

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Northallerton Rugby Club, Brompton Lodge, Northallerton Road, Northallerton on Thursday 24 May 2012. The meeting will commence at 1.30pm.

Further information on possible timings can be obtained from the Committee Officer, Jane Hindhaugh, by telephoning Northallerton (01609) 767016 before 9.00 am on the day of the meeting.

The background papers for each application may be inspected during office hours at the Civic Centre by making an appointment with the Head of Regulatory Services. Background papers include the application form with relevant certificates and plans, correspondence from the applicant, statutory bodies, other interested parties and any other relevant documents.

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Head of Regulatory Services has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Maurice Cann
Head of Regulatory Services

SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members insufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will usually be selected following a report to the Planning Committee. Additional visits may be included prior to the consideration of a Committee report when a Member or Officer considers that criteria nos 1 - 4 above apply and an early visit would be in the interests of the efficiency of the development control service. Such additional site visits will be agreed for inclusion in consultation with the Chairman or Vice-Chairman of the Planning Committee.

PLANNING COMMITTEE

24 MAY 2012

Item No	Application Ref/ Officer	Proposal/Site Description
1	1200626/FUL Miss C Walton	Proposed alterations and extensions to existing dwelling including demolition of existing garage. at Malvern Ainderby Steeple Northallerton North Yorkshire for Mr & Mrs C Woodall. RECOMMENDATION: GRANTED
2	12/00432/FUL Mr J E Howe	Construction of 6 dwellings. at G Dawkins And Son 36 Emgate Bedale North Yorkshire for Mowbray Construction Ltd. RECOMMENDATION: GRANTED
3	12/00316/FUL Mrs B Robinson	Change of use of disused former chapel and reading room to an affordable residential dwelling and laying out of car park for use by visitors to Kewick. at The Old Chapel Kewick North Yorkshire YO7 2JW for Kewick Estate. RECOMMENDATION: GRANTED
4	12/00565/FUL Mr A J Cunningham	Proposed replacement of single storey extension with new 2 storey extension to existing dwelling as amended by plan and email received by Hambleton District Council on 9 May 2012. at 94 Thirsk Road Northallerton North Yorkshire DL6 1PL for Mr & Mrs T Rance. RECOMMENDATION: GRANTED
5	12/00828/FUL Miss C Walton	Proposed single storey extension including construction of new detached garage at existing dwelling. at 2 Lodge Cottages East Lane Yafforth Northallerton for Mr & Mrs L Podd. RECOMMENDATION: GRANTED

1.

12/00626/FUL

Proposed alterations and extensions to existing dwelling including demolition of existing garage.

**at Malvern Ainderby Steeple Northallerton North Yorkshire
for Mr & Mrs C Woodall.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning permission for alterations and extensions to existing dwelling and demolition of existing garage at Malvern, Ainderby Steeple.

1.2 Malvern is a detached bungalow located along an isolated row of similar modern dwellings off Warlabby Lane.

1.3 The alterations to the dwelling comprise of the erection of side and rear single storey extensions to the property. Materials for the development would comprise of matching render and roof tiles.

1.4 The extensions would have an overall maximum height of 5m and would extend above the existing ridge of the existing bungalow by approximately 0.3m. There would be a bathroom and ensuite on the west elevation and a similar sunroom would be retained on the eastern side of the rear elevation. The proposals would allow for a study, fourth bedroom, utility, ensuite bathroom and dining room/breakfast area.

1.5 There is off street parking available within the site to the front of the bungalow.

1.6 A site notice has been posted outside of the property on Warlabby Lane.

2.0 HISTORY

2.1 No relevant site history

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

4.0 CONSULTATIONS

4.1 Parish Council - No response received, time expired 13th April, 2012

4.2 Neighbours/site notice : No representations were received.

5.0 OBSERVATIONS

5.1 The issues for consideration include the suitability of the design and scale of the proposed alterations as well as its effects on the countryside setting and neighbours' amenities.

5.2 Although the design of the rear extension results in a ridge that would be 0.3m higher than the existing ridgeline of the bungalow, there is a great deal of screening to the front of the property and this detail would only be partially visible from a distance on the main Ainderby Steeple to Northallerton road. It is therefore considered that the proposed extensions and alterations will not create an adverse impact upon the surrounding countryside and satisfactorily respects the existing dwelling, which is of a modern design.

5.3 The brickwork, fenestration and tiles of the proposed works are to match the existing building.

5.4 It is considered that the scheme will not create an adverse impact upon the neighbouring properties or wider area. The nearest neighbouring property is located within close proximity to the existing dwelling and 2 no. windows are proposed to be inserted on the west side elevation. However, the windows would serve a bathroom and ensuite and in order to protect the privacy of the neighbours to this aspect, it is recommended that obscure glazing is used and conditioned as part of any planning permission granted. No response was received as a result of consultation, however, given that the existing garage (which currently runs along the boundary) would be removed, it is not considered that there would be an unacceptable impact on Holmelea.

