

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 19 July 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 Director of Housing and Planning 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 Director of Housing and Planning 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.

Mick Jewitt
Director of Housing and Planning 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

19 JULY 2012

| Item No | Application Ref/ Officer | Proposal/Site Description |
|---------------------|--------------------------------------|--|
| Agenda Item 1 | NPPF | Report on NPPF and cases annex |
| 1 | 12/01080/FUL Mr A J Cunningham | Change of use from office to residential holiday let. at Unit 1 Far Shires Farm Forest Lane Alne for Mrs S Shepherd. RECOMMENDATION: GRANTED |
| 2 | 12/00854/FUL Mrs H M Laws | Retrospective application for the change of use of agricultural land and building to equestrian. Alterations to existing building to form a stable block and feed store as amended by plan received by Hambleton District Council on 3 July 2012. at Seaves Farm Brandsby North Yorkshire YO61 4RT for Seaves Farming Company Ltd. RECOMMENDATION: GRANTED |
| 3 | 11/01666/FUL Mrs B Robinson | Demolition of existing industrial units and construction of 4 no B1 and B8 units, access road and associated car parking as additional details received by Hambleton District Council on 24 February 2012. at The Depot Rear Of 38 - 46 Water End Brompton North Yorkshire for Mr N Mitchinson. RECOMMENDATION: GRANTED |
| 4 | 12/00941/FUL Mrs B Robinson | Alterations to existing car park. at Springboard Business Centre 24 Ellerbeck Way Stokesley Business Park Stokesley for Hambleton District Council. RECOMMENDATION: GRANTED |
| 5 | 12/01034/FUL Mrs H M Laws | Construction of a replacement village hall. at Village Hall The Nookin Husthwaite North Yorkshire for Husthwaite Parish Council. RECOMMENDATION: GRANTED |
| 6 | 12/01035/CON Mrs H M Laws | Application for conservation area consent to demolish existing village hall. at Village Hall The Nookin Husthwaite North Yorkshire for Husthwaite Parish Council. RECOMMENDATION: GRANTED |

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| 7 | 12/00527/FUL Mr J E Howe | Construction of two agricultural workers (two bedroomed) dwellings. at Morton Grange Farm Morton On Swale North Yorkshire DL7 9RQ for Mr & Mrs J Sanderson. RECOMMENDATION: GRANTED |
| 8 | 12/00766/FUL Mr J E Howe | Change of use of shop (A1) to offices (A2). at Pennita 136 High Street Northallerton North Yorkshire for Calder Meynell LLP. RECOMMENDATION: GRANTED |
| 9 | 12/01014/FUL Mr J E Howe | Demolition of existing domestic garage and construction of a dwelling. at Land To Rear Of 2 Prospect Cottages Bankhead Road Northallerton North Yorkshire for Mr N Denmark. RECOMMENDATION: REFUSED |
| 10 | 12/00998/FUL Mr J Saddington | Construction of a sow building. at Romanby Grange Boroughbridge Road Northallerton North Yorkshire for R.E. Phillips & Son. RECOMMENDATION: GRANTED |
| 11 | 12/00999/FUL Mr J Saddington | Construction of a pig farrowing building. at Romanby Grange Boroughbridge Road Northallerton North Yorkshire for R.E. Phillips & Son. RECOMMENDATION: GRANTED |
| 12 | 12/01000/FUL Mr J Saddington | Construction of a weaner grower building and silo. at Romanby Grange Boroughbridge Road Northallerton North Yorkshire for R.E. Phillips & Son. RECOMMENDATION: GRANTED |
| 13 | 12/00965/FUL Mr J E Howe | Construction of an agricultural contractors building and yard plus formation of a new vehicular access. at Seward Agricultural Machinery Ltd Sinderby Station Sinderby Lane Sinderby for Croptech Ltd. RECOMMENDATION: REFUSED |
| 14 | 12/00019/FUL Mr J Saddington | Change of use from dwelling to a country house hotel as amended by plans received by Hambleton District Council on 24th February 2012, 3rd May 2012 & 6th June 2012. at Rudby Hall Skutterskelfe North Yorkshire TS15 0JN for Python Properties Ltd. RECOMMENDATION: GRANTED |

