatically dried through the systems operating within.

5.15 The Environmental Health Office is satisfied that, subject to conditions, the operation of the grain dryer will not have a seriously adverse impact on the amenity of the residents of nearby dwellings.

5.16 It is recommended that a condition be imposed restricting the use of lighting at the site to allow the Local Planning Authority to control illumination and thereby prevent light pollution.

5.17 The proposed building will be clearly visible from and have the greatest impact on the amenity of the residents of Rookery House. A distance of approximately 160m lies between the proposed building and the windows and doors of the living room and bedrooms of that house. The main garden area lies between the application site and the house. There is a small amount of tree planting within the corner of the existing garden that screens the position of the proposed building to some degree, meaning that the principal outlook from the property is already towards the open aspect directly southwards.

Highway safety

5.18 Most of the objections relate to highway safety issues. The applicant's appraisal suggests that a farm of this size will result in up to 3 vehicle movements a week to transport crops and the Carter Jonas report is in agreement with this. It is expected, and considered to be acceptable, that at certain times of the year, during ploughing, seeding and harvesting, this figure will increase. The drying facility itself should not result in additional movements as the grain would be brought onto the site in any event.

5.19 The Highway Authority confirms they have no objections if the development is not used as a commercial operation, noting that any intensification of the substandard access would not be looked on favourably.

5.20 In the absence of a final response by the Council's consultants on the issues being raised by members of the local community the recommendation is that members 'defer' the application, but also take the opportunity to raise any additional issues that require consideration to enable a determination to be made at the earliest possible date.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **DEFER**

1.0 INTRODUCTION

- 1.1 This report has been prepared at the request of Hambleton District Council to provide advice in relation to a planning application submitted by Kevin Design on behalf of G & R Dawson.
- 1.2 The application is for the erection of an agricultural storage building and for the housing of a grain dryer.
- 1.3 The information contained within this report is based upon the documents submitted with the application and subsequent correspondence with the application agent, together with a site visit to Rose Cottage Farm to meet the applicant, Mr R Dawson on Tuesday 6th March 2012.
- 1.4 This report is based upon the guidance in Planning Policy Statement 7 *Sustainable Development in Rural Areas* and our own experience. It summarises the proposal and whether, in our view, the proposal is a reasonable one.
- 1.5 The report has been prepared jointly by Thomas Whitehead MSc MRICS FAAV, Senior Associate Rural Practice Chartered Surveyor of Carter Jonas' Harrogate Office and Emma Winter MSc MRTPI, Senior Planner also of Carter Jonas' Harrogate Office.

2.0 THE PROPOSAL

- 2.1 The application is for the erection of an agricultural building for storage and handling of grain and for the housing of a grain dryer for use by the applicants in connection with their farming business.
- 2.2 The applicants are a father and son private partnership who currently both reside at Mount Pleasant Farm, Crayke; a mixed farm rented from a private landlord under an historic secure tenancy.
- 2.3 Historically the business was run as part of a larger family farming partnership which farmed land extending to approximately 1,000 acres, with Mount Pleasant Farm forming the main farmstead for the business until 2000 when the historic partnership purchased Rose Cottage Farm.
- 2.4 Following the dissolution of the partnership in 2005, G & R Dawson (father and son partnership) appear to have resolved to take the business forward through flexible land tenure expansion with Rose Cottage Farm forming the principle commercial farmstead for the business and the source of ongoing financial investment as this represents a secure owner-occupied property for the partnership.
- 2.5 Rose Cottage Farm lies in open countryside approximately 1 mile west of Crayke village and immediately adjoining the north side of the Easingwold Road. The site lies outside the Howardian Hills AONB.
- 2.6 The property comprises an established dwelling, a range of traditional barns and modern buildings, the majority of which are now largely historic presenting access difficulties for modern machinery. More recent development and investment has seen the erection of a

newly constructed grain store which was granted planning permission in 2010 (Ref: 10/02961/FUL) and a private weighbridge facility for agricultural vehicles in the adjoining yard which was granted planning permission in 2011 (Ref: 11/01483/FUL).

- 2.7. The new grain store has recently been completed and is a large twin pitched steel portal framed building which provides a floor area of approximately 1,336 sq m with large vehicular openings on the western elevation and raised eaves height making in highly suitable for modern farm machinery. The applicant's appraisal advises this building has a maximum capacity for up to approximately 3,000 tonnes although this is realistically reduced to around 2,500 tonnes depending on how the internal space is used/divided.
- 2.8 The residential dwelling known as Rose Cottage is occupied by Mr R Dawson's brother, Mr I Dawson who has no involvement in the business.
- 2.9 The farm is broadly surrounded by the limited area of owner-occupied arable land although is situated for convenient access to both Mount Pleasant Farm and other land areas in the immediate locality which are occupied under varying tenure arrangements.
- 2.10 Whilst the property is in open countryside there are residential buildings to the South of Mill Lane (Easingwold Road) and a single residential dwelling immediately to the North East of the farm, with other small to medium sized working farmsteads in the vicinity.
- 2.11 The partnership is predominately focused on growing combinable arable crops and operates at present over approximately 475 acres of land comprising;
 - 185 acres of owner-occupied land
 - 112 acres on a full Agricultural Holdings Act 1986 Tenancy
 - 38 acres on a Farm Business Tenancy
 - 140 acres on various cropping licences/verbal (Gentleman's) agreements.
- 2.12 Mr R Dawson informs us that G & R Dawson had been cropping an additional 160 acres of land between Crayke and Brandsby until the farm was sold in 2011 although they are due to commence farming a new block of bare arable land near Bagby from September 2012 which extends to approximately 280 acres. This additional area will bring the total arable land farmed by the business up to 755 acres.
- 2.13 The proposal before the Council now seeks planning permission for the erection of a new agricultural building immediately to the north west of the large modern grain store to house a continuous flow grain dryer, moist grain reception pits and for general storage of the wet grain prior to drying.

3.0 PLANNING POLICY CONTEXT

- 3.1 The planning policy framework relating to agricultural buildings is principally set out in Planning Policy Statement 7 *Sustainable Development in Rural Areas*. The principal aim of PPS7 is to promote a sustainable, diverse and adaptable agricultural sector.
- 3.2 Paragraph 27 of PPS7 states that planning authorities should support development proposals that enable farming and farmers to become more competitive, sustainable and environmentally friendly; adapt to new and changing markets and broaden their operations to add value to their primary produce.

4.0 ASSESSMENT

4.1 Agricultural Need

- 4.1.1 We have examined the documents in relation to agricultural justification submitted as part of the planning application and following discussions with the applicants we consider there is an existing need for the storage of approximately 1,300 tonnes of grain given the extent and range of current cropping.
- 4.1.2 Accepting that there is a requirement for increased storage to be associated with the expansion of the arable land from September 2012 we estimate this will increase the storage requirement to around 2,000 tonnes from Harvest 2013. A breakdown of our calculations is provided as Appendix 1.
- 4.1.3 Given the fundamental requirement to segregate different crop types and qualities for desired markets, whilst the new grain store may have a hypothetical storage capacity of up to 3,000 tonnes this is unlikely to be achieved and we consider that varying internal storage arrangements will reduce effective volume capacity to around 2,500 tonnes. The business therefore has a reasonable level of excess capacity at present which offers some flexibility to cope with further expansion of the arable operating area.
- 4.1.4 We understand the current planning application seeks to replace and update the existing grain drying arrangements which have utilised a small capacity temporary (mobile) dryer sited seasonally in the external yard, with moist grain being tipped where space was available including external concrete yard areas if required at peak harvest periods. From an agricultural perspective this is not desirable, through increased handling inefficiencies and the increasingly stringent requirements for Assured Arable Produce for crops that will enter the human and animal feed chains.
- 4.1.5 The applicant's proposal to erect a large single span portal frame building to house a permanent larger capacity grain dryer with associated moist grain reception area and storage area will enable the business to receive and dry moist grain at optimum efficiency with mechanical delivery into the adjacent grain store. We consider this increased efficiency will realistically reduce the operating times for grain drying with an associated decrease in yard traffic (farm loaders etc).

- 4.1.6 We note the applicant's comments on the varying efficiency of the proposed dryer and in view of the range of crop types under production we are in general agreement that overall capacity is likely to be around 25 tonnes per hour, substantially below the manufacturer's stated maximum throughput.
- 4.1.7 Given the vagaries of Britain's maritime climatic patterns the one variable that is difficult to assess is the likely annual usage of the dryer as this will be highly dependant on seasonal weather patterns; under extreme weather conditions the principle grain crop of wheat could require moisture level being reduced from 20%/25% down to 15% for longer term storage and marketing, although there is still a requirement to cool and condition grain even under relative drought conditions when moisture levels will already be around 13% - 15% at combining.

4.2 Vehicle Movement Considerations

- 4.2.1 Within the Planning Appraisal submitted as part of the planning application there is a commentary on vehicle movements. We are not aware of any limitations on the size, number or frequency of vehicles used in relation to the use of land for agriculture, other than the normal national requirements applicable to all agricultural vehicles. It is therefore open to a farm business to make whatever arrangements they consider appropriate within these rules for carrying out their farming activities in the most effective manner.
- 4.2.2 Within the Planning Appraisal the commentary on the number of vehicle movements likely to be generated is compared with previous farming regimes relating to sugar beet and potato production. This provides a context for calculations of the number of grain vehicle movements which it is claimed would average 2 no. 25 tonne wagons per week rising, in the event of growth to 3 vehicles a week. However it is a point worth making that the likely spread of vehicle movements over the agricultural year is likely to have concentrations during ploughing, seeding and harvesting. This is to be expected and is not unusual or unacceptable.
- 4.2.3 The comparisons made in the Appraisal relating to the production of sugar beet and potatoes suggest that these resulted in higher tonnage being produced and therefore twice as many vehicles. As a consequence the conclusion in the Appraisal is that development would not generate any increase in vehicle movements beyond those which the land previously generated. It is our judgement that this is a reasonable assessment of the situation.
- 4.2.4 Whether the grain lorries or trailers used in relation to this agricultural regime will increase HGV traffic through Crake Village we cannot say. No evidence has been produced as to the routes employed by agricultural vehicles under previous regimes or the routes that are likely to be used by this farming regime.
- 4.2.5 We would say by way of comment however that the routing of agricultural vehicles is not normally the subject of restriction and any such restriction would either need to satisfy the six tests in Circular 11/95 or be the subject of a voluntary planning application which meets the tests of Section 106 of the Town and Country Planning Act. That will be a matter for Hambleton District Council to decide.

4.3 Other planning requirements e.g. in relation to access or impact upon the countryside are satisfied

- 4.3.1 All other matters relating to the principle, citing and detail of the proposed agricultural building are for the Local Planning Authority to assess.

5.0 CONCLUSION

- 5.1 We consider the business is an established professional grower of a range of combinable arable crops and there is an inherent need to handle and dry grains and oilseeds at harvest in order to achieve optimum storage conditions for effective sale over a longer period, usually September to June following. Movement of produce by farm machinery onto the site is likely to be relatively intensive for the short harvest period (say late July to early September) although movement of produce offsite is likely to be sustained over the wider marketing period to allow for optimum realisation of revenue to suit business cash flow needs.
- 5.2 The existing drying arrangements at Rose Cottage Farm are considered dated and temporary. The realistic alternative to drying on site would lead to transporting moist grain to a larger commercial facility, such as Argrain at Raskelf for example, with an associated requirement for this to then be brought back on site in order to utilise the recently constructed store. This would obviously lead to a substantial increase in handling and transport by both tractor & trailer or HGV, particularly along the local road network.
- 5.3 It is considered appropriate and desirable for an agricultural business to have adequate capacity to hold its harvest produce on site in controlled conditions. We consider that a permanent new grain dryer installed internally into a building is a reasonable expectation with the probability that environmental factors such as noise and dust attenuation can be better controlled then using the current temporary external arrangements.
- 5.4 We also consider the size of the building which is intended to accommodate a dryer with associated intake pits and storage bays is of reasonable capacity to service the business and its anticipated growth over the immediate future. We do not consider this form of facility could be installed into the older range of portal frame farm buildings without substantial demolition and excessive alteration. Furthermore the applicants state that whilst these buildings are increasingly unsuitable for grain storage they are still used for secure storage of fertiliser and farm machinery and generally represent better facilities than the business has on its tenanted property at Mount Pleasant Farm.
- 5.5 Whilst the business operates under a variety of land tenure arrangements we consider cropping licences and short term Farm Business Tenancies do not present any significant risk to the business as these are well established forms of occupation, giving inherent flexibility to both landowner and farmer, with further external influences for their popularity arising under existing farm subsidy systems and capital taxation policies. However, we consider it would be prudent for the applicants to submit further details of the additional land that they are due to acquire from September 2012 in order to provide further support for the justifications of their application. We understand that a letter and plan are to be provided.



5.6 Should you require any further information please do not hesitate to contact the authors of this report.

CARTER JONAS LLP
March 2012

APPENDIX 1

Rose Cottage Farm, Crayke

Estimation of arable produce storage requirements for G & R Dawson

Crop type	Area (acres)	Yield (t/ac)*	Tonnes
Wheat (Gr 2 biscuit & Gr 3 Feed)	230	3.75	863
W Barley	50	3.00	150
Sp Barley	15	2.50	38
Oilseed Rape	140	1.60	224
Grass / Fodder Beet	40		0
Current Farmed area:	475	Storage:	1,274
Additional land	280		
<i>Assume:</i>			
Wheat	93	3.75	349
W Barley	93	3.00	279
Oilseed Rape	93	1.60	149
Additional area (Harvest 2013)	280	Storage:	777

* Note:

Representative regional yield – management and climatic variance can influence yields by +/- 10% – 20% each season



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PLANNING APPRAISAL

RE. ERECTION OF AN AGRICULTURAL BUILDING FOR STORAGE OF WET GRAIN AND THE HOUSING OF A GRAIN DRYER AT ROSE COTTAGE FARM, CRAYKE FOR G. AND R. DAWSON

J. D. Wood, M.R.I.C.S., F.A.A.V.
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17th February 2012



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ERECTION OF AN AGRICULTURAL BUILDING FOR STORAGE OF WET GRAIN AND THE HOUSING OF A GRAIN DRYER ATROSE COTTAGE FARM, CRAYKE

Instructions

Our instructions in this matter are to provide a Professional Report to address the issues which have been raised with regard to the above Application.

This report has been prepared for G. and R. Dawson and their professional advisors for use in connection with their planning application. It should be regarded as confidential to these parties only and for this use only. Consequently no responsibility is accepted to any third party in respect of the whole or any part of its contents. Before this report or any part of it is reproduced or referred to in any document, circular or statement our written consent as to the form and content of such publication must be obtained. Permission is hereby granted for Hambleton District Council to reproduce this report and make it available to the public if they so wish.

This report has been prepared by Jonathan D. Wood M.R.I.C.S., F.A.A.V., who has the relevant experience and knowledge for carrying out reports as described above.

The site was inspected on Wednesday 25th January 2012.

We believe the main areas which appear to be giving concern and require further consideration over and above what is already provided in the Design and Access Statement are as follows:-

1. Is the proposed development appropriate for the farming business of G. and R. Dawson.
2. Will the proposal result in an increase in traffic movements, particularly Heavy Goods Vehicles which may travel through Crayke village.
3. Will the proposed development cause noise nuisance for the immediate neighbours.

We have also been asked to address directly some of the claims which have been made in the local Press and in letters which have been delivered within the village.

Introduction

The farming business of G. and R. Dawson is predominantly an arable farming business which currently farms approximately 475 acres of owned or rented land, of which 435 acres is down to arable combinable cropping. The business also feeds and finishes approximately 900 hogs per year.

The land comprises approximately 185 acres of owned land, 112 acres of land on a full Agricultural Holdings Act Tenancy, 38 acres on a Farm Business Tenancy and 140 acres on various Gentleman's Agreements. The business did rent a further 160 acres which was unfortunately sold last year and so is no longer available. G and R Dawson is however, due to commence farming a new block of land next year which extends to approximately 280 acres which will take the total farmed area up to 755 acres.

Historically, the business was run as part of a larger family farming partnership which farmed land extending to approximately 1,000 acres. Up to 2000 the main farmstead for the business was Mount Pleasant Farm, a Tenanted farm with approximately 112 acres. In 2000 Rose Cottage Farm was purchased, a farmstead with land extending to approximately 72 acres. From 2000 Rose Cottage Farm became the focus of the whole farming Partnership and after the dissolution of the Partnership in 2005, it became the main farmstead for the current business and the location for all investment.

The Business Plan

Following the split of the partnership in 2005, Rob Dawson and his Father, Geoff were determined to move forward with the business to try to expand and get back to the pre-dissolution acreage as quickly as possible. They determined that future expansion was likely to come through formal and informal land occupation arrangements, be they Tenancy Agreements, Contract Farming Agreements or Share Farming Agreements. They realized that the best way to promote themselves to make sure they were considered for future farming opportunities in the locality was to invest in large modern machinery and fixed equipment. Rob and Geoff understood that much of the land which becomes available to farm, for tax purposes, often isn't on simple Farm Business Tenancies, but is on Share Farming Agreements. In such circumstances being able to offer drying, storing and weigh bridge facilities is hugely advantageous and Rob and Geoff realized that this would provide them with a competitive edge.

The storage for the business was previously split between Rose Cottage Farm and Mount Pleasant Farm but this was all becoming outdated and unsuitable for modern farming and for modern equipment and assurance requirements. It was decided in 2009 that the business needed to invest in a new large grain store and this was granted Planning Approval in 2011 and has subsequently been completed. A weigh bridge was also constructed and this was approved on 8th September 2011.

The Proposal

Up until now the farm has always used an external dryer with wet grain being stored either externally or in the smaller buildings on the Holding and then moved to the dryer and subsequently moved into the dry store. This is clearly a time consuming inefficient process which is entirely unsuitable for modern farming. The proposal is to erect a new building which will be designed to accommodate a new continuous flow dryer with all the associated equipment. The building is also designed to be suitable for the temporary storage of wet grain from where it can be augered into the dryer and then conveyed to the new grain store in a much simpler and more efficient way.