SUMMARY

It is considered that the proposal is in accordance with the relevant policies in that it will not create an adverse impact upon neighbouring properties or design and appearance of the countryside setting.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 19th March, 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 west elevation of the building shall at all times be glazed with obscured glass.

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, DP30, DP32 and DOMEX.

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.

2.

12/00432/FUL

**Construction of 6 dwellings.
at G Dawkins And Son 36 Emgate Bedale North Yorkshire
for Mowbray Construction Ltd.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the construction of six two bedroomed dwellings on a site currently occupied by a retail cycle shop and attached servicing and repair garage which is located off the eastern fringe of Emgate. The existing, single storey, buildings comprise a mixture of materials and finishes and are in a state of some dilapidation. Consent to demolish them, subject to the approval of an appropriate replacement development was granted in April of this year.

1.2 The site is bounded to the north by a pedestrian route from Bedale Beck to the Market Place (see para 1.3 below) which has the rear gardens of 24-34 Emgate bounding its northern edge, Kitchings furniture store, a relatively modern building, lies directly to the south and the Council-run car park to the rear of the Market Place adjoins the western boundary of the site. The cycle shop unit fronts directly onto Emgate to the east.

1.3 The pedestrian route referred to above was levelled and resurfaced by this Council in 2010 . A Heritage Statement supporting the scheme at that time stated that 'The ginnel that runs between 13 and 15 Market Place and links with the Fleece Cottages roadway is the historical pedestrian route from the river crossing to The Market Place....the area would benefit from the resurfacing in cobbled and Yorkstone surfaces.' The statement added 'It is hoped that these works will lead to the improvement of other buildings along the route.'

1.4 The scheme which has now been put forward shows 6 dwellings, each with two bedrooms, to be constructed in facing brickwork. One dwelling fronts onto Emgate within the footprint of the existing shop unit whilst the remaining five have an entrance fronting onto the adjacent lane to the north. One of the units fronting onto the lane is asymmetrically attached to the rear of the frontage unit whilst the remaining four will form (when amended plans have been received show) a terrace. Each of the five 'rear' units has a rear entrance with an individual garden/private amenity curtilage to the south between the properties and Kitchings' furniture store. No car parking is proposed within the application site. The lane to the north provides access to the rear of some of the dwellings in Emgate. The land also appears to be used for ad-hoc parking associated with the existing garage business.

1.5 The applicant has stated with the current application that 'The car parking arrangements for the proposed dwellings will be provided for within the adjacent car park located to the rear of the High Street'. It is further stated that 'Secondary 'drop-off' parking is achievable to the front of the dwellings [from Fleece Cottages Lane] to allow for direct drop of heavier goods and large shopping trips. The close Proximity of the High Street would most probably negate several larger trips and would encourage residents to use local shops and support the local economy.' The applicant has undertaken negotiations with Hambleton District Council as landowner with a view to arranging a 'season ticket' voucher system for residents.

1.6 Following discussions with the applicant and the Council's Historic Buildings Officer a number of detailed design amendments have been discussed relating to the use of natural slate on the frontage dwelling, natural clay pantiles on the remainder, the removal of dormer window features together with amendments to window designs and proportions and the omission of canopies on the front elevations of the five rear dwelling units. Amended plans

are in the course of preparation and should be received in time for the meeting of the Committee.

2.0 PREVIOUS PLANNING HISTORY

2.1 12/00433/CON : Demolition of existing single storey buildings : Granted April 2012.

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 CP21 - Safe response to natural and other forces
National Planning Policy Framework - published 27 March 2012
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Bedale Town Council : Wishes to see the application Refused pending clarification of car parking to serve the site.

4.2 North Yorkshire County Council (Highways Authority) : Further observations awaited including the comment on the matter of the adequacy of the proposed car parking facilities and for construction traffic and storage.

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

4.4 Shire Group Internal Drainage Board : No observations.

4.5 Bedale Conservation Area Advisory Group : No response received.

4.6 Environmental Health Scientific Officer – notes that additional work will be required in respect of possible levels of land contamination arising from previous uses on the land and future remediation requirements.

4.7 Environment Agency – late consultation in respect of flood risk, consultation response awaited.

4.8 The application was advertised in the local press, by site notice and the ten closest neighbours/businesses were consulted. Ten responses from eight households were received (5 neighbours and three residents of the local area who use the lane to the Market Place adjoining the site.) Objections have been received in relation to adverse impact on adjacent residential amenity and privacy, the impact of additional vehicle movements/pedestrian conflict and car parking, the need for such dwellings and the over-bearing visual impact of the development.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development policies document as set out above and relate, in this case to the sustainable nature of the site location (Policy CP4), the scale, design and materials proposed (Policies CP17 and DP32) together with the impact on the surrounding Bedale Conservation Area (Policies CP16 and DP28), the size and type of units proposed in terms of their 'affordability' and need within the area (Policies CP8 and DP13), the benefits of residential development in the vicinity of the town centre (Policies CP14 and DP22) together with impact any impact on adjacent

residential amenity and privacy. The contents of the National Planning Policy Framework (Sections 2, 6 and 12) are also relevant.