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| 15 | 12/00020/LBC Mr J Saddington | <p>Application for listed building consent for internal alterations to existing dwelling to from a hotel as amended by plans received by Hambleton District Council on 19th March 2012, 3rd May 2012 and 6th June 2012. at Rudby Hall Skutterskelfe North Yorkshire TS15 0JN for Python Properties Ltd.</p> <p>RECOMMENDATION: GRANTED</p> |
| 16 | 12/01084/FUL Mrs B Robinson | <p>Revised application for proposed alterations and extension to existing dwelling. at 36 Northfield Drive Stokesley Middlesbrough TS9 5PF for Mr P Darcy.</p> <p>RECOMMENDATION: GRANTED</p> |
| 17 | 12/01132/FUL Mrs B Robinson | <p>Change of use of existing wildlife lake to a wildlife/fishing lake and retrospective application for the change of use agricultural land to a caravan site. Formation of caravan hardstandings, access track, car parking, waste disposal point and construction of a reception building and amenity building. at Canada Fields Moor Lane Yafforth North Yorkshire for Mr K Tiplady.</p> <p>RECOMMENDATION: GRANTED</p> |

Alne

Committee Date : 19 July 2012
Officer dealing : Mr A J Cunningham
Target Date: 16 July 2012

1.

12/01080/FUL

**Change of use from office to residential holiday let.
at Unit 1 Far Shires Farm Forest Lane Alne
for Mrs S Shepherd.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for the change of use of an office at Far Shires Farm, Forest Lane, Alne to a residential holiday let. The building and associated grounds are sited to the north of the complex. Far Shires Farm is located immediately to the west of the A19, approximately 2 miles south of Easingwold and 11 miles north of the centre of York. The property is accessed off Forest Lane, a principle road which runs west from the A19 to Main Street, Alne.

1.2 The existing office building extends to an internal floor area of 39 square metres, has been vacant for 2 years despite being advertised and is of sound construction. Conversion to the proposed residential holiday let would require minor internal alterations to make provision for a bedroom, lounge, kitchen/dining area and shower room. The external fabric and appearance of the existing building will remain unaltered.

1.3 Private amenity space and a car parking area would be sited directly to the west of the building the subject of the change of use, and would involve the formation of a boundary fence at a height of approximately 1.8m and a resurfaced entranceway.

1.4 Vehicular and pedestrian access will be gained from the existing driveway off Forrest Lane serving the office units. The applicant considers that due to the modest scale of the proposal there will be no increase in vehicular movements as a result of converting the office into a holiday cottage. The existing ramp up to the entrance door will provide an accessible route into the accommodation.

1.5 This application is being brought before the Planning Committee as the applicant is a Member of the Council.

2.0 RELEVANT PLANNING HISTORY

2.1 2/01/006/0003B - Alterations and extension to existing agricultural building for use as light industrial, office and storage accommodation as amended by plans received by Hambleton District Council 18th June 2003; Granted 2003.

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 DP26 - Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012
Good Practice Guide on Planning for Tourism - May 2006

4.0 CONSULTATIONS

4.1 Parish Council - No objection to this application.

4.2 Yorkshire Water - There is no public sewer network in the area. Most likely, the farm site is either on a septic tank/package treatment plant system.

4.3 NYCC Highways - Condition recommended regarding parking spaces to remain available for vehicle parking.

4.4 Kyle and Upper Ouse Internal Drainage Board - No observations on the application.

4.5 Neighbours notified and site notice posted; expires 11.07.12 - Response awaited.

5.0 OBSERVATIONS

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

5.2 The NPPF supports sustainable rural tourism that benefits businesses in rural areas, communities and visitors. The NPPF also supports the sustainable growth of all types of business and enterprise in rural areas through the conversion of existing buildings. Local Authorities are required to support schemes that comply with sustainable development objectives, taking into account the need to protect landscapes and environmentally sensitive sites. The importance of following sustainable development objectives in the provision of self catering accommodation is also reiterated in the Good Practice Guide on Planning for Tourism. The Good Practice Guide recognised that proposals to convert existing rural buildings to provide serviced accommodation should be acceptable, subject to any general criteria that may be set in development plans on the reuse of such buildings.