Is the proposed development appropriate for the farming business of G. and R. Dawson.

Grain Storage

The current grain store has capacity for approximately 3000 tonnes of grain, if it was completely full, however on a farming business of this size and type it is likely that the grain will need to be separately partitioned to ensure that all types of seed and grain can be stored separately such as oilseed rape, feed barley, malting barley, biscuit wheat and feed wheat. With the segregation of the different commodities the capacity of the store immediately becomes much less.

With the acreage of crops grown at present, this is likely to result in approximately 1500 tonnes of grain and seed to be stored and with the additional 280 acres next year, this is likely to rise to in the region of 2500 tonnes. With segregation requirements as described above, I would suggest that the 3000 tonne store is entirely appropriate for this farming business.

With the volatility in seed and grain prices that we have seen over the past few years, where prices have in some cases doubled within a year, it has never been more important to be able to store produce grown on the holding. It is vital for all arable farming businesses to be able to protect themselves from being in a position where they have to sell produce at harvest when prices can often be at their lowest. On farm grain storage is often the best and in the long term the cheapest way to achieve this protection.

Grain Drying

I would suggest that for modern large scale farming in this country with our entirely unpredictable climate, outdoor storage and outdoor drying is entirely inappropriate and outdated. It would also seem entirely appropriate to incorporate wet grain storage within the building and adjacent to the dryer in order to drastically improve efficiency.

The new grain store is a six bay building which will be divided so that two bays are used to house the drier, two bays are for the reception pits, and two bays will be used to provide storage for wet grain at harvest immediately prior to drying. The two bays used for wet storage would then be available for machinery storage throughout the winter and spring.

The proposed grain drier is a continuous flow drier and it is likely to have a listed capacity of approximately 35 tonnes per hour. It is unlikely to be used in this layout and is more likely to be adapted to put more emphasis on cooling the grain rather than drying it which may reduce capacity to somewhere in the region of 25 tonnes per hour. In the real world you are never able to achieve the listed throughput rates and certainly with malting barley and oil seed rape where drying temperatures have to be significantly lower the throughput is significantly less. In any event, the aim is to be drying grain for as shorter period as possible.

G. and R. Dawson have already invested a large amount of money in the new grainstore and weighbridge, and they are intending to make a further substantial investment on the proposed grain drying facilities. The difference in cost between a 25 tonne per hour grain drier and a 35 tonne per hour grain drier is not vast, and as a percentage on the whole spend is almost negligible.

The business is aware, as has been proved over the past few years, that the farmed acreage can change quickly and dramatically. With the stated aim of trying to get back to the pre-partnership dissolution acreage of 1000 acres as quickly as possible, the business wants to ensure that the current investment in infrastructure is as far as possible future proofed and capable of coping with this planned expansion.

There are no other buildings on the holding that would be suitable to house the proposed drier with associated facilities. The building needs to be high enough to house the drier and the associated grain elevators which lift the grain above the machinery and feed the grain in to the gravity fed drier.

In my opinion, the proposed development of grain drying and wet grain storage facilities is entirely appropriate for a farming business of this size and type.

Will the proposal result in an increase in traffic movements, particularly Heavy Goods Vehicle which may travel through Crayke village.

Considering traffic movements, I believe the size and scale of this farming business needs to be put into context. Land in the production of combinable crops, on average taking rotations into account creates approximately 3.5 tonnes of produce per acre. Once the holding has taken in the additional 280 acres next year, this will give an arable acreage of approximately 715 acres which is likely to produce somewhere in the region of 2500 tonnes which equates to approximately 100 wagons which is approximately 2 per week. If the business achieves its stated ambition of farming 1000 acres, this would produce in the region of 3500 tonnes which equates to approximately 140 wagons, which is less than 3 per week.

In the past, and indeed, up until the closure of the Sugar Beet Factory in York, the Applicant grew sugar beet with a contract for 5,500 tonnes per year. Sugar beet would achieve yields in the region of 25 to 30 tonnes per acre. The farm also used to grow potatoes on approximately 120 acres, achieving yields in the region of 15 to 20 tonnes per acre. On this basis, it is clear that the produce grown, and consequently the traffic movements generated for the holding are much less than half what they have been in the past. Even if the farm expands to be farming 1000 acres, the tonnage of produce grown and requiring transport will still be less than half of what has been produced in the past.

These traffic movements (in the region of 2 to 3 per week) are in no way significant, and particularly when compared to the likes of stone quarries and fuel and feed merchants.

In reality, adding a drying facility will, in itself, not add a single traffic movement. The proposal is for a facility to improve the drying and handling process for grain which will be stored on the farm whether or not the facility is built.

In my opinion it is clear that the proposed development will not result in an increase in traffic movements, particularly Heavy Goods Vehicles which may travel through Crayke village.

Will the proposed development cause noise nuisance for the immediate neighbours.

In connection with the worries about the noise, whilst I can understand the concern of the neighbours, I think Messrs. Dawson are doing everything they can to mitigate the effect. They are proposing to apply a silencer to the drier and place the grain dryer within a sealed building. I understand they are also proposing to increase the height of the bund to the north of the site and erect a sound reduction fence.

I believe the noise output from the proposed drying facility will be less than the outdoor system which has been used for the past four years and due to increased capacity and efficiency of the proposed facility the drier will be working for significantly less hours per season.

In my opinion the proposed development is likely to reduce the noise nuisance for the immediate neighbours.

Claims which have been made in the local Press and in letters which have been delivered within the village.

Some outrageous claims have been made in letters which have been published in the local Press and which have been delivered within the village. One such letter assumes a current flow of 200 trucks during the summer and autumn when the number of trucks is more likely to be in the region of 50. The letter then goes on to talk of a grain dryer with a capacity of 50 tonnes per hour and the fact that this could service 20,000 tonnes of stored grain which would result in the number of trucks increasing to 2,000. These figures are clearly ridiculous and can only be designed to inflame public opinion by misleading.

Actual figures for truck movements associated with the grain storage and drying facilities in place and proposed at Rose Cottage Farm are likely to be in the region of 92 per year and these may rise to 140 per year if the farm expands to farm 1000 acres.

The dryer which Mr. Dawson expects to purchase is likely to have a capacity in the region of 35 tonnes per hour not 50, it is unlikely to be used in this layout and is more likely to be adapted to put more emphasis on cooling the grain rather than drying it which may reduce capacity to somewhere in the region of 25 tonnes per hour. Notwithstanding the above, the aim is to be drying grain for as shorter period as possible, thus at 25 tonnes per hour for 2,500 tonnes of grain, the dryer will be operating for approximately 100 hours. The article, however, suggests that the dryer will be operating for 400 hours at 50 tonnes per hour. Again these are ridiculous claims.

It has also been suggested that it is not viable to invest in the type of drier proposed for a farm of this size and type. This is clearly not true. There are many farms in the circa 600 acre bracket that have invested in this type of drying facility.

In my opinion, it is clear that some highly inflammatory and inaccurate information has been published in both the Press and circulated around the village, which does not assist in the accurate and appropriate determination of a Planning Application. It is clear that the proposed development complies with Planning Policy, is appropriate for the business and should, therefore, be allowed.

Signed:


.....
J. D. Wood, M.R.I.C.S., F.A.A.V.

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17th February 2012

Summary of objections arguments to the ROSE Cottage grain dryer application ref; 11/02736/FUL by Phillip Hilling 18 March 2012

INTRODUCTION

It is an unfortunate reality of the democratic planning application process that when the public are invited to comment on an application that they believe affects them, that the rules allow the Applicant to construct his application in a form that suits the purpose, rather than with full disclosure of the facts and subsequent intentions, especially if they are seen as potentially disadvantageous to the Application. The local Authority is required to judge the Application on the facts submitted and not take account of possible future development, which if submitted at the time would no doubt be refused.

The reality which is evidenced regularly, particularly in farming development is that having achieved a footprint of approved development, successful applicants are able to return for subsequent approvals, which over time can fundamentally change the nature of what was originally approved. Anyone who believes they are affected by the Application is therefore required to make assumptions about the intentions behind the Application, in order to ensure that a full picture of the potential impact is considered at the outset. The Council have a choice as to whether they challenge longer term intentions by looking at economic rates of return for instance or accept proposals at face value.

The obvious way for a local authority to deal with these applications is to require an applicant to make full disclosure of their long term intentions at the outset, judge the application on its merits, then if minded to approve hold the applicant accountable by conditions to the fundamental assertions and principles of the application. This would be done with a clear direction that no variation would be allowed in the immediate future.

The fundamental flaw in the disclosed statements and reports of this application about the extent of intended use is that the cost of the overall scheme which will amount to something in the region of £500,000, cannot be justified economically simply by serving the output of a 435 acre farm nor indeed a 1,000 or a 2,000 acres farm. So as the Applicant acknowledges the difference must be made up in a variety of ways from the output of other farms, ie commercial activity. How much and therefore what the consequential effects will be depends on the level of return required, but it is reasonable to assume that a large scale operation of this sort would be capable of servicing in the region of 20,000 tons of grain per annum and would need to be contracted to servicing over 10,000 tons of grain per annum, probably provided by one of the large local grain merchants, to break even. For the removal of doubt this figure has been checked professionally, on the basis of the estimated finance and operating costs of this scale of investment

The reality as we have said repeatedly, is the objections are based on “scale” not on the principle of a farmer wanting to make an investment to improve a working farm’s performance and taking advantage of investment in new available technology. We would have no objection if this was a normal and reasonable level of investment. However this series of proposals is altogether too grand to make sense other than as the basis for a full scale commercial operation in the future.

Thus in this case were this application to be approved, which it should not be, and the Applicant’s fundamental submission remains that the grain dryer is only to be used for the output of the Working Farm that is Rose Cottage, and for no more than 100 hours per annum then the planning conditions would include inter alia:

That the Dryer should not be used for more than 100 hours per annum

That the size of the Dryer should be specified and limited to throughput rates of 25 tons per hour

That there should be no commercial use,

That the hours of operation should be limited to be consistent with 100 hours of use

That there should be a limitation on the number of vehicles using the facility in line with the numbers quoted by the applicant.

But above all the conditions would need to be enforced as compliance to date has been minimal, rendering what was a tidy farm a few years ago well shielded from public view, to a general mess seen from most directions as a mass of earth mounds, and dead hedges. These protected by new saplings that will take ten years to shelter anything.

However, the question is would these conditions be acceptable to the Applicant?

THE PROFESSIONAL REPORT (Chris Clubley and co ltd)

There are a number of points made in the report and my rebuttal of them is as follows:

The key point made in the report is that this “substantial” investment as it is described is for the sole purpose of replacing an existing facility and continuing to serve the output from a 435 acre farm with a long term plan of growing to a 1,000 acre farm. The denial by the Applicant and advisors of the points we have repeatedly made about the most likely outcome being full commercial exploitation of the farm once planning has been received is unsupported, except by denial. We are asked to rely on assertions that the limit of the expansion plans of the farm is 1,000 acres, to be achieved by consolidation of small land holdings by a variety of legal and informal arrangements, and that no commercial agreements with third parties for weighing, storing or drying grain have been or will be entered into.

So why is it felt that there is more to the application than is acknowledged, and commercial use is inevitable? Apart from the unviable investment proposition of spending up to £500,000 for limited returns the answers lie in this and earlier planning applications. The facts are that:

The original application for the weigh bridge asked for approval for “commercial use”, which was subsequently withdrawn under challenge from HDC, because the access to the farm was considered unsafe and no “intensification” would be acceptable,

There is evidence that the weighbridge is already being used commercially, ie weighing product for third parties, with approaches being made to employ someone to operate the weighbridge. It was an express condition of the approval that the weighbridge would NOT be a Public Weighbridge, because of the “substandard access” but there is clear evidence which the HDC have, that it has been used as a public weighbridge, ie third parties invoiced for weighing product. In the Design assessment of the Application it says “the weighbridge is used...to keep an account of the OTHER commodities bought and sold by the farming enterprise,” which demonstrates that the activities at the farm are extended beyond dealing with the product from the working farm, which we understand from HDC is subject to an enforcement investigation.

The Applicant has already confirmed to me and others that up to 20% of the use of the existing facilities is already non Rose Cottage traffic.

The hours of working requested which were restricted from 7am to 7pm in the original application are unlimited throughout the day and the week, because they apparently cannot be quantified at this stage. The size of the farm is 435 cropping acres, with a possible 280 acres to be added, but no evidence submitted. The output is calculated currently at 1,500 tons, which may rise to 2,500 tons. The current storage is well in excess of this, when the original stores are taken into account as well as the new store.

This is a small farm at best and any number of farm share agreements will still leave it a small farm. Investments supported by Gentlemen’s agreements would represent a high risk to the farm. Simple economics dictate that the only way to recover the investment is to enter into large scale processing agreements with a larger business that can provide a regular supply of grain for weighing and drying which probably therefore itself consolidates grain for distribution. Eg a feed merchant. Without scale the investment cannot be funded. No bank would lend against a proposition which did not demonstrate how sufficient cash would be generated to fund the interest and loan repayments.

The choice of dryer for which the technical specification was submitted in the original Application

was 45 ton per hour. Simple maths demonstrates at 45 Ton per hour and assuming an eight hour day that the full current product of the farm could be dried in five days!

It is now said that the dryer is to be downgraded to 35 tons per hour, which would dry the product of the farm in six days, even if it were run inefficiently at 25 ton per hour it would dry the output in eight days. Of course that is not how the harvest comes in but what it means is that unless the supply of grain is supplemented from other sources, the dryer will be continually be turned on and off, which is highly inefficient, the energy cost being disproportionately high at start up.

It is said that the dryer will run below capacity in order to “cool” rather than “dry” the grain. That is not the purpose of a continuous dryer, grain will come out at ambient temperatures and cooling takes place in storage with the aid of fans.

It is said that there will be two reception pits. Why would there be a need for two pits if the dryer was drying at 25 tons per hour? Two pits would be needed only if there were continuous truck deliveries needing to unload.

The reality is that dryers reach high levels of efficiency when operated continuously, and a normal shift would be about 10/12 hours at a time, perhaps longer.

The traffic movements are calculated at two rising to three per week. No mention is made of the increased traffic arising from the weighbridge. The issue not addressed in the report is that this application should be evaluated as whole, and include the economics of the weighbridge. If you assumed weighing a 25 ton truck cost £7, even three trucks per week would only earn £1,100 per annum! The labour cost to service the weighbridge will run at c.10 per hour. By and large there is no need to weigh your own grain, a weighbridge is needed if you are taking in third party grain, or trading in agricultural product. Therefore it is inevitable that third party weighing will continue and grow, as the farm develops into a full service operation. The question that HDC should ask is how much weighing will take place for third parties and what impact will that have on the truck numbers? They should ensure that this is taken into account in calculating traffic impacts.

It is difficult to see how this development will reduce the noise nuisance. The fans in the existing stores are already being run well into the night, creating unacceptable noise to Rookery House. Mr Grinham quotes the noise nuisance as ‘fractionally....above that of a quiet bedroom at night’. This evaluation is materially different from the existing reality, the test for which can only be the occupants’ current experience, let alone allowing for increased activity with more fans and therefore have to be incorrect.

why is there no reference to the “substandard access” to the farm? This is a matter which gave concern for safety reasons to both the Highways Authority and HDC. Clearly there is already a breach of condition which jeopardises safety. The only way this can be dealt with would be for a subsequent planning application for a road/access improvement. HDC have confirmed that no discussions have taken place with the Applicant regarding access/road changes.

Summary

This application should be rejected because it is clearly designed to turn Rose Cottage into a farm operation well beyond the immediate needs of the land of the “working farm” now or in the future. The result of approval will be further growing activity prejudicial to the interests of the local community and immediate neighbours. This will be followed no doubt by further applications, to remove commercial restriction conditions, expand the storage capacity and restructure the access to the farm. The consequential increase in traffic and noise will be limited only by the need to generate profits and the demand for services and not by the needs of the “working farm” that is Rose Cottage.

**Phillip Hilling
18 March 2012**

2.

11/02733/FUL

**Construction of 8 dwellings as amended by plan received by Hambleton District Council on 16 March 2012.
at Hutchinsons DIY And Stationery Chapel Street Easingwold North Yorkshire
for Hutchinson's DIY.**

1.0 PROPOSAL & SITE DESCRIPTION

1.1 The site lies to the east of Chapel Lane to the rear of the terrace of properties fronting onto that street. To the east of the application site lies the bungalow development of Croft Close. The residential development at Hebdon Court lies to the south together with the Easingwold Methodist Church on Chapel Street. Residential properties lie to the north.

1.2 The site lies within the boundary of the Easingwold Conservation Area.

1.3 Vehicular and pedestrian access is currently gained from a track leading from Croft Close and a track leading from Chapel Street between existing terraced properties.

1.4 It is proposed to demolish the existing building currently used as a DIY store. An application for conservation area consent for the removal of the buildings is under separate consideration. This application proposes to construct a total of 8 dwellings.

1.5 Amended plans have been received, which proposes to construct a terrace of 6 dwellings (Plots 1-6) parallel to the southern boundary of the site. A pair of semi detached dwellings (Plots 7 & 8) lies further to the north, more centrally within the site. The front of these dwellings faces east.

1.6 All of the dwellings, which are identical, are three bedroomed with three floors of accommodation (the dwellings at Plots 7 and 8 are 225mm lower). The second floor comprises a bedroom and ensuite served by rooflights. The dwellings are to be finished in brickwork and pantiles with white painted timber double glazed windows and timber doors.

1.7 Vehicular access is to be retained from Croft Close. The existing gap is to be widened to allow two cars to pass. Demountable bollards are proposed to be positioned 14m back along the access from Chapel Street to allow access to the rear of the existing property on Chapel Street that currently gains access via this route. Vehicular access into the proposed housing development is therefore restricted. Pedestrian access is as existing. It is proposed to use a permeable material for the road surface.