5.2 Policy DP37 requires a developer contribution towards the provision/improvement of public open space and recreational facilities where no provision is made on the site and an under Policy DP2 an additional contribution towards the improvement of footpaths/cycleways within Bedale/Aiskew/Leeming Bar is also required for new residential development . The applicant has agreed to the principle of these contributions. The value of these contributions is £1203 for the Footpath and Cycleway works and in lieu of provision of any Open Space, Sport or Recreation facilities 6 x £2205.20 requires £13231.20

5.3 The site is within the defined development limits for Bedale which is designated within Policy CP4 as a Service Centre with a wide range of local services and facilities and, consequently, capable of accommodating additional development in appropriate cases. The site is, furthermore, within the designated Bedale Town Centre area as set out in Policy DP20. Policy DP22 encourages the development of appropriate non-shopping uses (including residential development) where support is given to the vitality and viability of the centres and access is available to all sectors of the community. Criteria ix of Paragraph 23 of the NPPF (relating to Ensuring the Vitality of Town Centres) states that Local Authorities should recognise that residential development can play an important role in ensuring the vitality of town centres and set out Policies to encourage such development on appropriate sites. This advice is entirely in line with Policy DP22 referred to. Paragraphs 49-50 of the NPPF states that 'Housing applications should be considered in the context of the presumption in favour of sustainable development.....Local Planning Authorities should plan for a mix of housing based on current and future demographic trends and the needs of different groups in the community.'

5.4 It has been noted above that the site is currently occupied by a retail unit (selling bicycles) and an associated vehicle repair/MoT and servicing garage all under the same ownership. The owner is shortly to retire and wishes to dispose of the property. The buildings, which comprise a mixture of painted brick, brick, cobblestone, blockwork, slate and corrugated sheeting are in a state of some dilapidation and Consent to demolish them was granted in April of this year. The replacement of the existing buildings in the general manner of the details put forward (subject to a number of detailed design amendments which have been noted above, see para 1.5) would, it is considered, significantly improve the overall quality of the character of this part of the Conservation Area.

5.5 The site is located adjacent to a very well-used and historic pedestrian route which was levelled and resurfaced by this Council in 2010 (see para 1.3 above). This route is used not only by local residents but also by visitors to the town who are attracted to the Market Place and the tourist attractions (including the Big Sheep and Little Cow Farm, the Wensleydale Railway and the craft units within the Station yard complex.) across Bedale Beck. It is considered that the scheme which follows the same alignment as existing buildings will have buildings of a high quality of design that will not harm the amenity of the right of way, and it will continue to be an attractive route for residents and visitors to access the Market Place.

5.6 The tradition of terraced cottages on former burgage plots leading from the Market Place can still be seen on a number of sites just off the town centre, most closely at Fleece Cottages 30m to the west of the application site on the northern side of the lane and Albert Row some 35m to the south-west across the car park. These comprise small units which meet an identified need for both local first time buyers and retired residents who wish for the convenience of dwellings close to shops and services and thus have less dependence upon the private car. Policy DP13 states that housing proposals must provide for a mix of dwellings in terms of size, type and tenure which meet the needs of all sections of the community, promotes sustainable communities and social cohesion and supports the local economy. The justification to Policy DP13 notes that there is a general shortage of two-bedroomed stock in the Service Centres. The applicant has forwarded a letter from a local estate agent who would be responsible for marketing the properties which states 'I confirm that in my opinion the properties would be ideally suited to first time buyers and there would

be a demand from this category of purchaser, especially in view of the properties being within walking distance of shops and amenities in Bedale. This is especially pertinent in the present economic climate and in view of current fuel costs'.

5.7 The scheme for 6 units is below the 15 unit threshold for the provision of affordable housing in market towns.

5.8 The comments which have been received as a result of local consultation relate principally to impact on adjacent amenity, car parking and vehicular/pedestrian conflict, the need for the dwellings and the visual impact on the area.

5.9 The objections on amenity grounds relate to the potential overlooking of gardens at the rear of dwellings fronting onto Emgate. The dwellings in Emgate, with the exception of 28A, a smaller 'annexe-type' unit are in excess of 22m from the front walls of the closest proposed units and meet the Council's published standards in this case. 28a is about 11 metres from the proposed dwellings, it already experiences pedestrian and vehicular movements directly in front of the property. It is considered that the layout of the proposed scheme and the existing pattern of glazing at 28a is such that no significant loss of amenity would be caused by the development. These dwellings, which mostly have rear accesses onto the adjacent lane, have timber garage-type doors and walls which make the gardens entirely private from ground level.