5.3 The Good Practice Guide advises that new sites for tourist accommodation of the kind proposed will generally be more sustainable when located close to existing settlements and other services as some local services may be accessed by means other than the car. Policies CP1 and CP2 of the Hambleton Local Development Framework require that development should be located to minimise the need to travel, including by car.

5.4 Far Shires Farm is not within the development limits of a sustainable settlement as is designated in policy CP4 of the Hambleton Local Development Framework. The applicant does in their supporting statement set out the local context and the relationship of the site to nearby amenities. It is clear that the premises are well related to surrounding tourist attractions and sustainable settlements, and are well connected by a regular bus service with a request stop very near to the site. Similarly a National Cycle Network Route runs through Alne village and Far Shires Farm is connected via public footpath to Alne and Tollerton villages. It is therefore considered that the proposal satisfactorily complies with policies CP1 and CP2.

5.5 Policy CP4 also requires development in less sustainable locations to help to support a sustainable rural economy. Due to the location of the site in close proximity to other villages, the National Park, Thirsk and Easingwold there is always likely to be a demand for tourist accommodation. It is anticipated that local businesses will be supported by the visitors in respect of local activities and pubs, shops and attractions in local towns and villages. It is

considered that the proposed use will help to support the local rural economy and is in accordance with Policy CP4. In principle the use of the premises for holiday accommodation is considered acceptable.

5.6 In terms of its impact on neighbour amenity the building is as a result of its positioning to the dwelling and offices at Far Shires Farm compatible with adjacent uses and would adhere to the policy criteria set out in DP1. As a result of the minor extent of internal and external alteration there would be no detrimental impact on the character and appearance of the countryside and therefore the scheme would be in compliance with policy DP30 of the Hambleton Local Development Framework.

5.7 The on-site parking for the existing offices, the proposed holiday accommodation and the adjacent domestic property have been appraised and it is evident that ample on-site capacity exists. NYCC are also supportive of the scheme subject to a condition regarding the provision of a parking area for the holiday accommodation. In summary the scheme is acceptable from a highway safety perspective.

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

SUMMARY

The change of use is considered to be a sustainable form of development in this location and does not result in significant harm to neighbouring amenity or highway safety. The alterations are in keeping with the character and appearance of the building and the surrounding area. The proposed development is in accordance with the policies of the Local Development Framework.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 18 May 2012 unless otherwise agreed in writing by the Local Planning Authority.
3. The occupation of the accommodation hereby approved shall be as follows: (i) the holiday accommodation is occupied for holiday purposes only; (ii) the holiday accommodation shall not be occupied as a person's sole, or main place of residence; (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the holiday accommodation on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.
4. 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 holiday units nor shall any structure be erected within or on the boundary of the curtilage of the holiday units hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
5. 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 drawing no 3378/01 Rev A for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1, CP17, DP1 and DP32.
3. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Hambleton Local Development Framework.
4. 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 LDF Policies.
5. To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

2.

12/00854/FUL

**Retrospective application for the change of use of agricultural land and building to equestrian. Alterations to existing building to form a stable block and feed store as amended by plan received by Hambleton District Council on 3 July 2012.
at Seaves Farm Brandsby North Yorkshire YO61 4RT
for Seaves Farming Company Ltd.**

1.0 PROPOSAL & SITE DESCRIPTION

1.1 Members have had the opportunity to visit the site, which is located on the western side of Stillington Road and is approximately 1km south of Brandsby village. The nearest dwelling is Seaves Mill which is sited approximately 20m east of the stables. The farm has been subdivided so that Seaves Mill is surrounded from the north, south and west by land belonging to Seaves Farm.

1.2 The application is retrospective for the construction of a stable block on this site. It is also proposed to extend the existing building to add a further stable and a store. The block as proposed measures 17.8m x 12.5m (maximum dimensions) with a ridge height of 3.4m. It is constructed of shiplap and plywood boarding with a grey fibre cement sheet roof.