2.0 PLANNING HISTORY

2.1 None relevant

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP6 - Distribution of housing

Core Strategy Policy CP14 - Retail and town centre development

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP12 - Delivering housing on "brownfield" land
Development Policies DP20 - Approach to town centre development
Development Policies DP22 - Other town centre uses
Development Policies DP28 - Conservation
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP37 - Open space, sport and recreation
PPS1 - Delivering Sustainable Development 2005
PPS 3 - Housing (June 2011)
Planning Policy Statement 4: Planning for Sustainable Economic Growth
PPS5 - Planning for the Historic Environment (2010)
Supplementary Planning Document - Open Space, Sport and Recreation
Adopted 22 February 2011
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009

4.0 CONSULTATIONS

4.1 Town Council - has no objections to the plans submitted, but would prefer to retain a shop on the site.

4.2 NYCC Highways Dept – reply awaited (expiry date for representations 26/3/2012)

4.3 Yorkshire Water – The following points should be addressed:

- i) Some evidence of existing impermeable areas positively draining to the public sewer is required to prove the rate of discharge.
- ii) Alternatively, the submitted drawing should show surface water storage and flow control details/device rated output.

A water supply can be provided under the terms of the Water Industry Act, 1991.
Conditions are recommended.

4.4 Site notice/local residents – Comments are awaited following the receipt of the amended plans and any received will be reported at the meeting. Four letters of objection have been received regarding the original plans, which are summarised as follows:

1. I would like to express my concern for parking and getting to the houses. It is a really bad entrance;
2. The existing property is a commercial premises providing employment to a number of local people;
3. This existing retail area occupies a significant and important fraction of the limited total retail space in Easingwold Town Centre;
4. Planners should therefore not allow a change of status for this site to housing without extremely good reasons and only after exhaustive measures have been taken to find a retail use for the site;
5. I would also ask Hambleton District Council to assist the current owner to either develop the site for commercial uses or else help the current owner to find a buyer who will develop the site for the Towns commercial / retail benefit. How can HDC be seen as promoting local business when they simply allow vital retail space such as this to disappear forever;
6. There is currently another planning application for a large retail Supermarket for Easingwold at the moment. (January, 2012). This Supermarket development will remove

much footfall from Easingwold Town Centre and the closure of this large area of prime retail space will definitely contribute to the decline of our wonderful Town Centre and thus the very essence of Easingwold itself;

7. The replacement of the existing retail premises with houses will significantly deplete the stock of retail space in the town centre. This will result in fewer shopper visits to the town centre, and a consequent likely reduction in footfall and turnover for remaining retail outlets. This will adversely affect the overall economy of the town centre. The development would thus be counter to Government policy to support town centres, and adversely affect the economic and social fabric of the town;

8. no plans show the dwellings at Hebdon Court, they have been omitted and do not therefore reflect the true situation;

9. the terraced properties would result in an unreasonable loss of daylight to the property at 5 Hebdon Court;

10. it would give the feeling of being in an enclosed dark cubbyhole;

11. the proposed properties will overlook the courtyard and directly into a bathroom and will be an overbearing and intrusive element;

12. there are already a sufficient number of terraced properties within Easingwold as there are a number for sale of a similar size. There is however a shortage of bungalows;

13. there will be additional noise and disturbance due to traffic volume and other associated noise and pollution;

14. access onto Chapel Street will be dangerous to other road users.

5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of residential development on this site; the loss of the retail use; the layout and design of the scheme; the scale, design and materials of the dwellings; the impact on residential amenity, the provision of public open space and highway matters.

5.2 The principle of residential development in this location is accepted as PPS3 aims to create more sustainable patterns of development by focusing new housing development primarily in locations that are accessible by public transport to jobs, education, shopping, leisure and other services and facilities. The proposal is for the provision of 8 residential units within the Development Limits of Easingwold, which is defined as a Service Centre in the Core Strategy. The site is close to the centre of the town and local services such as schools, shops and pubs and is therefore considered to be within a very sustainable location. It is considered that the proposed use is acceptable in principle.

5.3 Not all sites in such locations are suitable for development and consideration must be given to the layout and design and the potential impact of a proposal on features of acknowledged importance such as the character and appearance of the Conservation Area and the amenity of neighbouring residents.

5.4 The majority of the application site lies within the Town Centre of Easingwold but outside the Primary Retail Area as defined in the LDF. The use of the site for residential rather than retail purposes is not therefore contrary to Policies DP20 and DP21 as a residential use can also enhance the character, attractiveness, conservation heritage, vitality and viability of a town centre without detracting from its main focus, which is of shopping provision.

5.5 The scheme proposes a terrace of 6 dwellings to lie along the southern boundary of the site. The dwellings lie between 5.6m and 6.6m from the rear boundary. The usually accepted requirement for garden space at the rear of a two storey property is 10m, which is not achieved in any instance. It is accepted that the dwellings are in a town centre location and therefore not uncommon for amenity space to be restricted. A sun path analysis has been submitted to demonstrate that the dwellings still benefit from sunlight for most of the day at most times of the year. The residents of these two properties will experience a greater sense of enclosure due to their relationship with the church wall but the layout is considered to be compatible with the character of the surroundings.

5.6 The original scheme isolated Plots 7 and 8 within the centre of the site, which resulted in a less than satisfactory relationship to other dwellings. The amended plans propose to direct the new road to the east of these houses rather than the west as previously proposed and this results in them being less isolated as the road is positioned in a more direct position rather than in a loop around the properties.

5.7 The dwellings are of a simple form and design with detailing that reflects features on traditional buildings within the Conservation Area such as a string course and brick headers.

5.8 It is important to consider the separation distances between existing and proposed dwellings as the application site is surrounded on all sides by existing residential development. The terrace of 6 dwellings lies, at its closest point, 18m from the dwellings on Hebdon Court. It is not considered that the proposed development will have an adverse impact on the amenity of residents as a result of overlooking or overshadowing due to the distance and position to the north of Hebdon Court. A window lies in the end elevation of Hebdon Court but 18m is more than the usually accepted guideline of 14m required between the rear and side elevations of properties.

5.9 The dwelling at Plot 6 lies between 12m and 15m from the rear of the bungalow at 22 Croft Close. The usually accepted separation distance between the rear and side elevations of dwellings is 14m. It is important to note that the Croft Close properties are single storey and therefore there is a greater likelihood of an increased sense of enclosure affecting the residents of those properties.

5.10 The block of dwellings at Plots 7 and 8 are positioned so that their front and rear elevations face the rear of the properties on Chapel Street to the west and Croft Close to the east. The separation distance to Chapel Street is 20m and 18m to Croft Close. The separation distance between the side elevation of Plot 8 and the nearest dwelling to the north is 18m and is unlikely to give rise to an adverse impact on residential amenity.

5.11 Notwithstanding the reduced separation distances the proposed development does not appear cramped and is considered to respect the character of the traditional courtyard layouts, such as Hebdon Court, within the Conservation Area.

5.12 The principal access to the site is via Croft Close. The comments of the Highway Authority are awaited.

5.13 Policy DP37 of the LDF requires the provision of public open space with all new residential development. No provision has been included within the application nor has any alternative provision be made for a financial contribution towards off site provision. The applicant's agent has indicated that a contribution towards off site provision is likely to be forthcoming should permission be granted. A sum of £26,462.40 would be required for 8 no. 3 bedroomed dwellings. Approval of the application would be subject to a legal agreement.

5.14 Subject to the comments of the Highway Authority it is recommended that the application be approved.

SUMMARY

The proposed development is in keeping with the character of the surrounding Conservation Area and will not seriously affect the amenity of local residents or impact on highway safety. It is considered that the proposed development is in accordance with LDF 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. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall 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. 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. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
7. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
8. 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.
9. 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 completion of the approved foul drainage works.
10. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing(s) numbered YEW-277-003 05, YEW-277-003 10A and YEW-277-003 11 received by Hambleton District Council on 9 December 2011 and 16 March 2012 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP17 and DP33.
4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with LDF Policies.
6. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
7. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies.
8. To ensure that the development can be properly drained in accordance with LDF Policies.
9. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal in accordance with LDF Policies.
10. 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.

3.

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 Members resolved to defer the application at Planning Committee on 1st March 2012 to give enable a re-run of the Viability Appraisal by the District Valuer. Members also gave a steer that "Option Two" of the developer contributions table would be more acceptable (34% affordable housing, 32 units). An updated offer has been received from the Applicant, further are provided within paragraph 5.47 of this report. Further discussions have taken place in respect of the affordable housing mix which is now supported by the Council's Housing Services Manager.
- 1.2 Full planning permission is sought for the construction of 93 dwellings, associated parking, highway works and the provision of public open space. This will deliver a development of approximately 33 dwellings per hectare.
- 1.3 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.
- 1.4 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 pepper-potted throughout the application site. Amended plans were received on 14th December 2011 and a further round of public consultation was undertaken.
- 1.5 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.

- 1.6 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.
- 1.7 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.
- 1.8 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.
- 1.9 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. The District Valuer's final comments are awaited and will be reported at the meeting on 29th March 2012. The following table has been updated from the last Committee meeting to show the increased offer from the Applicant:-

Element	Policy	Option One	Option Two (1 st March)	Option Two (29 th March)	Option Three
Affordable Housing	50% (46.5 units)	40% (37 units)	34% (32 units)	34% (32 units)	30% (28 units)
Education Sum	£0	£0	£0	£0	£0
Public Open Space Sum	£306,522.80 (£79,132.70)	£306,000	£79,000	£79,000	£79,000
Sports Hall	"A contribution"	£0	£600,000	£650,000	£900,000
Health	"A contribution"	£32,000	£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 Following Members' steer at the 1st March meeting, Option Two has been put forward by the Applicant as an offer to the Council. Consequently, further work was undertaken on the affordable housing mix and therefore the application should be determined on the basis of this proposal which is "Option Two – 29th March".

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 final comments of the District Valuer in respect of viability and 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, these 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.

4.

12/00197/FUL

**Change of use of office to 4 flats.
at Industry Resource Services Ltd First Floor And Second Floor Offices 97 High Street
Northallerton
for Threadneedle Property Investments Ltd.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application relates to the change of use of the first, second and attic levels of no. 97 High Street, Northallerton from commercial use to residential. As part of the scheme, 4 no. units would be created (1 no. three bedroom and 3 no. two bedroom). The offices that are the subject of this change of use application are currently vacant. No external alterations to the building are proposed as part of the scheme.

1.2 The site is located on the eastern side of the High Street, with the designated Northallerton Conservation Area. A public house/late bar is situated directly to the south of the application site and the ground floor of the building is currently occupied by NatWest bank. Access to the upper floors of the property would be via the entrance at the southern end of the front elevation at ground floor level. The bank is accessed via a separate entrance on this same elevation.

1.3 No designated parking has been indicated on the submitted plans. The supporting statement sets out that parking for the units should be sought elsewhere in the town, using the 15 parking spaces in an enclosed car park to the rear and parking on Elder Street as examples. A store for cycles has been included in the scheme and the agent dealing with the application has confirmed that an area of the site will be set aside for bin storage.

2.0 PREVIOUS PLANNING HISTORY

2.1 11/02393/ADV is the most recent application associated with this site. There is no other recent or relevant planning history.

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy 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 CP18 - Prudent use of natural resources
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Development Policies DP1 - Protecting amenity
- Development Policies DP2 - Securing developer contributions
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP6 - Utilities and infrastructure
- Development Policies DP8 - Development Limits
- Development Policies DP12 - Delivering housing on "brownfield" land
- Development Policies DP28 - Conservation
- Development Policies DP32 - General design

Development Policies DP36 - Waste
Development Policies DP37 - Open space, sport and recreation
PPS1 - Delivering Sustainable Development 2005
PPS 3 - Housing (June 2011)
Planning Policy Statement 4: Planning for Sustainable Economic Growth
PPS5 - Planning for the Historic Environment (2010)
PPG13 - Transport (as amended to 2011)

4.0 CONSULTATIONS

4.1 Northallerton Town Council : No observations.

4.2 North Yorkshire County Council (Highways Authority) : No formal recommendation received as yet, however, the Highway Authority do require that 1.5 parking spaces per unit are provided as part of the proposal and have requested a parking plan to reflect this.

4.3 Yorkshire Water : No objections

4.4 Environmental Health Officer : No objections, based on amended plans that alter the internal layout. Details of the fitting of a mechanical acoustic ventilation system are to be submitted and approved by the Local Planning authority and bin storage should be provided.

4.5 Internal Drainage Board : No objections

4.6 Architectural Liaison Officer : Any response to be reported at the meeting

4.7 Neighbours : Objection received on behalf of the public house to the south of the application site, based on the incompatibility of the lawful use of the pub (late night activity, loud music etc.)

4.8 The application was advertised by site notice and the closest neighbours/businesses were consulted.

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. In this case they relate to the sustainability of the site location (Policy CP4); highway safety issues and site accessibility (CP2 and DP3), together with the impact on adjacent amenity or activities, including antisocial behaviour (Policy DP1).

- Principle:

5.2 The site is within the development limits of Northallerton a settlement within the Hambleton Sustainable Settlement Hierarchy as is identified within policy CP4 of the Hambleton Local Development Framework. This is an area where new residential development is permitted and therefore the principle of the scheme is considered acceptable. It is noted that the scheme retains the ground floor commercial area. The site is within the town centre area of Northallerton and the retention of the commercial use of the building would maintain the vitality and viability of the economy of the market town.

- Visual Amenity:

5.3 No other external alterations are proposed. As such the proposal would not have an impact on the visual amenity of the surrounding built environment and Northallerton Conservation Area.

- Neighbour Amenity:

5.4 The rear of the premises is currently used for the storage of commercial space and is controlled by locked gates. The side elevation of the building contains windows that overlook the alleyway/arcade, however, does not present a harmful relationship to surrounding property in terms of loss of privacy. Considering that the use, albeit as separate units, would

remain for domestic accommodation, the proposed scheme would not introduce a harmful impact on the amenity of the neighbouring residential property.

5.5 DP1 sets out policy expectations relating to the protection of amenity and in particular, issues of noise and disturbance and security. An objection has been received from the adjoining public house, in that this premises benefits from a late licence and attracts customers into the early hours of the morning. The concern is that the proposed use of the application site for residential units is unsuitable, as there would be inevitable disturbance and loss of amenity caused by the surrounding public house(s), particularly in the evening. As part of the consultation process, Environmental Health have confirmed with the agent dealing with the application that appropriate sound proofing can be installed and in addition to this, the internal layout of flat no. 3 has been altered, so that the a kitchen area remains the closest habitable room to the public house, rather than a bedroom as first proposed. It is not unusual for residential accommodation to be located within town centres in amongst commercial premises. In this particular case, subject to conditions being imposed, it would be possible to mitigate against noise and disturbance to the proposed flats.

- Antisocial Behaviour:

5.6 The Architectural Liaison Officer has been consulted on the application. No reply has been received as yet, however, any response will be forwarded to the meeting. The agent has confirmed that secure bin storage can be provided within the site, in order to prevent loss of amenity and targets for antisocial behaviour from this site.

- Highway Safety:

5.7 The Highway Authority has raised concerns relating to vehicular parking, as no parking has been designated for the proposed development. At the time of writing this report, a formal recommendation has not been received from the Highway Authority, as a plan to show parking for the flats is awaited. The Highway Authority has commented that 1.5 parking spaces per unit should be provided and the scheme would not be acceptable in terms of highway safety if this does not come forward. Any updates on this issue will be forwarded to the Planning Committee meeting for consideration.

- Public Open Space (POS)/Local Infrastructure (LI) Contribution:

5.8 A Unilateral Undertaking in respect of POS is currently being drafted for the full amount required for this scheme by the Open Space, Sports and Recreation Supplementary Planning Document. However, an argument has been put forward by the agent dealing with the application to state that the Local Infrastructure Delivery payment is not required in this case, as there is no material difference in trip generation from the existing use. The existing B1 office use is calculated by the agent to generate 20.76 trips and the proposed C3 residential use would have a trip rate of 21. The applicant's calculations have been found to be accurate and are supported and consequently no contribution towards the North Northallerton Link Road has been requested.

SUMMARY

The principle of residential development is considered to be acceptable in this location and the scheme would make use of currently vacant floor space within the town centre. Environmental Health are satisfied based on the amended plans and subject to conditions requiring acoustic ventilation system(s), that suitable noise insulation can be provided and that there would be no adverse impact on amenity in this respect. Although not yet received in a completed form, a Unilateral Undertaking to secure the required POS contribution is currently in progress. Subject the final Unilateral Undertaking for the POS contribution being received; an acceptable parking layout for the site and no objections being received from the Architectural Liaison Officer, it is considered that this proposal accords with the Development Policies above.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the submitted drawing(s) received on 30th January, 2012 and the amended plan ref. SK02 received by Hambleton District Council on 12th March 2012; unless otherwise agreed in writing by the Local Planning Authority.
3. No development shall commence until a scheme for the fitting of a mechanical acoustic ventilation system has been submitted to and approved in writing by the Local Planning Authority. The ventilation system must have a clean intake of air from a clean source. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and thereafter be retained as such.

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, CP2, CP3, CP4, CP16, CP18, CP19, DP1, DP2, DP3, DP4, DP6, DP8, DP12, DP28, DP32, DP36, DP37.
3. To safeguard the amenities of potential occupiers and to minimise the possibility of a noise disturbance from the existing neighbouring bar and so that the properties are capable of ventilation without the need to open windows.

5.