5.10 The first floor windows on the proposed cottages will now be lower than originally proposed with the removal of the previously proposed dormers and this will mean that the angle of views from the upper floor will be restricted towards adjacent curtilages. The applicant has additionally agreed that the lower pane of the windows will be given a diffused glass treatment to further protect privacy.

5.11 As noted above no car parking is proposed within the application site. However, with the close proximity of the car park to the west it is not considered that this is a matter for objection provided that the car parking spaces can be provided in perpetuity. The use of the privately owned car park will require the agreement of the landowner and no agreement has been reached either for permits to be issue or a licence to be entered into, as noted the car park is owned by this Council. As such the applicant has not secured any right or ability to park cars of future residents on land outside the application site. It is possible that some residents will not have cars in this town centre location.

5.12 Any use of the Fleece Cottages Lane for access to the dwellings will be off-set by the end of the use of the current buildings for vehicle repair and servicing/MoTs and should improve the pedestrian use of the lane. The need for dwellings of this type has been referred to above with support given to the site's attraction and viability by a local estate agent.

5.13 Finally it is considered that the scheme is of appropriate scale and form in this location, well related to its surroundings and will comprise a significant improvement to a part of the Conservation Area which is an important and well-used route by both local people and visitors to the town. Paragraph 137 of the NPPF states that 'Local Planning Authorities should look for opportunities for new development within Conservation Areas ...to enhance or better reveal their significance.'

5.14 This recommendation is subject to the receipt of a flood risk assessment and the final observations of the Local Highways Authority and any further observations received from Bedale Town Council.

SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy, the Development Policies document and advice contained in the National Planning Policy Framework identified in the above report in that the scheme provides for the construction of six small dwellings within a sustainable town centre

location which will, additionally, improve the appearance and character of the Bedale Conservation Area with no demonstrable adverse impact on adjacent residential amenity.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to the clearance of the existing buildings from the site the applicant shall submit to the Local Planning Authority a photographic record of the site including pre-demolition and during the course of demolition of each elevation.
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. a) The development shall be constructed of the approved materials in accordance with the approved method. b) The mortar mix and pointing finish to be employed shall be agreed in writing by the Local Planning Authority. c) Prior to development commencing details of the cross-section of the all window and door frames, and any glazing bars, together with details of the method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority d) Details shall also be included in respect of the type and appearance of all main entrance doors.
4. The development shall not be commenced until details relating to boundary walls 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 and any other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
6. The lower panes of the first floor windows of the dwellings fronting onto the lane to the north of the site shall be installed with diffused glazing in accordance with a scheme to be agreed in writing with the Local Planning Authority. Upon installation in accordance with the approved scheme such glazing shall be retained at all times unless otherwise agreed in writing with the Local Planning Authority.
7. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.
8. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (Ref.....) attached to planning application 12/00432/FUL received by Hambleton District Council on 23rd February 2012 unless otherwise agreed in writing by the Local Planning Authority.

9. 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.

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

11. Additional conditions will be required in respect of flood risk mitigation, parking provision for future residents, construction parking and storage and other highways related matters.

The reasons for the above conditions are:-

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

2. In the interest of recording the existence of this site within the Bedale Conservation Area in accordance with Policy DP28.

3. To ensure that the external appearance of the development is compatible with the Conservation Area surroundings of the site in accordance with Policies CP16 and DP28.

4. In the interest of the appearance and character of the area and of the amenity of neighbours in accordance with Policy DP1.

5. In the interest of the appearance and character of the area and of the amenity of neighbours in accordance with Policy DP1.

6. In the interest of the amenity and privacy of adjacent neighbours.

7. In the interest of the recording any archaeological interest within the site in accordance with Policy DP29.

8. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP16 and DP28.

9. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.

10. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.

3.

12/00316/FUL

**Change of use of disused former chapel and reading room to an affordable residential dwelling and laying out of car park for use by visitors to Kepwick.
at The Old Chapel Kepwick North Yorkshire YO7 2JW
for Kepwick Estate.**

1.0 SITE DESCRIPTION AND PROPOSAL

This application has been deferred to allow a site visit by Members.

1.1 The site includes a simple single storey stone building, with a short outshoot at the rear. The windows are vertical sliding sash type. At the front there is a pitched roof porch. Internally there is a small enclosed porch area and an open hall, and folding timber doors with which to divide the hall into two spaces. At the rear the outshoot includes kitchen and toilets. The building is stated to be former chapel/reading room, and has previously been used as a workshop. It is currently empty.

1.2 At the rear of the building there is a narrow rear yard and stone wall boundary to the adjacent farm yard where cattle buildings are sited approximately 6 metres away.

1.3 At the front the building is set back approximately 20 metres from the roadway and the land at the front is in use as an informal car park, with a mix of grass and informal surfacing. The front and rear boundary is a stone wall. There are post and rail fences to the side boundaries.

1.4 There is a further part of the application site located the east of the former chapel, on the other side of an intervening farm access. The land here is a small paddock, with a small gradient away from the road. It is bounded by a stone wall at the front. On the north side, the paddock is bounded partly by a stone wall and partly by the sides of traditional farm outbuildings.