1.3 The applicants state that the existing building has replaced a stable/shelter with a footprint of 7.4m x 3.5m, positioned on a concrete slab. Information has been received from local residents in the vicinity that the structure did not exist in this position previously. The application is however to assess the suitability of the use and structure as proposed, notwithstanding the possible existence of a small agricultural shed in poor repair.

2.0 PLANNING HISTORY

2.1 09/01080/FUL - Construction of ménage and stables/agricultural storage building (as amended). Withdrawn 1/7/2009.

2.2 09/02029/APN - Application for Prior Notification for installation of farm road. Granted 17 August 2009.

2.3 09/02198/FUL - Revised application for the construction of ménage and stables/agricultural storage building. Permission granted 30/9/2009.

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- Development Policies DP33 - Landscaping

4.0 CONSULTATIONS

4.1 Parish Council - no representations regarding this application but are very concerned by the number of retrospective planning applications for Seaves Farm.

4.2 NYCC Highways Dept - Providing that the stable block and feed store is for the applicant's use only and not open to the public the Highway Authority would have no objections to the proposal.

4.3 Environmental Health Officer - In order to safeguard the amenity of nearby residential dwellings I would recommend the following condition:
The burning of horse manure shall not be permitted as a method of waste disposal.

4.4 Site notice/local residents – comments have been received from the residents of 3 nearby properties whose concerns are summarised as follows:

1. It is yet another retrospective planning application;
2. There has never been a stable block in the situation detailed. Photographic evidence is available to support this;
3. The plans submitted are misleading;
4. amazed that anyone could remove a stable block from near their own house and place it so close to the house of a neighbour – with the smell, noise and intrusion of their privacy;
5. In 2009 our fears were based upon the impact the positioning of the stables would have on our amenities. Sadly since the completion and operation of the stables our concerns are now a reality. In short, we are now actually subject to a 24 hour, 7 days a week nuisance;
6. The position has created a situation in which we, the closest neighbours are suffering a complete and absolute lack of any normal level of privacy inside or out;
7. There is a screen of self-sown deciduous trees between our property and the current stable site and they provide scant screening in the summer months and no screening through the 6 months of winter. We add that they provide no protection from light and noise pollution;
8. Mr & Mrs Kitson operate busy and frenetic activities on their property with very early starts, particularly when horses have to be prepared during the hunting season;
9. During the limited daylight of the winter months activities have regularly continued to 11.00pm using artificial lighting creating additional intrusive and severe light pollution;
10. The constant movement of vehicles and the activities associated with the servicing of the stable block i.e. Feed loading by van, loading and unloading horseboxes, blacksmithing work, is happening literally on our doorstep. We have 2 school age children who are constantly woken by the noise from the stables, by horses kicking and calling out throughout the night;
11. this current problem could have been avoided had Mr & Mrs Kitson heeded the Authority's advice to re-site the stables and positioned them elsewhere, on their large site, for them to enjoy personally and in private without creating the situation which now exists of compromising the amenity of neighbouring properties and their residents;
12. we appeal to the Planning Committee to arrange a site visit/meeting as a matter of urgency to observe at first hand the permanent and adverse conditions the applicants are imposing upon the once tranquil and beautiful site under the vague cover of diversification;
13. for your ease of reference important documentation relevant to this application. Including comments and conditions imposed by the authority and Mr and Mrs Kitson's own contradictory statements:

A 2/02/019/0080C 6th August 2002 HDC approved the conversion of the agricultural buildings into residential with condition No 8. Attached to the permission.

"The remaining agricultural barn to the centre of the application site shall at no time be used for the accommodation of livestock the building shall be used for agricultural storage purposes only. To safeguard the amenities of the occupiers of the proposed residential accommodation.

B Officers Report by Alex Peel observations 5.2 2009

"The building has been re sited to the north of the farm house to lessen the impact upon the neighbours at Seaves Mill."

Because of these concerns the project was re-sited and a revised application submitted.
C 09/01080/FUL Construction of Menage and Stables Withdrawn
Letter from Richard Ward to Alex Peel 15 June 2009. "Brandsby Parish Council expressed concerns regarding the proximity of the proposed development to the adjacent property "
D Letter from Chris Dent to HDC 10th June 2009. "The whole project has been totally relocated and as a result the Kitsons hope this will satisfy your requirements and that the project can now be approved"

E 09/02198/FUL 2009 Revised Application for Menage and Stables. Approved
Design and Access Statement Layout

"The layout is so located following objections to the original position requested but is more than satisfactory for the applicant. The facilities relate well to the farm house and involve the children nominal travel to the facilities at any time".