11/02264/FUL

Demolition of former residential home and construction of 11 dwellings, garages with access road and public open space as amended by plans received on 12 March 2012 at Oak Mount, Thirsk Road, Northallerton, North Yorkshire, DL6 1PR for Northern Commercial Developments Ltd

1.0 PROPOSALS AND SITE DESCRIPTION

- 1.1 Full planning permission is sought for the construction of 11 dwellings, associated garages, access road and public open space. The site contains a former residential care home and its outbuildings which will be entirely demolished to make way for the proposed development.
- 1.2 The proposed housing mix is comprised of 3no four-bed dormer bungalows, 1no four-bed two-storey dwelling and 7no five-bed two-storey dwellings. All of the dwellings are detached and stand within substantial private gardens.
- 1.3 It is proposed to construct the dwellings using a mix of red facing brickwork, concrete flat profiled roof tiles, artstone heads and cills, black rainwater goods, white UPVC windows, timber doors (including garage doors) and lead roll to bay windows. Each dwelling incorporates a feature detail, such as timber and render gables, to reflect the historic architectural character of Oak Mount.
- 1.4 The largest five-bed dwelling (house type "W") stands on Plot 7 and measures approximately 15.49m x 10.7m (narrowing to 6.9m) x 8.2m in height, whilst the four-bed dormers (house type "X") are positioned on Plots 1, 2 and 3 and measures approximately 11.6m x 11.6m (excluding double garage) x 7.1m in height. The tallest dwelling (House Type "S") stands on Plot 5 and measures 9.3m in height to the ridge.
- 1.5 A total of 25 car parking spaces are proposed, each property having a double garage. Three on-site visitor parking spaces are also included within the road areas adjacent to Plot 6 and Plot 10.
- 1.6 The main access to the site is taken from the existing access off Mill Hill Lane, whilst Plot 11 will be accessed separately from the existing secondary site access on Thirsk Road.
- 1.7 The site layout includes an area of public open space measuring approximately 1,445 sqm which contains a group of trees protected by a Tree Preservation Order.
- 1.8 The application has been substantially amended in response to consultation responses and ongoing discussions with the Case Officer. The following amendments have been made in order to improve the impact on neighbouring occupiers and improve the design quality of the development:-
 - Plot 6 relocated to increase distance from 1 Thornhill.
 - House types to plots 1, 2 and 3 changed for dormer bungalows.
 - Plots 8, 9 & 11 redesigned to reduce length of canopy to front elevation.
 - Hipped roof added to garage to plots 1, 2 & 3.
 - Stone quoins added to garage and timber / render feature added to first floor gable of plots 1, 2 & 3.

- Stone quoins added to Plot 5.
- Chimney, bay window and timber / render feature added to gable of plot 10.
- Stone quoins added to front elevation of Plot 10.
- Render detail added to plots 8 & 9.
- First floor to plots 1, 2 & 3 redesigned to limit overlooking windows.
- Dormer windows to plots 1, 2 & 3 relocated to maximise distance to neighbouring property.
- Access road realigned by 1.5m allowing Plot 2 to be relocated by the same amount.
- Plots 8, 9 & 10 redesigned to remove dormer window to front elevation.
- Plot 9 handed on the development plan.
- Levels adjusted to allow finished floor level of Plot 2 to be reduced.
- Plot 2 first floor redesigned to remove dormer window to rear elevation - Additional roof lights added and escape window added to gable.
- Eaves level to plots 1, 2 & 3 increased in order to reduce the mass of the roof. Roof pitch reduced to 38 degrees.
- Chimneys added to all plots.

- 1.9 Oak Mount was built in 1902 in an Old English revival style for J.Walker, owner of the tannery at North Arch, Northallerton. The building was last used by North Yorkshire County Council as a residential home and a day care centre prior to its closure in 2010.
- 1.10 The application site extends to approximately 0.83ha in size, located to the east of Thirsk Road and south of Mill Hill Lane, within the built up area of Northallerton. The surrounding area is predominately residential in character, generally comprising relatively recent, mainly low density development in a variety of styles.
- 1.11 The site boundaries are formed by a mix of fences, walls and hedges and built development (comprising the former care home building, coach house/stables and extensive parking and turning areas) occupies the central and eastern areas of the site. The western area of the site comprises a former garden area, parts of which are now somewhat overgrown.
- 1.12 Groups of mature trees are located within the site, primarily along the northern and western boundaries, all of which are protected by an Area Tree Preservation Order dated 16 November 2009.
- 1.13 The original main building and the coach house are constructed in brick with stone detailing and tile roofs. An extension to the main building (thought to have been added in the 1970s) is a flat roofed structure constructed in a lighter buff brick which represents a somewhat incongruous addition. These buildings are surrounded by extensive tarmac parking and turning areas accessed via two driveways which link respectively to Thirsk Road and Mill Hill Lane.
- 1.14 None of the buildings on the site are listed, or locally listed, and the property is not located in a Conservation Area. All of the existing built development on the site is proposed to be demolished.

2.0 RELEVANT PLANNING HISTORY

- 2.1 None relevant.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant Regional and Local Policies within the Development Plan and National Policies are as follows;

PPS1 - Delivering Sustainable Development 2005
PPS3 - Housing (Nov 2006)
PPS5 - Planning for the Historic Environment (2010)
PPS9 - Biodiversity and Geological Conservation 2005
PPG13 - Transport (3rd edition 2001).
PPS22 - Renewable Energy

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

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP12 - Delivering housing on "brownfield" land
DP13 - Achieving and maintaining the right mix of housing
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation

4.0 CONSULTATIONS

Romanby Parish Council

4.1 Confirmed no observations

NYCC Highways

4.2 No objection subject to conditions including: the submission of details plans of the road and footway layout; the construction of roads and footways prior to first occupation; the discharge of surface water; details of verge crossings; visibility splays; provision of access, turning and parking areas; wheel washing facilities and on-site parking and storage for construction vehicles.

Northallerton and District Local History Society

4.3 Concerned by the proposal to demolish this property as part of the application for housing development of the site by Northern Commercial Developments and therefore object on the following grounds:

1. Note that two former Local Authority employees, namely the NYCC Surveyor and the HDC Conservation Officer have objected, which adds substantial credence to the objections.

2. Have asked to visit the site to take photographs of the buildings internally and externally, but this has been refused by NYCC as current owners of the property. This is a public building and we would expect to be allowed community access on such a sensitive issue before any planning decision is taken.
3. Do not believe that adequate investigation and recording of this historic building has taken place. A full historical survey must be conducted by a responsible heritage body before this application is placed before the planning committee and this must be made available to the local community.
4. Regard the public remarks by the Allertonshire Civic Society as irresponsible in that they suggest that modern internal alterations and extensions have taken place which undermine heritage considerations. Internal alterations have been permitted by HDC to many Listed buildings in the town and whilst regretted these do not detract from the external appearance of such buildings.
5. Recommend that the original buildings be sympathetically restored and converted to apartments and that the responsible action by HDC would be to have them Listed. The modern buildings on the site are not architecturally important and need not be retained.
6. Wish to stress that we reject the persistent HDC policy of destroying the built heritage of the town. These buildings represent an important period in the history of the town and ironically were erected at the same time as County Hall when Northallerton became the established administrative centre of the county.
7. Believe that there should be a representative spread of buildings from each period and that the policy of destruction and replacement with modern buildings of no architectural merit is both misguided and lacking in aesthetic appeal. Modern need should be balanced with considered action to maintain the historical character of the town; what was once an architectural gem is developing into a modern eyesore.
8. Believe that planning policy in the town since the Second World War has run counter to a responsible attitude to heritage protection and that the time is long overdue for a change in approach. Listed buildings, such as Vine House, are being allowed to fall into dereliction. We can only presume that Planning Officers, and English Heritage as the statutory heritage authority, have an interest in destroying the unique heritage of the town.
9. The relevant local planning law has been more than adequately invoked by HDC's retired Conservation Officer in his response to this application and we do not need to repeat it here, but we respectfully suggest that the Council re-acquaints itself with its own published policy and reconsider its acquiescence to this irresponsible proposal to demolish an important building which is entirely in keeping with the history of the town.

Police Architectural Liaison Officer

- 4.4 Notes that there is no mention of crime and the fear of crime, both material planning considerations in the Design and Access application. However this is mitigated against with the insertion of the Code for Sustainable Homes.
- 4.5 *Recommendation 1* - the whole site should be built to obtain a Secured By Design certification.
- 4.6 The fencing behind the front building line should be 1.8m high close boarded fencing. It should have a lockable gate from as close to the front of the house as possible and across to the perimeter fence of that house, thus securing the rear of the house from crime.

- 4.7 Notes that the application incorporates public open space and states that this space will incorporate a play area. It does not state for which age group the play area will be designed for.
- 4.8 Also notes that there is a proposal to create a footpath to this play area which in turn is connected to Thirsk Road. By installing this footpath it immediately destroys the security that a cul-de-sac creates. It allows criminals a reason to be in this road if challenged.
- 4.9 From a 'designing out crime' point of view, the Police ALO has serious concerns in respect of permeability. Footpaths and through routes provide a choice of alternative escape routes from the scene of the crime, rather than forcing offender/s to return by the way they came. The opportunity to take a different route gives him anonymity and safety. Too much permeability makes controlling crime very difficult, as it allows easy intrusion around the development by potential offenders. This footpath would facilitate a suitable target, in a favourable environment, in the absence of people who might prevent the crime, and the presence of those who might promote it.
- 4.10 For the disadvantage of this cul-de-sac losing its security from crime and the fear of crime, to gain an extra 59 metres less to walk, is disproportionate. Recommend that the footpath be eliminated from entering into Thirsk Road.
- 4.11 Having a through footpath so close to a child's play area is not recommended. It presents a danger to the children playing there by themselves, by facilitating being the chance of being abducted or bullied by passing older youths.
- 4.12 *Recommendation 2* - That the proposed footpath leading from Oak Mount through to Thirsk Road be blocked off from Thirsk Road, so that the only access to this play area is via Oak Mount.
- 4.13 This will prevent pedestrian traffic coming through Oak Mount and severely restrict the use of the footpath for criminals who will now be forced to return by the same route that they entered the cul-de-sac, which they prefer not to do.
- 4.14 *Recommendation 3* - The footpath should be lit to BS5489.
- 4.15 Parking - The danger of children crossing roads to reach this play facility, or the fear of children being abducted or bullied whilst walking to this play area from across the adjacent estate, will make parents drive their children to this play area.
- 4.16 The parents will park their vehicles at the bottom of this cul-de-sac and then go and play with their children in this play area.
- 4.17 There is no facility for parking for use of this play area at the bottom of this cul-de-sac and I can foresee that there will be conflict with the residents there with obstruction.
- 4.18 *Recommendation 4* - That some consideration be given to the parking problem outlined above.
- 4.19 Age group for play area and dog fouling - The public open space will have the existing trees, due to the TPO's that protect them. The public open space is not overlooked and will be a place where drug dealing can easily be facilitated. It is a poor choice in which to place a play area.
- 4.20 Youths should not use this play area to gather and create anti-social behaviour problems. Therefore the play equipment should not be designed to give shelter from the elements.

- 4.21 Recommend that the play area be designed for younger children.
- 4.22 Boundaries should be clearly defined with features to prevent unauthorised motor cycle access.
- 4.23 The perimeter fencing must be secure to prevent dog fouling in the play areas. Signs should also be displayed instructing dog owners that allowing dog owners to foul in the play areas is an offence.
- 4.24 *Recommendation 5* - That the play area be designed for children under 10yrs. The play area should be fenced and it clearly be signed that the play area is for children under 10yrs of age. The fencing will reduce the abuse of dog fouling and litter. The play area should be signed regarding dog fouling.
- 4.25 Distance from the nearest house - The below appeal reference inquiry held on 2nd and 3rd September 2009 states in item 9 that the Inspector found in favour of the Fields In Trusts, (FIT), guidance that a play area should be a minimum of 10m from the nearest house.
- 4.26 Appeal Ref: APP/V2635/A/09/2101590
Former Electricity Company and Dairy Crest Sites, land at Wootton Road,
King's Lynn, Norfolk PE30 4BUL
- 4.27 *Recommendation 6* - That the play area is a minimum of at least 10m from the two adjacent houses; which at present it is not.
- 4.28 Maintenance of the Play area - Regular maintenance routines should be demonstrated, i.e. grass cutting, pruning, painting repair and replacement of fencing and play equipment.
- 4.29 *Recommendation 7* - Ensure that ownership and management of the proposed facility is in place with adequate resource available for maintenance and improvements that will be required.
- 4.30 *Recommendation 8* - That having seen the problems that this poorly located play area can bring, and the extra cost of implementing the above measures, that consideration be given for not having a Play Area, or footpath on this development.

Yorkshire Water

- 4.31 No objections subject to conditions. Comment that the development should take place with separate systems for foul and surface water drainage. The local public sewer network does not have capacity to accept any additional discharge of surface water. Therefore Sustainable Urban Drainage Systems should be used as an appropriate solution.

Environmental Health Officer

- 4.32 No objections subject to conditions.

NYCC Education

- 4.33 No contribution is required towards additional school places.

Network Rail

- 4.34 Confirmed no observations.

Yorkshire Wildlife Trust

- 4.35 Given the age of the buildings and the surrounding gardens it will be essential that a bat survey including emergence surveys are undertaken before the application is put forward for planning permission. Until further information is available the Yorkshire Wildlife Trust would like to register a holding objection to the application.

Publicity

- 4.36 Neighbouring occupiers were consulted in writing; a site notice was erected close to the application site. The period for replies expired on 24th March 2012. A petition carrying 13 signatures against the application, 9 objections and 2 letters of support have been received and are summarised as follows:-

Objection

1. Lack of privacy – the proposed house type “C” will have on its east elevation, 2 bedrooms, 2 bathrooms and 3 ground floor windows, one of these being patio type doors. These will directly overlook the garden, bedrooms and habitable rooms of 6 Mill Hill Lane. If a conservatory were to be added at a later stage this could project further into the garden in Plot 2 by some 3 to 4 metres and would exacerbate the problem.
2. The existing building in what is called Plot 2 on the plans is an old stable block, with 3 small high level windows. From the plans it would also appear that the house type “C” has much higher roofline than the existing building. The fact that this house is built at the top of the hill and is therefore somewhat higher than 6 Mill Hill Lane exacerbates overlooking.
3. The hawthorn hedge on the boundary of the application site and 6 Mill Hill Lane is not in leaf between November and April which significantly reduces its effectiveness as a screen. Replacing the hedge with a fence would allow for all-year round privacy. Have received assurances from the Applicant that new drainage infrastructure will overcome this problem.
4. Drainage – during times of heavy rainfall, water collects in the hard areas in Plot 2 near to the existing dilapidated greenhouse and then running like a stream down the side of the hedge that is on the south side of 6 Mill Hill Lane and then into the rear garden space.
5. Concerned about the proposed access from Mill Hill Lane which would use the existing rear access to Oak Mount to serve 10 of the 11 new houses. This will require the removal of a mature sycamore (identified as T1 in the Arboricultural report prepared by JCA Ltd). This report describes the sycamore as being in good condition with a life expectancy of 20-40 years. It is the tallest tree at the crest of Mill Hill, is visually important, particularly from the east of the site and contributes to the character of the area. By realigning the proposed access to pass to the east and south the sycamore could be retained.
6. Trees should be safeguarded during construction works on the site, as outlined in the Arboricultural Report and that these will be monitored to ensure compliance.
7. Concerned over the degree to which existing homes in the surrounding area will be overlooked by the proposed development. This particularly applies to those homes to the east of the site, fronting onto Mill Hill Lane, where the land falls steeply away from the new development. This is likely to have a serious impact on the privacy of these homes which could be reduced, although not eliminated by:

8. Increasing the distance between the site boundary and the rear of the proposed houses on Plots 1 & 2;
9. Reconsidering the house types/orientation of the new dwellings on these plots to minimise the living room/bedroom windows overlooking existing homes;
10. Requiring the developers to plant trees along the eastern site boundary of Plots 1, 2 and 3 to screen adjoining properties.
11. Object to the proposal due to the size, nature and the proximity of Plots 4, 5 & 6 to 1 Thornhill. This will have a significant impact in terms of visual intrusion and potential noise impacts. The quality of life of the occupants of 1 Thornhill will be adversely affected.
12. There are windows on the plans which will overlook 1 Thornhill.
13. Plot 6 will be 4ft from the boundary of 1 Thornhill.
14. The proposed height will severely affect the amount of sunlight to 1 Thornhill, particularly during the summer.
15. It is becoming increasingly common for planning authorities to insist on daylight and sunlight surveys prior to granting planning permission.
16. Vehicles approaching and exiting Plot 6 will cause noise disturbance and light pollution (due to headlights) to the occupants of 1 Thornhill.
17. Significant traffic hazard in Mill Hill Lane during both the construction phase and after site development.
18. The proposed exit and entrance route to the development on the brow of a hill on an already busy road with vehicles and parking virtually impossible as it is and therefore constitutes a traffic hazard.
19. As there are many aged people and children living nearby, an additional volume of cars coming in and out would make the area far more dangerous for pedestrians.
20. Has HDC identified who is responsible for the environmental control of hedgerows, fencing trees, plants, grass, rodent control, litter and footpath maintenance in the Public Open Space Area adjacent to Thirsk Road and Thornhill?
21. If hedgerows and tree are not maintained to prevent overgrowth to Thirsk Road they create a visual hazard to pedestrians and people driving exiting Thornhill.
22. The demolition of buildings which are of local interest is contrary to Core Strategy Policy CP16 and DPD Development Policy DP28. Although much altered and extended, the core of the original house survives and may be capable of subdivision and conversion to residential use without outright demolition.
23. At the NE corner of the site stands the lodge, of similar date and style, with an attached coach house or stable block with a distinctive rooftop louvered cupola. Although fairly close to the site boundary, this building would appear to offer ready scope for conversion to a dwelling, with or without the attached coach house.