1.5 The sites are at the western outskirts of the village. There is a small chapel or church to the west. The main group of houses lie along the village street to the east of the farm. The sites are within Kepwick Conservation Area. The south side of the village is within the North York Moors National Park.

1.6 The proposal is to convert the former chapel to an affordable dwelling, and to use the adjacent paddock as a car park.

1.7 The alterations to the house retain windows and doors as existing, and provide internal partitioning to form living accommodation with two bedrooms.

1.8 The car park is indicated to have an informal surface, as per the existing arrangements. Existing stone walls are retained, and a timber field gate provided at the entrance on the corner.

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 CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP28 - Conservation
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP8 - Type, size and tenure of housing
Development Policies DP13 - Achieving and maintaining the right mix of housing
Core Strategy Policy CP8 - Type, size and tenure of housing
Development Policies DP15 - Promoting and maintaining affordable housing
National Planning Policy Framework - published 27 March 2012
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Development Policies DP37 - Open space, sport and recreation

4.0 CONSULTATIONS

4.1 Parish Council - The Parish Council of Siltons and Kepwick, Landmoth-cum-Catto wishes to offer no comments

4.2 Neighbours and site notice - expiry 20.03.2012. No observations have been received.

4.3 NYCC Highways - Conditions requested.

4.4 North York Moors Planning Authority - No objections. Request informal surface of car parking.

4.4 Environmental Health - Object.

(Summarised)

The Environmental Health Officer (EHO) expresses great concern about inevitable nuisance arising from smells and flies, due to the very close proximity of an open barn containing cattle, which is in continuous use and not subject to seasonal variation. Slurry exits through slats in the floor before being piped away. There is also concern about noise from the milking parlour which is connected to the livestock building. It is noted that the milking condenser can be operated 24 hours a day, and that milking can start early. Detailed survey work of existing background noise would be needed to fully assess the noise impact.

The EHO view is that whilst the noise issue might be addressed by management, occupiers could not be adequately protected from slurry smells while the farming activity remains as at present, due to the very close proximity of the buildings concerned. It is also noted that livestock activity could be intensified (or changed eg to pigs) without benefit of further control by the Planning Authority. Because of the highly intrusive nature of the odour, works to abate the nuisance could not be assured to be effective.

The level of nuisance would not be acceptable for a person engaged elsewhere in agriculture.

The EHO would not object if the proposed house was occupied in direct connection with the farm, or as a holiday unit, or as a commercial building, or if the farm layout was changed to make the two uses compatible.

The EHO recommendation is that this application be refused.

5.0 OBSERVATIONS

5.1 With regard to the proposed house, the location is outside of any settlement in the CP4 hierarchy, and the main issues are whether the circumstances would justify an exceptional case under CP1 and CP2 to allow consideration under Policy CP4(iii) Affordable Housing. Also relevant are CP8 Type and Tenure of Housing and CP9 Affordable housing and DP15, which sets out definitions for Affordable Housing, expanded and supported by the relevant adopted Supplementary Planning Document. If appropriate under these policies of principle, it will be necessary to consider issues of amenity (CP1, DP1), and the impact on the surroundings of the village (CP17, DP32) and the rural location (CP16 DP30), and the need

for Public Open Space provision (CP19 DP37). The NPPF notes LPAs should avoid new housing in the countryside unless there are special circumstances eg need for a rural worker, or as the optimal use of the heritage assets.

Affordable Housing Need

5.2 As an exception to policies CP1 and CP2 it is appropriate to consider the unusual circumstances of the Hillside parishes, east of the A19, where the settlements are mainly very small and do not appear in the hierarchy of sustainable settlements in CP4. There is no designated service village, and access to the market towns is restricted by the limited safe crossings of the A19. Due to the relative isolation of these parishes therefore, there is scope to consider whether, if there is an unmet need for Affordable housing in this location, a suitable conversion might be considered under CP4(iii).

5.3 The Rural Housing Enabler (RHE) has undertaken a recent (May 2010) parish survey of housing needs for Hillside Parishes of Boltby Cowesby Felixkirk, Kirby Knowle and Upsall, which showed a minimum existing need for 1 x 1-2 bed homes for singles and 2 x 2 bed homes for a couple, and 1 x 2 bed shared ownership home. A similar survey for Borrowby showed a minimum existing need for 4 x 1-2 bed homes for singles or couples to rent, 1 x 1-2 bed and 1 x 3 bed for shared/low cost ownership as well as 3 open market houses.

5.4 Each of these reports also draw attention to the limitations of such a survey in capturing the needs of younger people in particular and in addressing the future needs of young people in existing households who will need independent accommodation in the future, as well as noting a general shortage of smaller properties.

5.5 The RHE also notes that a larger need will usually reveal itself once suitable accommodation is identified or built, and that the surveys generally underestimate need.