5.0 OBSERVATIONS

5.1 The issues to be considered include the impact of the siting, design, scale and materials on the character and appearance of the surroundings; the effect on the amenity of adjacent residents and highway safety.

5.2 The principle of stables development in this location is acceptable as the block lies in relatively close proximity to the associated dwelling at Seaves Farm and is to be used for domestic purposes.

5.3 The stables lie to the rear of the farm and the neighbouring properties; are relatively low lying and will not have an adverse impact on the visual appearance of the surrounding rural landscape. The stables are acceptable in terms of scale, design and materials and are appropriate for a rural location.

5.4 The issue of greatest concern relates to the impact of the proposed use and structure on the amenity of the adjacent residents at Seaves Mill due to their location. A planning application was submitted in 2009 for the construction of a stable block in a similar position to the existing stables. Concern was expressed by officers at that time regarding the impact on the neighbours at Seaves Mill. A revised application was submitted for the siting of the stables to the north of Seaves Mill and considered 'to lessen the impact upon the neighbours at Seaves Mill' and was subsequently granted permission. The approved scheme was for a larger building in terms of footprint and height (18m x 18m x 6.5m) than the stable block currently proposed. The ménage has been constructed but not the stables.

5.5 The current application proposes to construct the stables in the original position, which was the subject of the planning application that was withdrawn prior to a decision being made. It is therefore important to consider afresh the effect such a location could have on the residential amenity of the nearby occupants of the adjacent dwelling.

5.6 The stables block as proposed is a relatively low level building with a maximum height of 3.4m. The structure is visible from the rear windows of Seaves Mill and the rear garden area but there is some landscaping that has been planted that will, in time, reduce this view. The fact that the stables are visible from the adjacent property is not a matter that is relevant to the determination as the loss of a view is not a material consideration. The issues that are relevant include whether the activities associated with the structure and its use would have an adverse impact on the residents by reason of noise, smells and general disturbance.

5.7 As the application is retrospective for the use and the greater part of the structure the neighbouring residents clearly have some experience of the activities undertaken and the impact these have on their amenity. Noise resulting from the horses, vehicle movements and voices occur within 20m of the dwelling. There is a large curtilage associated with Seaves Mill and the principal windows at ground floor are directed to the east and north, which reduces the impact. There are however bedroom windows that directly face onto the stables and, given relatively low background noise levels at night any noise nuisance is likely to cause a disturbance.

5.8 The Environmental Health Officer has confirmed that no complaints have ever been received regarding the activities associated with this site. The officer will provide additional comments, regarding the proximity of the stables to existing residential accommodation and the potential for the use to give rise to future complaints, which will be reported at the meeting.

SUMMARY

The proposed development will not seriously harm the character and appearance of the locality, surrounding rural landscape or the amenity of local residents. The proposal is in accordance with LDF Policies CP16, CP17, DP1, DP30 and DP32.

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 stable building hereby approved shall not be used other than for domestic purposes ancillary to the main dwellinghouse, Seaves Farm, and shall not be used for any commercial purposes.
3. There shall be no illumination of the development hereby approved without details having first been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained.
4. Prior to the commencement of the development hereby approved, details of the storage and disposal of the animal waste and stable bedding shall be submitted to and approved in writing by the Local Planning Authority. The approved methods shall thereafter be retained and shall not be carried out by burning.
5. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan, block plan and drawings numbered K158/4 and K158/5 received by Hambleton District Council on 19 April and 3 July 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. In order to protect the amenity of adjacent residents and in order to allow any alternative use to be considered against the prevailing planning policies with particular regard to the sustainability of alternative uses.
3. To safeguard the amenity of adjacent residents and the character and appearance of the surrounding rural landscape in accordance with LDF Policies CP16, DP1 and DP30.
4. In order to protect the amenities of residential neighbours in accordance with Development Policy DP1.
5. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16, CP17, DP1, DP30 and DP32.