24. It is not clear whether the applicant has considered the option of conversion and reuse of these buildings, nor whether either North Yorkshire County Council as former owners of the site, or Hambleton DC as the LPA prepared any sort of development brief for the site, in which the issue of conversion could have been discussed.
25. It is understood that HDC Officers held pre application discussions with the applicant, at which the heritage merits of the site should have been discussed in accordance with Policy HE8 of PPS5 *Planning for the Historic Environment*. This states that "*Where a development proposal is subject to detailed pre-application discussions with the local planning authority, there is a general presumption that identification of any previously unidentified heritage assets will take place during this pre-application stage*"
26. The Design and Access Statement submitted with the planning application makes no mention of either Policy CP16 Protecting and enhancing natural and man made resources or Policy DP28 Conservation, and it would appear that any heritage significance of the site has not been adequately considered.
27. Policy DP28 offers some protection for unregistered heritage assets (those that are not listed buildings, conservation areas or scheduled monuments) via clause iv which reads (iv) "*protecting and preserving any other built or landscape feature or use which contributes to the heritage of the District*" Adapting and reusing existing buildings is inherently sustainable as it makes the best use of the embodied energy they contain and can assist in creating places of value. I consider that there is a strong case for the creative conversion of these buildings.
28. Paragraph 4.45 of CP17 states that "*It is a strongly held aspiration of the Council to raise the standard of design in all applications*" while DP32 states that "*design of all development must be of the highest quality. Attention to the design quality of all development will be essential, and the submission of design statements supporting and explaining the design components of all relevant proposals will be required.*" The Design and Access Statement fails to explain the design rationale of this scheme for 10 large houses strung along a cul de sac.
29. Policy DP28 also states that "*Development proposals must seek to achieve creative, innovative and sustainable designs ...*". There is nothing in the least creative or innovative in these proposals, which are bland and dull. The saving grace is that the trees will largely screen the site from public view.
30. Achieving local distinctiveness (DP28 vi) and contributing positively to the townscape (DP 28 vii) are difficult factors to achieve in this suburban context. However, the enclosed nature of the site which is largely surrounded by tree belts could allow the development of something of real distinctiveness, if only a sympathetic architect were to be employed. There have been no contemporary houses built in Northallerton since the late 1950s or early 1960s, nothing of any style or panache, just endless acres of boring housing where the hand of the architect has plainly been absent. This site offers a rare opportunity to develop modern housing of striking and contemporary design, but will, I fear, be a lost opportunity if these proposals are allowed.

Support

31. Good use of the site which really is only suitable for housing, 11 family sized homes would be very welcome to the town. The location gives a good level of privacy for the houses.
32. The traffic from this development will not have a big impact.

33. Recognise that existing buildings on the site are likely to have limited potential for alternative uses. As a result, clearance and redevelopment probably represents the most appropriate way forward.
34. Given the site's location and the character of the surrounding area, residential development would be appropriate.
35. Welcome the overall proposed layout, focusing the new houses on the developed part of the site and retaining the tree cover elsewhere.

General Comments

36. Bats inhabit the local area surrounding Oak Mount, Thirsk Road and therefore a bat survey should be carried out before a decision on planning permission is made.
37. Demolition of the existing buildings would put any bats present at risk. Bat scoping survey of both the buildings and trees should be carried out by a suitably qualified bat ecologist and be followed up by any bat emergence surveys that the ecologist may recommend.
38. There is a minor error on the submitted development plan. The southern boundary to Plots 3 and 4 is shown as an existing hedge to the west and a proposed new hedge to replace and/or supplement the existing post and rail fence, in reality the new hedge will need to extend further to the west than is shown on the plan.
39. Is it possible to apply a restriction to ensure that work on the site can only be undertaken during weekdays from 8am to 5pm and that working on Saturday or Sunday is prohibited?

Amendments

40. The changes put forward by the applicants appear to relate solely to the design of the new houses. As such the changes do not address the concerns set out in previous correspondence.

5.0 OBSERVATIONS

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

- k) Location of New Housing
- l) Demolition of Existing Buildings
- m) Design & Density
- n) Protecting Amenity
- o) Sustainable Construction
- p) Highway Safety & Car Parking
- q) Ecology (including Bats)
- r) Trees
- s) Public Open Space
- t) Affordable Housing
- u) Other Developer Contributions

Location of New Housing

- 5.2 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”*.
- 5.3 The application site is located within the development limits of Northallerton as defined within “Development Policies & Allocations – Annex 5: Proposals Map”. In addition, the proposed development constitutes reuse of a brownfield site within a sustainable location close to existing services and amenities. Consequently, the proposed development is considered to be acceptable in locational terms.

Demolition of Existing Buildings

- 5.4 Several objections relate to the demolition of the existing buildings. Both the Northallerton and District Local History Society and local residents strongly believe that the oldest buildings on site, including the main house and the coach-house, should be protected from demolition. Objectors point to guidance contained within PPS5 and Policies CP16 and DP28 of the Hambleton LDF as justification.
- 5.5 Policy DP28 does states that *“Conservation of the historic heritage will be ensured by...protecting and preserving any other built or landscape feature or use which contributes to the heritage of the District.”*
- 5.6 Whilst the objectives of Policy DP28 are desirable, they must be given due consideration in the context of the wider planning system. The main house and coach-house are not protected from demolition as they are not listed buildings nor do they appear on a “local list” of important buildings. In addition, the application site does not lie within a Conservation Area.
- 5.7 It remains necessary to give the Council prior notification of the intention to demolish a residential property and to seek prior approval, so that the Council can stipulate requirements for the method of demolition and restoration of the site. Although, a separate prior approval notification is not required if demolition is expressly proposed as part of a planning application.
- 5.8 The Council's prior approval is only needed for the demolition of dwellinghouses and of buildings adjoining dwellinghouses. The demolition of warehouses, factories, offices, shops etc does not need the Council's prior approval unless they are attached to a dwellinghouse. More importantly, the prior approval process only controls the method of demolition and restoration of the site. It does not provide scope to protect buildings from demolition.
- 5.9 Following a recent court case (*R (Save Britain's Heritage) v. SSCLG* [2011]) planning permission for demolition may now be required where the scale and nature of the proposal is such that an Environmental Impact Assessment (EIA) is required. Therefore, any proposed demolition that is considered to have significant effects on the environment will be subject to the environmental impact assessment process. The demolition of Oak Mount would not have significant effects on the environment in this regard.
- 5.10 Discussions were held with the Applicants at an early stage of the application process to explore the possibility of incorporating the oldest buildings into the scheme. This approach was quickly discounted as an unviable option.
- 5.11 In light of the above considerations, it would not be justified to refuse planning permission on the grounds that the existing buildings should be retained.

Design & Layout

- 5.12 Policy DP32 stipulates that *“the design of all development must be of the highest quality. Attention to the design quality of all development will be essential... Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings and promote local identity and distinctiveness.”*
- 5.13 Following discussions with the Case Officer, the Applicant has made significant improvements to the proposed house types and site layout. The house-types have been redesigned using the existing buildings as inspiration for the elevational treatment. The dwellings now incorporate individual design features including stone quoins, large feature chimneys and timber/render sections to projecting gables. The amended dwellings are considered to be of good design in accordance with the principles of PPS1. The design reflects the traditional vernacular of the immediate locality yet meets modern aspirations.
- 5.14 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.
- 5.15 The proposed scheme equates to a density of approximately 22dph which is relatively low but appropriate in the context of the established pattern of development within the locality and the numerous landscape features on site. The proposed scheme involves the construction of four and five bedroom dwellings that will meet the needs of higher end of the market. A spacious, leafy environment is appropriate to the large dwellings proposed.
- 5.16 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.
- 5.17 In light of the amendments received, 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

- 5.18 Policy DP1 requires all development proposals to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, odours and daylight.
- 5.19 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.
- 5.20 The original layout failed to protect the amenity of neighbouring residents, particularly with in respect of 6 Mill Hill Lane and 10 Hill Rise. The site layout and house types

have been amended in order address concerns about loss of privacy and overbearing impact.

- 5.21 Plots 1, 2 and 3 now contain dormer bungalows rather than two-storey dwellings, whilst Plot 2 has been moved further away from 6 Mill Hill Rise by an additional 1.5m from 11.6m to 13.1m. The eaves level to the main roof has been increased by 300mm and roof pitch reduced to 38 degrees in order to reduce the expanse of roof when viewed from 6 Mill Hill Lane. Plot 2 will also be set-down by at least 500mm in order to reduce its overall impact.
- 5.22 In terms of the impact on 1 Thornhill, this property is located to the south of the application site and will therefore not experience a loss of sunlight as a consequence of Plots 5 and 6. Plot 6 stands 8m from 1 Thornhill (side elevation to side elevation) and is side on to front garden space of 1 Thornhill. This relationship is considered to be acceptable. In terms of Plot 5, amendments have been sought to move the proposed dwelling 2m further away from the mutual boundary with 1 Thornhill. This would result in a separation distance of 12m (rear elevation to side elevation) which is considered to be acceptable in the context of the application sites position to the north of Thornhill.
- 5.23 Objections have been raised in relation to increased noise and light pollution. Whilst these objections are acknowledged, it would be extremely difficult to prove that the development of additional dwellings within an established residential area will give rise to an unacceptable loss of amenity. Moreover, the site's lawful use as a residential care home, at full capacity, would give rise to noise, light pollution and movement of people and vehicles on site.
- 5.24 In light of the above considerations, the proposed development is considered to comply with Policy DP1 of the Development Policies DPD.

Sustainable Construction

- 5.25 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.
- 5.25 The applicant has submitted a statement which stipulates that the proposed development will comply with the "Code for Sustainable Homes" Level 3. This statement commits to making a 25% improvement in the dwelling emission rate, installing water efficient appliances, responsibly sourcing a building materials and delivering waste management plan. However no firm proposals are given. Consequently, if Members are minded to approved the application a suitably worded condition would need to be imposed in order to deliver energy savings via sustainable construction techniques and/or infrastructure.

Highway Safety & Car Parking

- 5.26 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.
- 5.27 Concerns have been raised by local residents about the proposed development's impact on highway safety. The Local Highway Authority have considered the application and has raised in objection in relation access arrangements, pedestrian safety or the capacity of the highway network to accommodate additional trips.

- 5.28 In January 2011, Central Government changed the text of *PPG13: Transport* to better reflect localism. The Government's position on parking standards is that local authorities are best placed to take account of local circumstances and are able to make the right decisions for the benefit of their communities. As such, the central requirement to express "maximum" parking standards for new residential development has been deleted.
- 5.29 NYCC maximum parking standards require two spaces per four/five bedroom dwellings and one visitor space per five dwellings within market towns, which equates to approximately 25 spaces. The proposed layout incorporates 25 car parking spaces and therefore the maximum level of car parking provision has been delivered. However, each dwelling contains a large driveway capable of accommodating additional off-street parking as and when required.

Ecology

- 5.30 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.
- 5.31 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.
- 5.32 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.
- 5.33 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*'.
- 5.34 A Phase 1 Habitat Survey, produced by JCA, has been submitted with the application. The survey concludes that further bat surveys should be undertaken to determine whether or not roosting bats are present. This will then determine whether activity surveys are required during the surveying period (May to September). Trees, hedgerow, dense scrub and buildings have the potential to support nesting birds. Therefore, all work to these habitats on site should be completed outside of the breeding bird period (preferably August to February). The two ponds on site appear unsuitable for supporting protected amphibians. The scattered broadleaved and coniferous trees, orchard, hedgerows, ponds and dense scrub habitats should be retained and protected from any proposed development. If this is not possible, suitable mitigation should be created.
- 5.35 With regards to the objection from the Yorkshire Wildlife Trust, it is considered that bats can be adequately protected via the imposition of an appropriate condition attached to a grant of planning permission that requires additional survey work to be undertaken and mitigation identified and implemented. In this regard, paragraph 120 of Circular 11/95 makes it clear that "*authorities should not refuse planning permission if appropriate conditions can be imposedwhich are designed to prevent deliberate harm to such species.*"

Trees

- 5.36 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.
- 5.37 An Arboricultural Report, produced by JCA, has been submitted with the application. The tree survey revealed a total of 86 items of vegetation (71 individual trees and 15 groups of trees). Two trees, T24 (Wych Elm) and T67 (Sycamore) have been identified for removal in order to benefit adjacent trees. Tree pruning works are also recommended for reasons of public safety and to ensure the long-term health of the trees
- 5.38 A neighbour has objected to the application on the grounds that T67 (Sycamore) is the tallest tree at the crest of Mill Hill, is visually important, particularly from the east of the site and contributes to the character of the area. In fact, T67 is actually 10m in height whereas its immediate neighbours range from between 16m to 20m in height and are located in more prominent locations, i.e. adjacent to the site access. The removal of T67 will have minimal impact on the visual amenity of the streetscene and consequently the neighbour's objection cannot be substantiated.
- 5.39 Finally, the Arboricultural Report recommends that the tree protection plan an Arboricultural Method Statement (AMS) detailing the specific protection measures necessary for each tree should be secured via condition. This should specify fencing standards and positions (the creation of the Construction Exclusion Zone), acceptable construction techniques and necessary tree works.

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. The applicant has agreed to pay a commuted sum of £56,411.32 towards off-site provision of public open space, sport and recreation facilities.
- 5.41 The Open Space, Sport & Recreation SPD (2011) indicates that on sites of 10 or more dwellings, amenity green space and/or children's play areas should be provided on site. The guidance makes clear that 'an element of amenity green space will normally be sought on site as it is an essential integral component of any housing development.' To this end, an area of amenity green space measuring 1,445 sqm has been provided. This space will not be equipped with play equipment but may incorporate additional landscaping, artwork, benches etc. A scheme of open space works and the ongoing management of the space will be secured as part of the s.106 agreement.
- 5.42 Whilst the concerns of the Police Architectural Liaison Officer are acknowledged, the delivery public open space is an integral part of new housing developments. The proposed area of amenity green space is directly adjacent to two dwellings and will be visible from Thirsk Road. It would be disproportionate to eliminate the amenity green space from the development in order to address security concerns. The opportunities for crime will be minimised via the delivering of an appropriate landscaping scheme and ongoing management of the space.

Affordable Housing

- 5.43 Policy CP9 relates to the provision of affordable housing and seeks the provision of 40% affordable housing on sites of more than 0.5 hectares or 15 dwellings within Northallerton.

- 5.44 Whilst the gross site area is 0.83 hectares, the need to retain the protected mature trees results in a net developable area of about 0.51 hectares. The developable area is taken to include the access road but it excludes the public open space. In this regard, the POS is not excluded because of its designation or use, but on the basis that this area was rendered undevelopable due to the proximity of retained trees.
- 5.45 The net developable area is recognized by both the Applicant and the Case Officer as being right on the margin of the 0.5 hectare affordable housing 'threshold'.
- 5.46 As explained within paragraph 5.15 of this report, the proposed density of approximately 22dph is considered to be appropriate in the context of the leafy site and the prevailing pattern of development within the locality. It is considered that a higher density, and therefore, would not represent the most appropriate design solution for the site.
- 5.47 The Applicant believes that affordable housing provision should not be required in this case. The Applicant states that if 11 detached dwellings are considered to be appropriate on this site, it must follow that it is the dwelling capacity figure that is relevant and not the area figure [which should only come into play for outline applications, or where there is evidence that the dwelling capacity has been reduced below the 15 unit threshold without justification].
- 5.48 In light of the Applicant's position and the nature of the proposed development, it is considered that affordable housing should not be sought. However, this is a matter of judgement and interpretation of the policy position.

Other Developer Contributions

- 5.49 Policy DP2 requires contributions from developers for additional highway or transport infrastructure (criterion viii). Contributions sought from this development will contribute towards addressing *'the cumulative implications of a number of developments, and thus obligations may be sought from each development as part contributions towards addressing a specific matter'* (para. 3.4.8 ii, page 9, Development Policies DPD).
- 5.50 The methodology for calculating a contribution from most new development within Northallerton, Romanby and Brompton is set out within the North Northern Link Road Deliverability Report (3rd October 2008 & 8th January 2009 rev1) and the subsequent Developer Contributions Document (November 2010) produced by Jacobs. The calculation shows that a contribution of £60,726 is required towards the NNL. The applicant has agreed to pay this sum and a s.106 agreement is currently being drafted.

Fig.1 – Summary of Developer Contributions

Element	Policy	Applicant's Offer
Affordable Housing	40% on sites of 15 dwellings or more or sites of 0.5ha or more	0%
Education Sum	£0	£0
Off-site Public Open Space	£56,411.32	£56,411.32
North Northallerton Link Road	£60,726	£60,726

Drainage & Flood Risk

- 5.51 A Flooding and Drainage Assessment, produced by CoDa Structures, has been submitted with the application. The FDA confirms that the site is located within Flood Zone 1 – land with the lowest risk of flooding. The proposed development will result in an increase of drained impermeable area on the site and therefore surface water run off.
- 5.52 The occupiers of 6 Mill Hill Lane have expressed concern that during times of heavy rainfall, water collects in the hard areas in Plot 2 and runs down into the rear garden space of 6 Mill Hill Lane. A condition relating to surface water drainage will be applied to ensure that drainage is properly controlled and that risk of flooding to neighbouring properties is minimised.

Conclusion

- 5.53 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 Subject to the signing of a s.106 agreement in respect of the matters outlined above, the principle of the proposed use is acceptable and the site specific issues, including demolition of the existing buildings, design and density, protecting amenity, highway safety, ecology, public open space and affordable housing. The proposal therefore accords with the aims and policies of the Hambleton Local Development Framework.

7.0 RECOMMENDATION

GRANTED subject to the following conditions:-

1. Commencement

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

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

2. Approved Plans

The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered: ????? received by Hambleton District Council on ???? unless otherwise agreed in writing by the Local Planning Authority.

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

3. Materials

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

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

4. Boundary Treatments

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

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

5. Boundary Treatment Construction

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

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

6. 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.

7. 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

8. 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.

9. 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.

10. Drainage - Separate Systems

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

Reason: In the interest of satisfactory and sustainable drainage.

11. Foul & Surface Water Drainage

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.

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

12. No piped discharge of surface water

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 completion of the approved foul drainage works.

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

13. Record of Buildings

The existing buildings to be demolished shall be fully recorded in record quality photographs (both internal and external), of which a copy should be lodged in the County Site and Monuments Record).

14. 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.

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. The Habitat Management Plan shall make provision for a pre-construction bat survey and identify mitigation measures to minimise disturbance to bats. 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:

- (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.

22. **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 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. **Discharge of Surface Water**

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

Reason: In the interests of highway safety.

23. Private Access/Verge Crossings: Construction Requirements

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 accesses to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and Standard Detail number E6.

(iii) Any gates or barriers shall be erected a minimum distance of 3 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(vi) The final surfacing of any private access and parking area within 5 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.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

23. 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 43m measured along both channel lines of the major road A168 Thirsk Road and Mill Hill Lane from a point measured 2.4m down the centre line of the access road. 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.

Reason: In the interests of road safety.