5.6 The RHE reports that there has been no success in finding any rural exception site(s) to address unmet need in Hillside and Borrowby parishes.

5.7 In support of the affordable housing proposal, Kepwick Estates note that when their properties are advertised there is inevitably demand from local people and every effort is made to meet locally based needs wherever possible, including younger age groups, and that they operate a general policy of maintaining rental levels that are below commercial levels elsewhere, to maintain stability. They additionally note a specific recent query from someone with family ties and agricultural work locally, seeking accommodation in Kepwick (for which none was available at present).

5.8 Overall therefore, whilst up to date affordable housing needs information is not available for this particular parish; based on recent research by the Councils Rural Housing Enabler, there is a known shortage in the Hillside Parishes and no immediate prospect of a site becoming available in the villages or Borrowby, and it is highly likely therefore that there is an unmet need for Affordable Housing in this locality which this property, suitably conditioned and controlled, could address.

Affordable housing issue summary

5.9 There are unusual circumstances in the locality, in that Kepwick Estate has a good supply of rented housing which it makes available at relatively modest rents, giving priority to local people, and in these terms operates in a similar way to a social landlord. The Estate has expressed willingness to comply with an appropriate letting and management regime, including an element of input by the Local Authority, that mirrors that of acknowledged social landlords. It is highly likely that there is demand for an additional Affordable Dwelling within this or nearby parishes, and taking into account their comparative isolation, an exception can be made to Policies CP1 and CP2 to allow the dwelling as a conversion under CP4, with appropriate controls exercised by condition or agreement to ensure its retention.

Other Issues

Environmental Health/Amenity

5.10 The proposed house is at close quarters with a working farm including cattle kept in nearby buildings, and there is a significant query whether through smell or noise there would be an unacceptable harmful effect on residential amenities.

5.11 The views of Environmental Health have been sought and is of the view that due to the very close proximity of the cattle buildings, the likelihood of smell nuisance is high, it is evident on site, the nuisance is at a level that will not be easily overcome, and that therefore this site is not suitable for a dwelling unless it were restricted to the farm concerned. Noise associated with milking is also a concern.

5.12 In response, the applicants express willingness to restrict occupancy to those employed in agriculture. They refer to a possible occupier known to them who works in a dairy farm close by. They make the general point that this sort of an issue is less of a concern in a rural area compared with urban situations.

Amenity summary

5.13 The proposed dwelling is plainly very close to a source of nuisance, in particular smell and noise, which is not easily overcome and which residents would have to accept as a daily presence. This can be balanced to an extent by it being evident to potential tenants on taking the property, and the widely held view that in rural location this is likely to be more acceptable than might otherwise be the case. There is some moderation of the effect due to windows of habitable rooms being at the front of the premises. The proposal provides an affordable dwelling which is not likely to come forward by any other means in this locality and overall therefore it is considered on balance this amenity concern does not preclude approval, if the proposal is otherwise acceptable.

Design and appearance

5.14 The appearance of the building will remain largely unchanged, including existing window openings, and retained porch. The building is not Listed but has a pleasingly historic appearance as a non-listed 'heritage asset' that will remain, and will continue to make a positive contribution to the character and amenities of the Conservation Area.

Public Open Space

5.15 The site does not contribute to public open space and the applicants have been made aware of the usual expectation that this need will be addressed by a commuted sum. The expected sum in this case is £2227.54. No agreement is made to date.

Car park

5.16 The removal of the informal car park to the adjacent field is a logical approach and will maintain this well-used permissive communal facility and will continue to provide for the enjoyment of the very high quality surrounding countryside. The field concerned has well established boundary walls, which will soften the impact of the cars within and will not be unacceptably incongruous or obtrusive when viewed in the context of neighbouring buildings, and the amenities of the Conservation Area will not be significantly affected.

Conclusion

5.17 Subject to a final considerations of Environmental Health factors in relation to the proposed dwelling, approval is recommended.

SUMMARY

There is evidence that there is demand for an additional Affordable Dwelling in this vicinity, and taking into account the comparative isolation of these parishes, an exception can be made to Policies CP1 and CP2 to allow the dwelling as a conversion under CP 4, and in accordance with the policies noted above.