24. Provision of Approved Access, Turning and Parking Areas

No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved

(i) have been constructed in accordance with the submitted drawing (Reference CH/033/003)

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

25. 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.

26. 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
- (iv) on-site materials storage area capable of accommodating all materials required for the operation of the site.
- (v) 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.

27. Burning of Waste

There shall be no burning of waste materials in the open air on the site,

Reason: The development is in close proximity to residential properties these conditions would protect the amenities of the local residents and minimise the occurrence of a statutory nuisance.

28. Dust Emissions

The development shall not commence until a scheme detailing measures to be used to control dust emissions is submitted to and approved in writing by the local planning authority. Thereafter the scheme shall be implemented and maintained in accordance with the approval.

Reason: The development is in close proximity to residential properties these conditions would protect the amenities of the local residents and minimise the occurrence of a statutory nuisance.

6.

12/00019/FUL

Change of use from dwelling to a country house hotel at Rudby Hall, Skutterskelfe, North Yorkshire, TS15 0JN for Python Properties Ltd

1.0 PROPOSAL & SITE DESCRIPTION

- 1.1 Full planning permission is sought to change the use of Rudby Hall from a private dwelling to a Country House Hotel. The Hall would be converted to boutique hotel with 11 lettable suites that would include 13 bedrooms. The service would be provided on a 'bed and breakfast' basis. It is also intended to use the Hall for private functions including weddings.
- 1.2 The bedrooms would be formed from a combination of the existing bedrooms within the Hall and the current office accommodation on the top floor of the Hall. There would be some internal alterations required. These alterations are the subject of a separate application for listed building consent. These changes will involve the provision of en-suites, new doorways to existing openings and the insertion of new door openings.
- 1.3 Rudby Hall is a large 3-storey country house set in 10 acre gardens and situated in open countryside between Hutton Rudby and Stokesley.
- 1.4 Rudby Hall was designed by Salvin and built 1838. A porch was added and the interior remodelled in the later 19th century. This is a fine small country house with considerable aesthetic value for its architectural design and the decorative quality of its interior. It is listed at Grade II*.
- 1.5 There is a large car park to the west of the Hall and access is currently possible via two access points from the main road.
- 1.6 The main gardens lie to the west and south of the Hall and contain a number of mature trees. There is a copse of trees to the east of the site and aligning the banks of the river Leven to the south. There are residential properties to the north, north west and west of the site.

2.0 RELEVANT PLANNING HISTORY

- 2.1 In 1986, full planning permission and listed building consent were granted for alterations to existing alterations to existing residential accommodation at Rudby Hall to form new office accommodation. The office accommodation formed the headquarters for a business employing up to 55 members of staff.
- 2.2 The office use continued up to 1994, when planning permission was granted to return part of the office accommodation to a dwelling. The upper floor of the Hall remains as an authorised office, though it is currently unused.
- 2.3 2/86/134/0031 - Alterations to existing residential accommodation for use as offices and formation of a car park (Granted on 22.12.1986)

- 2.4 /86/134/0031A - Application for Listed Building Consent for alterations to existing residential accommodation to form offices (Granted on 04.03.1987)
- 2.5 2/94/134/0031D - Change of use of existing offices to a dwelling (Granted on 04.11.1994)
- 2.6 2/95/134/0055 - Conversion of existing stables building with 2 flats and existing offices to 4 dwellings as amended by plans received by Hambleton District Council on 24th January 1996 (Granted on 27.02.1996)
- 2.7 2/95/134/0055A - Application for Listed Building Consent for alterations to existing offices and to existing stables building with 2 flats to form 4 dwellings (Granted on 27.02.1996)
- 2.8 2/97/134/0055B - Revised application for the conversion of part of existing stables building to two dwellings with domestic garages as amended by plans (Granted on 20.04.1998)
- 2.9 2/97/134/0055C - Revised application for Listed Building Consent for alterations to part of existing stables building to form two dwellings with domestic garages as amended by plans received by Hambleton District Council (Granted on 20.04.1998)
- 2.10 2/98/134/0055D - Revised application for Listed Building Consent for alterations to part of existing stables building to form one dwelling with a domestic garage (Granted on 17.09.1998)
- 2.11 2/03/134/0031E - Alterations to part of existing dwelling for use as 2 additional dwelling units (Granted on 21.11.2003)
- 2.12 2/03/134/0031F - Application for Listed Building Consent for alterations to part of existing dwelling to form 2 additional dwellings units as amended by plans received by Hambleton District Council on 23rd October 2003 (Granted on 06.01.2004)
- 2.13 10/01533/FUL - Proposed Installation of new door entrance as amended by plan received by Hambleton District Council on 3 August 2010 (Granted on 05.08.2010)
- 2.14 10/01534/LBC - Proposed Installation of New Door Entrance as amended by plan received by Hambleton District Council on 3 August 2010 (Granted on 05.08.2010)
- 2.15 12/00020/LBC - Application for listed building consent for internal alterations to existing dwelling to from a hotel (Pending Decision)

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant Regional and Local Policies within the Development Plan and National Policies are as follows;

- PPS1 - Delivering Sustainable Development (January 2005)
- PPS4 - Planning for Sustainable Economic Growth (December 2009)
- PPS5 - Planning for the Historic Environment (March 2010)
- PPS7 - Sustainable Development in Rural Areas
- PPG13 - Transport (3rd edition 2001).
- PPG24 Planning and Noise
- Good Practice Guide on Planning for Tourism - May 2006

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP3 - Community Assets
- Core Strategy Policy CP12 - Priorities for employment development

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP19 - Recreational facilities and amenity open space
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 DP6 - Utilities and infrastructure
Development Policies DP9 - Development outside Development Limits
Development Policies DP16 – Specific Measures to assist the economy and employment
Development Policies DP28 - Conservation
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP36 - Waste
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains

4.0 CONSULTATIONS

Parish Council

- 4.1 Recommend approval of the application.

NYCC Highways

- 4.2 Comments awaited.

English Heritage (27.02.2012)

- 4.3 Does not object in principle to the change of use of Rudby Hall to a Country House Hotel, subject to the following matters:-
- 4.4 (1) Impact of fire precautions - The impact of fire regulations upon the fabric of the building needs to be clarified. The 19th century ground floor doors are of varnished oak and make an important visual contribution to the appearance of the ground floor. EH expect them to be retained in situ and EH do not wish them to be changed in their appearance. Their detailed treatment needs to be agreed. The doors upstairs are for the most part 19th century panelled doors which are painted. Some have fine 19th century hinges. EH wish the 19th century doors to be retained in situ if at all possible, suitably upgraded. (Details to be agreed).
- 4.5 (2) The bar in the present dining room - It is proposed to install a freestanding bar in the present dining room. No details are available as yet as to whether a water supply and/or drainage would be required and if so how this would be achieved. The dining room has a varnished timber floor which it would be damaging to cut into to hide such services. It is proposed to handle deliveries to the bar through the front door of the house. EH note there is an extremely fine 19th century coloured tile floor in the entrance hall, and that there are also fine 19th century coloured tile floors in the Inner Hall (at the foot of the main staircase) the corridor behind the present dining room, the lobby linking the two and the lift lobby. The floors are all in very good condition. Any deliveries and handling of stock for the bar would need to be carried out in a manner that fully protected the tiled floors and did not put them at risk. EH would strongly suggest that deliveries are carried by hand into the bar area. EH would not wish barrels to be rolled or trolleys wheeled across the tiled floors. The strategy for

servicing the proposed bar with regard to water, drainage and stock needs to be confirmed and agreed.

- 4.6 (3) En suite bedrooms - EH does not object in principle to the installation of further en suite bathrooms as indicated on the drawings, subject to agreement of suitable drainage and ventilation routes and subject to detailing of the en suite enclosures, to be agreed with the Council's Conservation Officer. At second floor level the drawings show a new doorway from bedroom 8 through a chimney stack into a new en suite bathroom. This would be a harmful structural intervention which we would wish to be avoided. EH suggest the detailed layout of this part of the second floor is reconsidered so as to avoid this.
- 4.7 (4) Retention of 19th century internal features - EH wish cornices and timberwork such as doors, architraves, shutters, doors and skirting, etc. to be retained, preferably undisturbed.
- 4.8 Recommendation - If the Council is minded to grant consent the matters referred to above need to be fully addressed.

Environmental Health Officer (29.02.2012)

- 4.9 Has some concerns regarding the affect of the proposal on the local amenity. The details submitted contain limited information with respect to the types of events, and precise use, envisaged for the Hall. As such one must anticipate that all activities associated with commercial residential/catering premises are possible.
- 4.10 Rudby Hall has many nearby residential properties which it would appear in recent years have been accustomed to non-commercial activities at the Hall. It is likely therefore that the proposal will generate a noticeably changed environment in this locality.
- 4.11 Noise, odour and sewage disposal are all matters which may affect local amenity and it is worth noting that amenity loss may occur without conditions amounting to a statutory nuisance. As a commercial operation the development will also be entitled to a defence of best practicable means against any action for statutory nuisance.
- 4.12 With respect to drainage, recommend that the Environment Agency's opinion be sort and their recommendations be attached as conditions to be met before first use of the Hall as a commercial undertaking.
- 4.13 With respect to odour, this is likely to be associated with catering and waste disposal. The correct siting of waste receptacles and the correct siting and design of extraction systems can adequately control odour emission.
- 4.14 The sources of noise disturbance are many and varied. Some equipment noise, e.g. refrigeration, extraction, air conditioning, can be controlled by the correct choice of equipment, appropriate siting, installation and maintenance.
- 4.15 Entertainment noise from within substantial buildings can be controlled by a mixture of engineering and management controls.
- 4.16 The noises which are particularly difficult to control are people generated noises such as shouting and laughter, vehicle movements and the closing of car doors. These noises are often sporadic, unplanned and without thought as such they have often happened before there is an opportunity to control them. The management of premises can influence the activities of guests but cannot guarantee they will not be detected by neighbours.

- 4.17 Should the authority be minded to approve the development, the following conditions will offer some control.
1. Before the use hereby permitted commences a scheme detailing the provisions to be made for waste disposal will be submitted to and approved in writing by the local planning authority. Thereafter the scheme shall be implemented and maintained. Suitable schemes will include details of size and location of bin stores and details including times of collections.
 2. No external plant or equipment shall be installed without the approval of the local planning authority. Where there is a need to install extraction equipment, air conditioning or refrigeration, details will be required to demonstrate that there will be no impact on nearby by residences by virtue of noise or odour.
 3. No events shall be held in the grounds of the site which produce noise levels at the boundary of the site which are recognisable as emanating from the site, without the approval of the local planning authority. This is intended to control the use of marquees, BBQ's, concerts, parties etc
 4. No events shall be held within the buildings on site until a suitable scheme has been submitted to and approved in writing by the local planning authority detailing how noise emission will be controlled. Thereafter the approved scheme will be implemented and maintained. Suitable schemes will demonstrate that noise from the premises will be barely discernable at the boundary with other noise sensitive premises.
 5. No deliveries or collections shall take place outside the hours of 8am to 6pm Monday to Saturday, and at no time on Sundays.
 6. The secondary entrance to the east of the premises shall not be used for deliveries, staff or customers.
 7. The main entrance and car park shall be provided with a surface finish to be approved in writing by the local planning authority. The approved surface finish shall thereafter be installed and maintained. Suitable finishes will be those which create low levels of noise.
- 4.18 Also recommend that the permission is personal to this applicant, allowing accountability for the activities on site to be maintained and protecting the future use of the Hall should the current aspirations not be realised.

Environmental Health Officer (16.03.2012)

- 4.19 Written in response to additional information provided by the Applicant's Agent on 17 February 2012 - As with many developments, aspirations and intended uses can not be guaranteed to materialise, and consequently should members be minded to grant the application it is still necessary to attach conditions which would protect against possible future uses of the Hall. To this end, the majority of the previous comments stand. However with the greater clarity provided, recommended that conditions 3 and 4 be replaced with the following:-
1. No more than 12 events per year shall be held in the grounds of the Hall.
 2. Events shall not be held in the grounds of the Hall outside the hours of 12 midday to 6pm
 3. There shall be no amplification equipment used in the grounds of the Hall.

4. No noise recognisable as emanating from within the buildings on site shall be audible at the boundary of the site.
- 4.20 It would also be prudent to agree in advance the design and location of any smoking shelter should this not require a separate planning application.

Environment Agency

- 4.21 It is proposed to utilise the existing foul drainage arrangements which consists of a septic tank connection. Strongly recommend that the Applicant contacts the Agency to discuss.

Northumbrian Water

- 4.22 Comments awaited.

Publicity

- 4.23 The application was advertised in the local press, neighbours have been consulted in writing and a site notices have been erected. The period for replies expires on 30th March 2012. 12 objections and 1 letter of support have been received and are summarised as follows:-

Impact on Amenity

- 4.24 The proposal represents a significant threat to the peace and tranquillity of Skutterskelfe contrary to CP1 and CP3 of the Core Strategy. All the properties in the hamlet are greatly influenced by the presence and use of the Hall.
- 4.25 Skutterskelfe is a rural hamlet with the majority of the houses positioned cheek by jowl with Rudby Hall. These dwellings are an integral part of the essential character of Skutterskelfe. As a result of this proximity, any developments at Rudby Hall have a dramatic impact on the quality of life of these homeowners, all of whom have bought and paid a premium price in choosing to live in a quiet hamlet.
- 4.26 Events held at the Hall are likely to consist of well in excess of 100 people, many of whom are likely to consume excessive alcohol throughout the day. The noise and disturbance from such events would have a significant and detrimental effect on the lives of all of the local community and unfortunately anti-social behaviour would be a very real concern. Quite simply the location is completely unsuitable for such events to be held regularly due to the proximity of residential properties.
- 4.27 This development does nothing to protect the community, nor improve it. The application makes no allowance or puts forward any form of mitigation to ensure that no disturbance would be felt by the occupiers of nearby properties.
- 4.28 The developers have already sought a license to allow weddings at the Hall. The impact of noise from celebrations and other festivities, including shouts, screams and amplified music and possibly anti-social behaviour, at any point of the day or night is a significant issue which is of great concern.
- 4.29 Since the Hall has held a licence for holding functions such as weddings, neighbours' experience has been one of disruption and nuisance. Not only on the day of the function, but also on the days proceeding and following; the setting up and dismantling operations has resulted in unacceptable noise from HGV transport and the array of contractors coming and going. On the day of the functions neighbours regularly experience high levels of noise from cars and car doors slamming, loud voices and outdoor disco music being played until 1am. The noise levels measured in our bedroom with windows shut was over 50db.

- 4.30 The potential of trespass and invasion of privacy by visitors (guests) and/or employees, vendors, sales personnel and the like would be increased to unacceptable levels. Such trespass and invasion of privacy has been experienced in the past from renters of the property at Rudby Hall.
- 4.31 The increased potential of damage to property by ingress/egress of vehicles. The use of the Rudby Hall kitchen in a commercial setting would invade privacy, as Briardene is overlooked by the proposed work area, and noise of trafficking through the courtyard and/or congregating of peoples (e.g. taking breaks etc.) would destroy the tranquillity of the area and impose nuisance on those who have set up home in Skutterskelfe for the very reason that it is a quiet place to live.
- 4.32 In this difficult economic climate (which according to experts is going to be of some duration) the planned development of Rudby Hall into a hotel seems very ambitious. Particularly in the light of the fact that there are only 11 -13 bedrooms and they are claiming to employ 3 Chefs and 5 waiters, a top class manager and an MPC for transport purposes. This all in an area with few compelling tourist attractions and where competition already exists – Judges and Crathorne etc. This means that they may have to resort to functions – wedding parties, 21st celebrations, corporate activities and the use of marquees etc – the list is endless. The impact of noise on our community could be devastating.

Impact on the Heritage Asset

- 4.33 The application submitted neither protects, nor enhances the Grade II* listed building. PPS5 makes clear that heritage assets are not 'renewable resources'. It also states that the "positive contribution of such heritage assts to local character and sense of place (should be) recognised and valued." The proposed development fails to properly recognise the local character. Indeed, it exploits local character to its detriment.
- 4.34 It is made clear through PPS5 that the setting of a building is as equally important as the building itself. The application recognises that other structures within the Hall's grounds are also listed yet the impact upon the setting and these structures is not properly considered.
- 4.35 With regards to policy HE7 of PPS5, the considerations of interested parties have not been given thorough consideration by the applicants. Furthermore, there has been no consideration of the need to reduce or mitigate conflicts that will occur.
- 4.36 Request that the planning authority either requires the Applicants to properly consult with local residents and to take any views made properly into account or that the Local Planning Authority itself actively seeks out the views of the local community and acts accordingly on any views expressed.

Impact on the Local Highway Network

- 4.37 The application will significantly increase the number of trips to and from the Hall. I am aware that the previous permission, with the entirety of the hall serving as an office, has been relinquished and the proper comparison in terms of highway safety and sustainability is its current use not a historic one. The number of trips associated with a residential house (despite its size) is clearly far less than that of a boutique hotel, with no other source of transport connection.
- 4.38 This has been confirmed through reference to TRICS database information which states that the hotel has the potential to generate between 11 and 13, two-way vehicle trips in any one hour. The existing house has the potential to generate between 1 and 4, two-way vehicle trips during the AM and PM peak periods. The

resulting increase in the trip generation during the AM and PM peak hours is between 8 and 12 vehicles associated with the hotel.

- 4.39 In combination with the site access is being sub-standard, and the visitors to the hotel not having local knowledge, concerns over road safety would be exacerbated as a result of the proposals.
- 4.40 There is no apparent consideration of the development's impact upon highway safety. The Council will be aware that the access is off road where vehicle speeds are high and with the rises and falls in the road limited visibility gives rise to vehicle conflicts and anecdotally a poor accident record. The proposals will clearly exacerbate the problem significantly. It is suggested that before any consent is considered, a full stage 1 road safety audit should be commissioned and the results made available for comment.
- 4.41 The residential travel plan submitted with the application is misleading. The proposals do nothing to minimise the numbers of cars entering and leaving the application site. There is no mitigation proposed which will mitigate the developments impacts.
- 4.42 Although there is a bus stop immediately outside the site, there is no footpath linkage to the premises, no waiting area for users and it is unlikely to be used in its current format even by employees. Customers of the hotel are unlikely to use it, having arrived by car and needing to travel by car to any tourist destination. This underlies the unsustainable locations of the site for this type of development contrary to Policy CP2.
- 4.43 The Transport Plan is debateable. There will be a considerable increase in traffic and the bus service that passes through Skutterskelfe is so infrequent that it would be very inconvenient to employees and of no interest to guests at a boutique hotel.
- 4.44 Rudby Hall suffers from very poor access from the adjacent highway. Vehicles travel at very high speeds along the highway which includes a number of blind summits and bends along its length of over the years has suffered from a very high rate of accidents including several fatalities.
- 4.45 It is unclear from the plans how deliveries would be made to the proposed development. The secondary road which goes to the rear/east of the Hall and serves several properties is narrow and completely unsuitable for delivery wagons. It is also a concern that children play in the area between The Stables and the Hall and the risk of accidents would be unacceptably high. Use of this secondary road should be limited by condition to emergency access only and that all deliveries and guests should use the main entrance.

Septic Tank & Foul Drainage

- 4.47 It is unclear how many people the proposed hotel will cater for. The planning statement states that there will be 11 suites made available with a total of 113 bedrooms. It is assumed that most of these rooms will contain a double bed or two single beds. On this assumption there could be 26 guests on the site at any one time. In addition, to this the application states that 23 jobs will be created. It is unclear if the septic tank and foul drainage system will be adequate to handle the foul flows in its current form. Regardless, in the event that the proposed hotel is approved, the Local Planning Authority and the Environment Agency should require the applicants to install a modern and environmentally friendly mini treatment plant.
- 4.48 The existing septic tank appears to be at full capacity for the current use, and is prone, not infrequently, to discharge through the overflow outlet. This results in raw sewage being deposited on the surface. It is of great concern that any increase in

usage, as result from Rudby Hall conversion, would only exacerbate the situation and lead to unacceptable Health and Environment conditions. The problems relating to the septic tank and raw sewage overflow are known to the applicant.

Other Matters

4.49 There is no mention in either the Planning Application or the Listed Building Consent Application of the following issues:-

(1) Location of kitchen, including the means of ventilation, the plant that will be necessary for the operation of the kitchen, noise impact and the visual impact appearance of any odour suppression etc ducting on both the listed building and the amenity of surrounding residential properties.

(2) It is assumed that a development of this kind will need large scale commercial cooling facilities to refrigerate, and freeze food. This often requires changes to the fabric of the building with refrigeration units located externally of the building in the appropriate locations. This information is not provided as part of the application.

(3) There is no discussion of how the property will be heated (and/or cooled). By creating a development of this kind, it would be necessary to maintain an environment at a comfortable level. This often requires significant levels of heating or cooling for historic properties which are characteristically inefficient. The impact of a boiler running for long periods of time could be significant. Air conditioning units may also be required, such units being located externally of the building. An assessment of the impact cannot be undertaken with the information provided.

4.50 Paragraph 4.1 of the “Planning Statement” justifies the application on the grounds that the owners can’t sell the property. Surely, the present owners, knew the “limited appeal” of this property when they purchased it. To justify conversion to a hotel on the basis that they have not been able to sell it over the past 18 months is ludicrous. There are several houses in the local area that have been on the market for that long – perhaps something to do with the economic climate?

4.51 No information has been submitted with the application about noise control. The Applicant has previously informed residents that there would be no amplified music. This statement does not appear in the Planning Statement.

4.52 An EIA is required if the “tourism” development is larger than 0.5ha – which this is. It appears that the developers are hinting that if the Council does not pass this proposal then Rudby Hall (a Grade II* listed building) will gradually fall into ruin. The developers wish to add value to their asset by conversion to a hotel (which will then be more marketable) whilst destroying asset value in the neighbouring properties.

4.53 They have not addressed any potential environmental impact on their neighbours. The documents contain little or no information relating to features associated with the operation of the hotel, for example:-

- How the building will be heated and cooled?
- What are the hours of operation?
- Details of alcohol and entertainment licences
- How will the building be sound proofed, secondary double glazing?
- Signage and external lighting. It must be assumed that the developer will need an illuminated sign on the main road at the entrance to the hotel – this would be completely out of keeping with the Hall and the area in general. Why are there no details?
- Details of grease interceptors from the kitchen drainage.
- Ventilation and odour control from kitchens?

- 4.54 The drawings do not appear to show the proposals for the full building and the curtilage areas – specifically a significant part of the ground floor drawings are annotated “area not surveyed” – what is proposed here?
- 4.55 All of these omissions would need to be addressed at some point during any development and are likely to create further adverse impacts on the building on the local community.
- 4.56 Insufficient consultation has taken place with local residents.

Support (1)

- 4.57 Resident of The Garden House – house joins the main hall, set back to the right in what was the old Butler’s Pantry.
- 4.58 During my time here, unless I am in my garden, I have never heard any noise from traffic driving down the main drive into the Hall. Shortly before Christmas there was a party at the hall held in what is proposed to be the bar of the hotel. This room is next to my utility room and hallway. I could not hear any amplified music or raised voices – the only noise I was aware of was cars driving down from the Hall towards the secondary exit, which would be gated off should the development go ahead.
- 4.59 I was informed that no hotel traffic (including deliveries) would be permitted via the secondary entrance to the Hall which is the entrance that I and other residents use. In addition, access to the front of my property from the Hall would be either gated or chained off with clear signage indicating that this was a private area.
- 4.60 In this economic climate the hall is sadly, yet understandably unviable as single family home. With this in mind, I feel a low occupancy country house hotel is the most sympathetic alternative use of this impressive Grade II* listed building.
- 4.61 The Hall is beautiful property and one that goes largely unnoticed in the area. Use as a small hotel would allow others to enjoy the building, its impressive grounds and wonderful views. I feel that an exclusive hotel would indeed be a boon for not only Skutterskelfe but also the neighbouring towns of Hutton Rudby and Stokesley. As the hotel will operate on a bed and breakfast only basis, guests will undoubtedly explore the local area and utilise the many pubs and restaurants available and also visit local towns and attractions.
- 4.62 From my discussions, I understand the hotel will also be used as a ‘Centre of Excellence’ for catering and hospitality. Access to ‘high end’ hotels is very limited in this area and I feel such an opportunity for local students is excellent.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in the determination of this application relate to the principle of the development, impact on a heritage asset, protecting amenity and highway impacts.
- 5.2 Policy CP4 of the Hambleton Local Development Framework establishes a general presumption against development in locations outside of the development limits of sustainable settlements, although CP4 also recognises that there must be exceptions to this principle, 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.

- 5.3 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 (para 4.1.9). The assumption is that development in locations outside the sustainable settlement hierarchy would likely be contrary to CP1 and CP2. “Exceptional Case” therefore means providing evidence as to why a proposal that does not comply with the intentions of CP1 and CP2 should be permitted.
- 5.4 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. The “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”.
- 5.5 CP2 is another broad policy which sets down the LDF’s intention toward transport and accessibility. It 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”.
- 5.6 In applying Test One; it is considered that the proposed development will be substantially in accordance with CP1. From a positive viewpoint, the proposal provides a viable ongoing use for this valuable heritage asset; the proposed boutique hotel will create a new source of employment within the District whilst other local businesses, such as restaurants, will benefit from spin-off trade.
- 5.7 PPS4 – Planning for Sustainable Economic Growth, published after the Development Policies DPD, stipulates that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.
- 5.8 In determining applications for economic development in rural areas, local planning authorities should, *inter alia*, support small-scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport.
- 5.9 Therefore, PPS4 provides significant support for new economic development in rural locations. In addition, Members should be mindful of the Ministerial Statement on Planning for Growth issued on 23 March 2011 which requires the planning system to contribute positively and swiftly towards sustainable economic development. The proposed development will undoubtedly help towards promoting economic development in this respect.
- 5.10 The proposed development is considered to represent a slight breach of CP2. The site is located approximately 3.5km from the edge of Stokesley, which is classed as a sustainable settlement for the purposes of CP4. Stokesley contains a substantial range of local amenities and is accessible by bus, although services are limited beginning at 0935 and ending at 1630. However, most visitors are likely to arrive by private car and use their cars to visit Stokesley and other popular attractions such as the Great Ayton and the National Park.

- 5.11 In light of the above considerations, it is considered that the proposed hotel satisfies Test One.
- 5.12 Test Two: is more straightforward, it means being able to meet at least one of the criteria i) to vi) in CP4 and provide the evidence to prove this.
- 5.13 The proposed development is considered to comply with four out of the six criteria, namely:
- i) "it is necessary to meet the needs of...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."
 - ii) "it is necessary to secure...the conservation of a feature of acknowledged importance"
 - iv) "it would re-use existing buildings without substantial alteration or reconstruction..."
 - vi) "it would support the social and economic regeneration of rural areas."
- 5.14 Paragraph EC7.1 of the recently published Planning Policy Statement 4: Planning for Sustainable Economic Growth advises Local Planning Authorities to support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, rather than harm, the character of the countryside, its towns, villages, buildings and other features.
- 5.15 PPS4 also advises local planning authorities to 'wherever possible, locate tourist and visitor facilities in existing or replacement buildings, particularly where they are located outside existing settlements. Facilities requiring new buildings in the countryside should, where possible, be provided in, or close to, service centres or villages but may be justified in other locations where the required facilities are required in conjunction with a particular countryside attraction and there are no suitable existing buildings or developed sites available for re-use.'
- 5.15 This approach to re-use of existing buildings is also supported by Policy CP15 which sets out a strategic approach to rural regeneration and encourages a range of development and activities, including: re-use or replacement of suitable rural buildings for employment generating uses and appropriate tourism related initiatives.
- 5.16 As highlighted within paragraph 5.6 of this report, it is envisaged that the proposed development will create a new source of employment for the District and have derived economic benefits for existing local businesses.
- 5.17 In light of the above considerations, Test Two is satisfied.
- 5.18 Test Three: requires proposals not to conflict with the environmental protection and nature conservation policies of the LDF (final para of CP4).
- 5.19 No permanent alterations are proposed therefore the impact on wildlife will be negligible. The impact on surrounding residents is of greater concern.
- 5.20 Policy DP1 of the Development Policies DPD stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution, vibration and daylight.
- 5.21 In terms of residential amenity, the nearest residential dwellings (The Butlers Pantry, Rosedene and Briardene) are directly attached to the rear of Rudby Hall, previously forming part of the Hall itself. Inglenook, Moss Cottage, The Gables and The Cottage are located approximately 95m to the north adjacent to the Stokesley to Hutton Rudby road, whilst no's 1, 2 and 3 The Stables sit between the Hall and those properties fronting the main road. Local residents have raised significant concern

that the proposed change of use will result in unacceptable levels of noise and disturbance.

- 5.22 The Council's Environmental Health Officer has been consulted on the application and has provided detailed comments which are summarised within the Consultations section of this report. The EHO has some concerns regarding the affect of the proposal on the local amenity but is satisfied that the impacts can be minimised and sufficiently controlled via conditions covering the following matters:-
- 1) Details of waste disposal to be approved.
 - 2) Details of external plant or equipment to be approved.
 - 3) Limit of 12 events per year in the grounds of the Hall.
 - 4) Events in grounds limited to between 12 midday and 6pm.
 - 5) No amplification equipment in the grounds of the Hall.
 - 6) No noise recognisable as emanating from within the buildings on site shall be audible at the boundary of the site.
 - 7) No deliveries or collections shall take place outside the hours of 8am to 6pm Monday to Saturday, and at no time on Sundays.
 - 8) The secondary entrance to the east of the premises shall not be used for deliveries, staff or customers.
 - 9) The main entrance and car park shall be provided with a surface finish to be approved in writing by the local planning authority.
- 5.23 As a consequence, residential amenity will not be compromised as a result of the proposed development and therefore Test Three is satisfied.
- 5.24 The use of a personal permission has been suggested, however Circular 11/95 states that *"unless the permission otherwise provides, planning permission runs with the land and it is seldom desirable to provide otherwise. There occasions, however, where it is proposed exceptionally to grant permission for the use of a building or land for some purpose which would not normally be allowed at the site, simply because there are strong compassionate or other personal grounds for doing so. In such a case the permission should normally be made subject to a condition that is shall ensure only for the benefit of a named person."*
- 5.25 This condition is not justified in relation to the application, as the proposed development is considered to be substantially in accordance with the aims and objectives of the Local Development Framework and is not recommended for approval under exceptional or unusual circumstances.
- 5.26 In terms of the impact on the heritage asset, the proposed development does not involve external alterations, other than the erection of a temporary marquee for private functions. The proposed internal alterations are being considered under a separate application for Listed Building Consent. Additional information has been received and is currently being examined by the Council's Conservation Officer and English Heritage. It is proposed process the application for Listed Building Consent as a delegated item, subject to Member's agreement.
- 5.27 It is considered that the local road network is capable of accommodating the traffic likely to be generated by the proposal. Movement to and from the site is likely to be car dominated, however the 'Good Practice Guide on Planning for Tourism' states that 'there will be some occasions where it will be difficult to meet the objective of access by sustainable modes of transport. The choice of location may have been determined by functional need. Ample car parking is provided at the site in the form of an existing 52 space car park previously constructed in association with the former business use of the Hall. The final comments of the Local Highway Authority are awaited in relation to visibility at the point of access and highway safety.

- 5.28 The issues of drainage at the site can be adequately addressed by conditions. Such conditions will require a scheme for the conveyance of foul drainage to a package treatment plant to be submitted to and approved in writing by the Local Planning Authority.
- 5.29 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.

SUMMARY

Subject to the Local Highway Authority's final recommendation, the principle of the proposed use is acceptable as are the site specific issues including: the impact on neighbours, impact on a heritage asset and highway safety. The proposal therefore accords with the aims and policies of the Hambleton Local Development Framework

6.0 RECOMMENDATION

GRANTED subject to the following conditions:-

1. Commencement

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

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

2. Approved Plans

The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered: ????? received by Hambleton District Council on ???? unless otherwise agreed in writing by the Local Planning Authority.

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

3. Foul Drainage

No development shall take place until details of the proposed means of disposal of foul water drainage have been submitted to and approved by the local planning authority. Thereafter, the means of foul water drainage shall be implemented and maintained in accordance with the approved details.

Reason: In the interest of satisfactory and sustainable drainage.

4. Use Class Restriction

Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the premises shall not be used for any purpose other than a hotel and private function venue.

Reason: The Local Planning Authority would wish to carefully examine any alternative use of the building to assess whether the development would be acceptable in terms of sustainability, access and environmental impact in accordance with policies CP1,

CP2, CP4, DP1, DP3, DP4 and DP9 of the Hambleton Local Development Framework.

5. Waste Disposal

Before the use hereby permitted commences a scheme detailing the provisions to be made for waste disposal will be submitted to and approved in writing by the local planning authority. Thereafter the scheme shall be implemented and maintained. Suitable schemes will include details of size and location of bin stores and details including times of collections.

Reason: In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.

6. External Plant or Equipment

No external plant or equipment shall be installed without the approval of the local planning authority. Where there is a need to install extraction equipment, air conditioning or refrigeration, details will be required to demonstrate that there will be no impact on nearby by residences by virtue of noise or odour.

Reason: In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.

7. Events in Grounds - 12 per year limit

No more than 12 events per year shall be held in the grounds of the Hall.

Reason: In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.

8. Events in Grounds - Time Limit

Events shall not be held in the grounds of the Hall outside the hours of 12 midday to 6pm.

Reason: In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.

9. Events in Grounds – no amplification equipment

There shall be no amplification equipment used in the grounds of the Hall

Reason: In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.

10. No noise at site boundary

No noise recognisable as emanating from within the buildings on site shall be audible at the boundary of the site.

Reason: In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.

11. Deliveries

No deliveries or collections shall take place outside the hours of 8am to 6pm Monday to Saturday, and at no time on Sundays.

Reason: In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.

12. Use of secondary entrance

The secondary entrance to the east of the premises shall not be used for deliveries, staff or customers.

Reason: In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.

13. Surfacing of entrance and car park

The main entrance and car park shall be provided with a surface finish to be approved in writing by the local planning authority. The approved surface finish shall thereafter be installed and maintained. Suitable finishes will be those which create low levels of noise.

Reason: In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.

14. HIGHWAYS CONDITIONS TO BE ADDED

7.

12/00228/FUL

**Proposed alterations and extension to existing dwelling as amended by plan received by Hambleton District Council on 27 February 2012.
at 36 Northfield Drive Stokesley Middlesbrough TS9 5PF
for Mr P Darcy.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site includes a detached bungalow constructed mainly of brick, with hipped roof at the front, and integral garage. The access is from Northfield Drive. At the front of the house there is a block paved drive to the garage and a turning area, and a small lawn. On the east side, to Northfield Drive, the rear garden is enclosed by a brick wall, approximately 1.8 metres high, constructed mainly of a light coloured brick with a timber middle section. The wall is set back from the footway by approximately 4 metres. There is planting in front of the wall, and a grassed verge.

1.2 On Tameside, to the front of the dwelling, there is an area of public amenity space, approximately 18m deep at this point, and extending across the front the adjacent houses to the west. The open space is grassed, and includes some landscape planting.

1.3 The surrounding houses are mainly two storey, detached dwellings.

1.4 The proposals are:

- i. Kitchen extension 6 x 2.9m on the east side of the bungalow. The extension has a hipped roof.
- ii. New garage 6 x 6m, positioned at the front of the house, on the existing lawn area. The garage has fully a hipped roof (max height 4m) and is constructed of brick and tile to match the house.
- iii. Repositioning of the side garden wall forward by (as amended) approximately 2.5 metres, with a curve at the south end.

2.0 RELEVANT PLANNING HISTORY

2.1 None

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Parish Council - Object

- i. The six foot high wall would be moved to the boundary of the site which on a corner site greatly impact on a number of residents.

The proposed front elevation shows a garage when the garage is supposed to be separate. (Also note that trees have been removed and bushes pruned).