Due to their design siting and location the proposals are appropriate to the rural surroundings and will not have an unacceptable harmful effect on the amenities of neighbouring occupiers and are able to comply with the above policies.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.
3. No person or persons shall occupy the dwelling hereby approved unless he or she is a tenant and unless: a) he or she is a person in need of such accommodation as defined in the Schedule to these Conditions and he or she fulfils one or more of the criteria contained in Conditions 4 or 5 below; or b) he or she has succeeded to a tenancy under the provisions of the Housing Act 1986 upon the death of the former tenant of the accommodation; or c) he or she was upon the death of the former tenant a member of the former tenant's family who resided with him/her throughout the period of twelve months ending with the former tenant's death and who occupied the accommodation as his or her only principal home at the time of the former tenant's death; or d) he or she has succeeded to the tenancy as a result of a Court Order.
4. Subject to Condition 5 no person or persons shall occupy all or any part of the dwelling unless he/she is a person who is in need of such accommodation and who: a) has immediately prior to such allocation been ordinarily resident within the Parishes of Kepwick, Nether Silton, Cowesby, Boltby and Leake , ("the Parishes") for a period of at least twelve months; or b) has within the last ten years prior to such allocation been ordinarily resident in the Parishes for a period of at least five years; or c) has immediately prior to such allocation a mother, father, son or daughter or some other relative or carer approved in writing by the Local Planning Authority who has been ordinarily resident in the Parishes for at least twelve months; or d) is immediately prior to such allocation permanently employed in the Parishes.
5. If upon the accommodation becoming available for occupation the Owner is unable to fill any vacancy arising in accordance with Condition 3 above as confirmed in writing by the Local Planning Authority then the Owner may allocate the unit of accommodation to a person who is considered by the Owner to be in need of such accommodation and who: a) has immediately prior to such allocation been ordinarily resident within one or more of the Parish(es) of Boltby, Borrowby, Felixkirk, Kirby Knowle, Knayton, Landmoth cum Catto, Over Silton, Thirlby, Upsall (or such other Parish(es) as may be agreed from time to time ("the Other Parishes") for a period of at least twelve months; or b) has within the last ten years prior to such allocation been ordinarily resident in one or more of the Other Parish(es) for a period of at least five years; or c) has immediately prior to such allocation a mother, father, son or daughter or such other relative or carer approved in writing by the Local Planning Authority ordinarily resident in one or more of the Other Parish(es); or d) is immediately prior to such allocation permanently employed in one of the Other Parish(es) but if there is no such person then to any person in priority need nominated by the Local Planning Authority PROVIDED that if within seven working days of a written request by the Owner the Local Planning Authority is unable to nominate a person and/or if within fifteen working days of the request the Owner is unable to fill any vacancy arising in accordance with Condition 2 above or this Condition then

the Owner may allocate any vacant unit to any person who is considered by the Owner to be in need of such accommodation.

6. At all times in allocating or managing the units of accommodation in the dwelling the Owner shall charge rents which are no higher than the Benchmark rents for the area specified by the Homes and Communities Agency or its successors from time to time.
7. The occupation of the house shall not commence unless there has been approved in writing by the Local Planning Authority a scheme for the management of the dwelling including rules for allocation of the property and establishing rental levels. The dwelling shall not be let except in full accordance with the agreed scheme unless otherwise agreed in writing with the Local Planning Authority.
8. The height of the boundary wall to the new car park shall be kept below 1.05m above ground level.
9. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
10. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on 3490/05 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
11. The car park shall not be surfaced except with a permeable surface the details of which have been previously approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. To ensure occupation to a person most likely to be familiar with and accustomed to agricultural practises taking place nearby, in accordance with Local Development Framework Policy DP1.
3. To ensure that the development is carried out in full accordance with the aim and content of Local Development Framework Policies CP 9, CP 9A and DP 15.
4. To ensure that the development is carried out in full accordance with the aim and content of Local Development Framework Policies CP 9, CP 9A and DP 15.
5. To ensure that the development is carried out in full accordance with the aim and content of Local Development Framework Policies CP 9, CP 9A and DP 15.
6. To ensure that the development is carried out in full accordance with the aim and content of Local Development Framework Policies CP 9, CP 9A and DP 15.

7. To ensure that the development is carried out in full accordance with the aim and content of Local Development Framework Policies CP 9, CP 9A and DP 15.
8. In accordance with policy number CP1 and in the interests of highway safety.
9. In accordance with policy number CP1 and in the interests of highway safety.
10. In accordance with policy number CP1 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
11. To ensure an appropriately natural appearance, in accordance with Local Development Framework Policy DP32.

Romanby

Committee Date : 24 May 2012
Officer dealing : Mr A J Cunningham
Target Date: 8 May 2012

4.

12/00565/FUL

Proposed replacement of single storey extension with new 2 storey extension to existing dwelling as amended by plan and email received by Hambleton District Council on 9 May 2012.

**at 94 Thirsk Road Northallerton North Yorkshire DL6 1PL
for Mr & Mrs T Rance.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for the construction of a single storey extension to the rear (south-western) elevation and a two storey extension to the side (north-western) elevation of the semi-detached dwelling house of 94 Thirsk Road, Northallerton. Amended plans have been received on 9 May 2012 reducing the depth and height of the single storey rear extension and clarifying the reasoning behind the design of the proposed side and rear extensions.

1.2 The proposed single storey extension to provide for a kitchen and dining area would measure approximately 4.3m x 6.6m, with a total height of approximately 4.2m. The proposed two storey extension (with a single storey front projection) to provide for a single garage and an additional bedroom and study would measure approximately 9.2m x 2.5m, with a total height of approximately 8m.