- ii The Parish Council objects to the extension of the wall beyond the back garden – Tameside is 'open' at the front of the gardens

4.2 Neighbours - Objections.

The concerns can be summarised as follows:

Proposed new garage will be intrusive in the streetscene, and in the outlook of neighbouring houses.

Wall will be intrusive and destroy openness of Northfields

The Yuill estate was specifically designed with a particularly open character, and the proposed garage and wall will intrude upon these amenities.

Legal covenants on the land.

The changes will set a precedent.

Reference to the Councils guidance document on extensions.

Amendments do not overcome the concerns.

Trees have been removed, contrary to application form.

Some comments also noted that there was no objection to the conversion of the existing garage, and the kitchen extension.

5.0 OBSERVATIONS

5.1 The main issues are whether the design of the proposed extensions, alterations and new building, with reference to the existing dwelling, those nearby, and the wider streetscene, and whether there would be any harmful effect on the amenities of neighbouring occupiers.

Extension

5.2 The proposed kitchen extension is modest in size, and its hipped roof and intended matching materials will fit in neatly with the existing house. It is contained behind the garden wall and will not have any significant effect on the streetscene and will not impose on the amenities of neighbours.

Garage

5.3 The proposed garage has a hipped roof and intended matching materials and by its general character will be an appropriate ancillary addition, closely connected to the existing house

5.4 Within the streetscene from Tameside, the garage location is well set back from the road (approximately 18 metres) and is within the existing domestic curtilage, defined by a shrubby hedge, and does not intrude into the amenity area. Seen from the north, it will be viewed against the background of the existing house and will appear as an appropriate addition there. When viewed in passing along Tameside it will benefit from the well established planting there which will screen/soften any visual impact further.

5.5 From Northfield Drive, the garage will be logically located in relation to the existing access, and taking into account the design and materials which will fit well with the existing house, it will not look incongruous or obtrusive. It will prevent glancing views across to the west, but as this is mainly the house fronts and car access/parking areas, it will not result in the loss of any important views across the open space.

5.6 From the west, the rear wall of the garage will form a visual 'stop' to the line of the drives in front of 1 and 2 Grange Drive. Subject to appropriate materials the wall, and the associated roof, will be neat, will screen domestic activity at the front of the bungalow, and overall is not inherently unsuitable to these residential surroundings.

5.7 The effect of the garage on the amenities of adjacent occupiers will be small. No 1 Grange Drive is detached, and has its garage on this side, and the proposed garage will not be obtrusive from ground floor windows. From the far side of Tameside the garage will be quite distant (approximately 40 metres) and will be viewed against the background of the existing bungalow. From across Northfield Drive, the garage will be relatively distant (approximately 27 metres) and due to its single storey nature, will not be unacceptably obtrusive.

Wall

5.8 The proposed wall retains the design details and materials of the existing arrangement. The timber section is enlarged, but also includes matching brick pillar in the middle, which provides a visual link between the materials.

5.9 Viewed from the north, the wall is physically linked with the house, and together with its materials to match the existing, it will retain its existing character as a necessary screen to the rear garden area. The wall is positioned to retain a clear verge of approximately 1.5 metres to the pavement edge, which will provide a continuous visual link past the side of the property to the frontages beyond.

5.10 When viewed from the south the existing wall extends forward of the adjacent house, no 35 Northfield, by approximately 5 metres. The effect of the proposed extension outwards will be softened by the curve in the wall, and as a result will be generally pleasing and unobtrusive.

Observations

5.11 Neighbour observations have drawn attention to the particularly spacious layout of the Tameside development, and suggest that the garage will be intrusive. As noted above, the garage is in close proximity to the existing bungalow, and does not intrude into the nearby open space, and benefits from established screening there. It is single storey and of modest height and has a hipped roof which will further minimise its impact. In the context of the closest neighbouring houses, which are two storey, the garage will not be a dominant or obtrusive feature.

5.12 The garage does not set an irreversible precedent for proposals nearby, which would, as is usual, have to be considered on their merits.

5.13 The Council's current Domestic Extensions Supplementary Planning Document does not preclude additions to the front of a house, suggesting they may be appropriate where modestly sized and sympathetically proportioned, and may be suitable where houses are detached, and sufficiently spaced, and which would apply in this case.

5.14 Observations suggest that the wall as proposed will reduce the open character of the street, as noted above however, a clear space is retained in front of the wall and particularly as the existing wall is not aligned with any nearby feature, the overall effect will be similar in character.

5.15 Any walls or fences proposed elsewhere, where subject to planning controls, would have to be considered on their merits.

5.16 It has been noted that there is a legal covenant on the land which might preclude the development. It is clearly established however that such a legal constraint would be a matter for resolution elsewhere and it is not critical to the planning issues, which are assessed on their merits.

5.17 Comment has been made that the garden trees have been removed from the north boundary area, and that this was not specified in the application. In response it can be noted that house holders are at liberty to remove trees which are not otherwise protected, and any disparity with the application form will not inhibit the local Planning Authority in its ability to understand the proposal, and to assess its merits against whatever circumstances are existing at the time.

SUMMARY

Due their design materials and location the developments are appropriate in the local setting and will not have an unacceptable harmful effect on the amenities of neighbours and are able to comply with the above policies.

7.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered PAD:ND:Sk.01, Location plan, wall elevation, received by Hambleton District Council on 1 February 2012 and 27 February 2012 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) .
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.

Thirsk

Committee Date : 29 March 2012
Officer dealing : Mr A J Cunningham
Target Date: 28 February 2012

8.

11/02741/FUL

**Change of use of office to dental surgery and office. Formation of an exit door, stairs and platform lift as amended by plan and letter received by Hambleton District Council on 31 January 2012.
at River House 23 Finkle Street Thirsk North Yorkshire
for Mr M Beaufoy.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for the change of use of 23 Finkle Street from an office to a dental surgery and an office. The site is located to the north of Finkle Street behind nos 19 and 21, and to the south of Cod Beck. The site is within the Thirsk Conservation Area.

1.2 The floor area of the building extends to 98 square metres. It is proposed to devote 18 square metres to the dental surgery whilst retaining 80 square metres for office use.

1.3 External works incorporate painted render to the east and west elevations and formation of a disabled access platform lift to the eastern elevation.

1.4 The proposed opening hours would be subdivided to the office and dental surgery. The office would be open between 9am to 5pm Monday to Friday and 9am to 12pm on a Saturday. The dental surgery would be open 8.30am to 5pm Monday to Friday and 8.30am to 12pm on a Saturday. The office and dental surgery would not be open on a Sunday or Bank Holiday.

1.5 The proposed use would employ 2 full time and 2 part time staff.

1.6 The applicant advises that the 2 car and 2 cycle parking spaces currently on site are to be retained.

2.0 RELEVANT PLANNING HISTORY

2.1 2/04/152/0769 - Change of use from redundant printing works to kitchen showroom and workshop; Granted 2004.

2.2 2/05/152/0769A - Alterations to planning approval 2/04/152/0769 to incorporate additional door opening, steps and wheelchair platform; Granted 2005.

2.3 08/02345/FUL - Alterations to existing workshop to form a dwelling as amended by plan received by Hambleton District Council on 8 September 2008; Refused 2008.

2.4 08/04565/FUL - Revised application for alterations to existing workshop to form a dwelling; Withdrawn 2009.

2.5 10/00691/FUL - Alterations to existing showroom to form offices; Granted 2010.

2.6 11/01511/CAT - Proposed trimming of branches of beech and fir tree; Granted 2011.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP12 - Priorities for employment development
Core Strategy CP13 - Market towns regeneration
Core Strategy Policy CP14 - Retail and town centre development
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP8 - Development Limits
Development Policies DP16 - Specific measures to assist the economy and employment
Development Policies DP19 - Specific measures to assist market town regeneration
Development Policies DP20 - Approach to town centre development
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Hambleton Market Towns Design and Conservation Guide for repair and alterations works Supplementary Planning Guidance - adopted 21 December 2010
Conservation Area Appraisal Thirsk and Sowerby Supplementary Planning Document - adopted 21 December 2010

4.0 CONSULTATIONS

4.1 Town Council - Decision – observations. Whilst we would not wish to recommend refusal for this access it strikes us as a little strange - people will have to go behind the building along by the river and then go in through the office and along the corridor to the waiting room. Access at the other end, nearer the road would seem better.

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

4.3 Environment Agency - No objection to the proposal. Recommend condition regarding flood risk. Recommend informatives regarding works near to the river and pollution prevention.

4.4 Neighbours notified and site notice posted; expires 27.02.12 - Two responses received; one objection and one in support of the proposal. Objection, in summary, raising concern regarding impact of pedestrians and vehicles on neighbour amenity, and refuse storage.

4.5 Press Advert; Published: 13.01.2012; Expires: 06.02.2012 - No responses received as at 16.03.12.

5.0 OBSERVATIONS

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

- Principle:

5.2 The site is within the development limits of the principal service centre of Thirsk as is identified by the sustainable settlement hierarchy of policy CP4 of the Hambleton Local Development Framework (LDF) and therefore the principle of development is considered acceptable. The use proposed is considered appropriate in such an area and is supported under policies DP19 and DP20 of the LDF.

- Neighbour Amenity:

5.3 The type and scale of proposed use and its operational hours are such that there would be no detrimental impact on neighbour amenity. It is recognised that windows to the southern elevation of the building would overlook the rear of no.s 19 and 21 Finkle Street. To ensure that there is no erosion of neighbour amenity it is considered to impose the non-opening and obscured glazing of these window units by condition.

- Visual Amenity:

5.4 The external works to the building, namely the painted render, stairs and lift would blend with the design of the building. Given the relatively discrete location of the building and the design of the alterations it is not considered that these works would adversely impact the visual amenity of the Thirsk Conservation Area.

- Highway Safety:

5.5 NYCC Highways have reviewed the proposal and not raised an objection. Taking this into account it is considered that the works would not bring about an adverse impact on highway safety. It is recognised that the application site accommodates a very small level of vehicle parking but the town centre location and the abundance of parking within Thirsk Market Place is sufficient to outweigh this factor.

- Neighbour Response:

5.6 The comments of both neighbour responses are noted. The movements of pedestrians have been taken into account and considering the location of the building in regard to nearby residential property, its approved use, and the operational hours of the enterprise, it is not considered that this would erode neighbour amenity. Due to the limited on-site provision, the alternative of the vehicle accommodation in Thirsk Market Place, the type and scale of enterprise being operated from the building, it is not considered that vehicle movements would erode neighbour amenity. Details regarding the storage of refuse can be requested via condition to ensure that sufficient provision for their accommodation is made on site.

- Town Council Response:

5.7 The response of the Town Council is noted. This matter has been queried with the applicant who assures the Local Planning Authority that the access to the northern elevation is of sufficient width. It is also recognised that the alternative positioning of the lift and stairs to the western elevation would impede on the parking area.

- Conclusion:

5.8 Having taken the above into account it is considered that the proposed change of use and works to 23 Finkle Street accord with the policies of the Hambleton LDF. Hence this application is recommended for approval.

SUMMARY

The proposed use is considered appropriate in this location and the alterations proposed acceptably respect the original building and the character and appearance of the Conservation Area. There will be no significant detrimental impact upon the amenities of the neighbours or highway safety and the above policies are therefore satisfactorily complied with.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 12 December 2011 and 3 January 2012 as amended by plans and details received by Hambleton District Council on 31 January 2012 unless otherwise agreed in writing by the Local Planning Authority.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. The windows on the southern elevation of the building shall at all times be glazed with obscured glass and shall not be capable of opening.
5. Prior to the first use of the building details regarding the external storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained.
6. No development shall be carried out except in complete accordance with the Flood Risk Assessment received by Hambleton District Council on 3 January 2012 and the mitigation measures contained within this document.

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, CP17, DP1 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Policies CP1 and DP1.
5. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Policies CP1 and DP1.
6. To reduce the impact and risk of flooding on the proposed development and future occupants.

Topcliffe

Committee Date : 29 March 2012
Officer dealing : Mr A J Cunningham
Target Date: 20 March 2012

9.

12/00115/FUL

**Change of use of agricultural building to workshop and storage area for the assembly of hydraulic hoses and accessories.
at Rising Sun Farm Topcliffe Thirsk North Yorkshire
for Mr G Savage.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for the change of use of an agricultural building to a workshop and storage area for the assembly of hydraulic hoses and accessories at Rising Sun Farm, Topcliffe. The site is located to the west of the A168, approximately 3 miles south of Thirsk and 1.5 miles north-east of Topcliffe. The building the subject of this application is located to the north of a small partly disused steading accessed by a track from the east.

1.2 The applicant is currently based in Pontefract, West Yorkshire, whilst running his business in Mexbrough, involving a 20 mile round trip. The applicant now wishes to relocate to the dwelling and complex at Rising Sun Farm to fulfil a wish to run a small holding, run the aforementioned business from the farm and reduce journeys to work.

1.3 The applicant's business is a small specialist company assembling and supplying hydraulic hoses and associated parts and accessories such as fittings, hose reels, trigger guns and lances. A major part of the market for these products is within the agricultural sector. The business has operated for 12 years and in addition to the applicant employs 1 part time and 1 full time employee. Due to the distance involved in the relocation the existing staff are not moving with the business and therefore new employees would be sourced from the surrounding area.

1.4 The business normally has one to two van deliveries and one carrier collection per day. There are no customer visits as the business operates through delivery to end users, not as a direct sales outlet.

1.5 Machinery within the building proposed as a workshop would comprise 2 bench mounted apparatus, namely a skiver and a swaging machine, with a further free-standing hose cutting machine. The applicant advises that none of these machines make any noise requiring sound protection.

1.6 Modifications to the existing agricultural building would include the addition of an internal partition wall to create a workshop space separate from the stock storage area. No external changes are proposed.

1.7 The existing, albeit small scale, farming activities would continue to operate from the site with a 75%/25% split between the business and farm respectively. The applicant advises that the farm extends to a size of 3 hectares (7.4 acres) meaning that it cannot provide a viable and sustainable economic return without securing the means of additional income, hence the proposal here before us.

2.0 RELEVANT PLANNING HISTORY

2.1 There is no relevant planning history.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP9 - Development outside Development Limits
Development Policies DP18 - Support for small businesses/working from home
Development Policies DP25 - Rural employment
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Planning Policy Statement 4: Planning for Sustainable Economic Growth

4.0 CONSULTATIONS

4.1 Parish Council; expires 14.02.2012 - No responses received as at 19.03.12.

4.2 Internal Drainage Board - Cod Beck IDB has no adverse comment.

4.3 NYCC Highways - Need to refer consultation to Highways Agency.

4.4 Highways Agency - No objection.

4.5 Neighbours notified and site notice posted; expires 21.02.12 - No responses received as at 19.03.12.

5.0 OBSERVATIONS

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

5.2 Policy DP25 of the Hambleton Local Development Framework (LDF) sets out that all criteria needs to be satisfied regarding rural employment, provided the development is acceptable in terms of other LDF policies. In this case the most relevant other policies are CP1 and CP2. Considering the role of the workshop and storage area at Rising Sun Farm, the numbers of existing vehicle movements given the applicant's present scenario, the numbers of proposed vehicle movements and the numbers of existing vehicle movements were the complex to have been retained as a fully working farmstead, the proposal is considered compliant with CP1 and CP2.

5.3 In terms of the criteria of DP25 the proposal is considered small in scale, comprising re-use of existing rural buildings of sound construction, supported by an appropriate business case demonstrating that support will be provided to the local economy, and that the proposal would not adversely impact on the economy of the Service Centres. The proposal is however unable to satisfy point 3 as it could be located within a settlement with Development Limits. PPS4 (post dating the Hambleton LDF) sets out in Policy EC11 that in determining planning applications for economic development other than for main town centre uses which are not in accordance with the development plan, Local Planning Authorities should weigh market and other economic information alongside environmental and social information, take full account of any longer term benefits, as well as costs, of development, such as job creation or improved productivity including any wider benefits to national, regional or local economies, and consider whether those proposals meet the wider objectives of the development plan.

5.4 On balance, considering the specific operation of the business and how it satisfies the live-work criteria set out in policy DP18, the guidance offered within PPS4 and the current central government shift to providing support for small businesses, the proposed change of use at Rising Sun Farm would be considered to provide benefit to the local economy, would provide local job creation, would not raise any sustainability issues, and would adhere to Strategic Objective 6 of the LDF, 'to support growth of the local economy and rural regeneration in ways which are compatible with environmental objectives, and which deliver increased prosperity for the whole community'. Therefore the principle of the use at Rising Sun Farm is considered acceptable.

5.5 The proposed workshop would not result in alteration to the built form of the complex and consequently would not impact the visual amenity of the locality. The site is also isolated, and considering this, the proposed use and scale of the enterprise, and that no concerns have been raised in relating to noise, the scheme would not have an adverse impact on neighbour amenity.

5.6 NYCC Highways and the Highways Agency have not raised an objection to the proposed change of use. The scheme is considered acceptable in terms of highway safety.

SUMMARY

The proposed change of use to a workshop and storage area would not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area, and would not raise any highway safety issues. The principle of the use in this location is considered appropriate. The proposal accords with the policies set out in the Local Development Framework and is therefore considered acceptable.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 20 January 2012 and 23 January 2012 unless otherwise agreed in writing by the Local Planning Authority.
3. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the building(s) shall not be used other than as: a workshop and storage area for the assembly of hydraulic hoses and accessories as defined in the Town and Country Planning (Use Classes) Order 2005.
4. The use of the workshop hereby approved shall cease if at anytime the dwelling at Rising Sun Farm is not occupied by a person employed in the assembly of hydraulic hoses and accessories business on site.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1, CP17, DP1 and DP32.

3. The Local Planning Authority would wish to carefully examine any alternative use of the building to assess whether the development would be acceptable in terms of policy, access and amenity in accordance with Hambleton Local Development Framework Policies CP1, CP2, CP4, DP1 and DP9.

4. To protect the amenity of the occupier of Rising Sun Farm and to ensure that the business operates as a live-work unit in accordance with policies CP1, DP1 and DP18 of the Hambleton Local Development Framework.