1.3 Materials for the proposed structure would comprise facing brickwork and natural slate with UPVC windows and doors. The existing dwelling is formed of brickwork with a pitched tiled roof.

1.4 The proposed single storey rear extension would be constructed 0.3m from the south-eastern boundary of the site to 96 Thirsk Road. A conservatory projects to the rear of this adjacent property. The two storey extension would be formed approximately 0.6m from the boundary to 92 Thirsk Road. There is a distance of approximately 3m between the north-western boundary of the application site and the nearest habitable room (kitchen) window at no.92. This window forms the principal source of light to this room which is also a dining area.

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;

Supplementary Planning Document - Domestic Extensions - Adopted 22
December 2009
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Town Council; expires 10.04.2012 - No responses received as at 15.05.12.

4.2 Neighbours notified and site notice posted; expires 18.04.2012 - Responses received from 3 addresses (2 objections) in summary mainly concerning: impact on neighbour

amenity, impact on visual amenity of surrounding area, and the impact on character of street scene.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the impact of the proposed two and single storey extensions on the visual amenity of the surrounding area and any impact on neighbour amenity.

5.2 The design and materials of the proposed alterations, as amended, accord with the host property and would not raise any visual amenity issues. The amended design of the single storey extension has brought this portion of the scheme to an acceptable position with regard to its impact on the neighbour amenity of 96 Thirsk Road. Taking into account the separation distance between the proposed two storey extension and the nearest habitable room window at no.92, and the design of the proposal it is not considered that this would result in an adverse impact on neighbour amenity. It is acknowledged that the proposals are at the limit of the degree of extension that the dwelling can take without harming the amenity of adjacent properties however it is highlighted that the scheme would not have an adverse impact to neighbouring residential property.

5.3 In response to neighbour issues not already addressed, the settlement pattern and the separation distances between property in the locality are such that were a similar proposal replicated along Thirsk Road it would not result in a harmful impact to the character of the street scene.

5.4 Having taken the above into account it is considered that the proposed works, as amended, would accord with the policies of the Hambleton Local Development Framework. Hence this application is recommended for approval.

SUMMARY

The proposed development would not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area. 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 drawing received by Hambleton District Council on 9 May 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) 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.

5.

12/00828/FUL

**Proposed single storey extension including construction of new detached garage at existing dwelling.
at 2 Lodge Cottages East Lane Yafforth Northallerton
for Mr & Mrs L Podd.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application relates to the erection of a detached garage to the side of the property and single storey extensions to the front and rear of the existing dwelling.

1.2 The existing semi-detached property is bordered to the north by a detached dwelling; to the east by the street and to the south by the attached neighbour. To the west is the rear garden of the property and open fields beyond. Materials would match the existing property and would comprise of a painted render and brickwork finish and matching roof tiles.

1.3 The proposed extension to the rear would measure approximately 5.1m in length x 4.5m in width x 3.4m to the highest point. The proposed extensions to the front would project out from the existing front elevation of the dwelling by approximately 1.5m and would extend almost across the width of the cottage.

2.0 RELEVANT PLANNING HISTORY

2.1 04/01096/FUL Alterations and single storey rear extension to existing dwelling. Granted 2004.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP32 - General design
Supplementary Planning Document - Domestic Extensions - Adopted 22
December 2009

4.0 CONSULTATIONS

4.1 Parish Council : No response received, time expired 7th May, 2012

4.2 Neighbours : No response received, time expired 7th May, 2012

4.3 Site Notice : No response received, time expired 16th May, 2012

5.0 OBSERVATIONS

5.1 The issues to consider in the determination of this application are whether the proposal is in keeping with the character and appearance of the existing dwelling and the surroundings and whether there would be any impact on neighbouring amenity.

5.2 The design of the rear extension is in keeping in terms of its scale and massing and it would not be visible from the street; ensuring no impact on the appearance of it. Similarly, the proposed replacement single garage is to be of a rendered finish and roof tiles to match the existing house. However, lean-to extensions are proposed on either side of the existing porch to the front of the property, which is not ideal and as such, the scheme would be

improved with the removal of this element. The agent dealing with the application has been advised of this and invited to consider revising the application to reflect this.

5.3 In terms of amenity, a new window would be inserted to the existing kitchen and the detached dwelling to the north has a blank gable elevation facing the application site. The positioning of the garage to this property at the boundary would therefore ensure no impact. There would be no impact on the neighbour to the south in terms of loss of light and there is a brick wall forming the boundary between the cottages, which would prevent overlooking.

5.4 Subject to any response received from the agent in terms of the front extension and having regard to the above, it is considered that the proposal accords with the aims and policies of the local plan and is recommended for approval.

SUMMARY

The proposal would be in keeping with the character and appearance of the existing dwelling and the surroundings and would not impact on neighbouring amenity. The proposal therefore accords with the aims and policies of the Hambleton Local Development Framework.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) received by Hambleton District Council on 16 April, 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) CP1, CP17, DP1, DP32 and DOMEX.
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.