3.

11/01666/FUL

**Demolition of existing industrial units and construction of 4 no B1 and B8 units, associated car parking and access track, and alterations to highway access as additional details received by Hambleton District Council on 24 February 2012 and amended details received 16 May and 6 July 2012..
at The Depot Rear Of 38 - 46 Water End Brompton North Yorkshire
for Mr N Mitchinson.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The application was deferred from the 26 April 2012 Planning Committee to allow further consideration of the access arrangements. Since that date an amended plan has been submitted which includes land to the north east of the site which provides for improved access width and improved visibility splays.

1.2 The site is a long plot extending from beyond the rear gardens of properties at Water End, through to the main A684. There is an existing vehicular access from the main road. At the north end of the plot, approximately 180 metres from the main road, there is a group of 3 brick storage buildings, with an additional small enclosure between two of them, and a rough lean-to canopy at the southern end. One building is currently in use as a warehouse for the greengrocery business operated by the applicant. The total floor area is approximately 229 sq m. In front of the buildings the land slopes gently upwards from north to south. To the north of the buildings there is a patch of rough land, 14 metres wide, and a close boarded fence approx 1.5 metres high bounding the gardens to Water End properties, nos 38 to 46. Immediately to the north of the fence are single storey outbuildings associated with the Water End properties. They are constructed of brick, with clay pantile roofs. At the south end of the site, there is a bungalow. Lynwood, immediately adjacent to the road access. The neighbouring plot to the east has stable buildings and a store. To the west the plot appears to be an orchard. There is a high hedge/trees on the boundary to the west, and a lower hedge on the east side. The site lies just outside the development limits of Brompton (which runs approximately along the line of the fence, on the north boundary).

1.3 The proposal is to replace the buildings with 4 modern units for B1 and/or B8 use. The buildings are conventional shed types, clad externally in Yorkshire boarding. The buildings are arranged as two attached pairs, with a slight offset between. The individual buildings are each 8 x 11 metres (overall total 352 sq metres) . The buildings are dug in at the south end to provide a single floor level. 16 car parking spaces are provided.

1.4 Amended plans have been submitted indicating various internal layouts to accommodate the proposed range of uses. Further details submitted indicate that the existing greengrocery storage will continue in one of the units, and there is a (provisional) proposal for a kitchen unit manufacturer to occupy a B1 space. Amended plans also show 2 delivery/loading bays for large vehicles.

2.0 RELEVANT PLANNING HISTORY

2.1 07/02985/FUL Change of use of storage and distribution centre (B8) to office/light industrial and storage (B1 and B8) and improvement works to existing vehicular access. Granted 13.11.2007

2.2 11/01677/FUL to extend and convert the existing outbuildings at the rear of 42 - 46 Water End to a dwelling. Granted 26.01.2012 (This proposal shares an access from the A684, and has an outlook to the south.)

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP25 - Rural employment
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 27 March 2012
Development Policies DP2 - Securing developer contributions

4.0 CONSULTATIONS

4.1 Parish Council - (As submitted) Refused. Reasons: Without the creation of a slip road access which would not appear to be provided the access onto and off the main carriageway would be far too dangerous for this type of development particularly as the volume of traffic would be unknown until the units have been built. Previous planning applications in the locality have been refused on similar highway grounds. If the planning authority is minded to approve the application conditions would be required on the planning consent so as to limit the detrimental effect on nearby residents of long working hours and noise. Consequently appropriate restrictions would need to be imposed.

3/7/2012 Following amendments to main highway access - Satisfied, as long as the Highway Authority accepted the amendments.

4.2 NYCC Highways

26.9.2011: (following amendments to improve access and provide passing place) - Conditions requested.

(Further consultations followed submission of swept path analysis for large vehicles in and out of the widened access, and subsequent scheme to encompass the adjacent access to the east.)

14/6/2012: Comment that: "There has been concern in relation to the turning manoeuvres of larger delivery vehicles and the impact on the A684. The applicant's agent has submitted details of an improved access that encompasses the adjacent access to the east of the site. These improvements allay the concerns of the Highway Authority with respect the turning manoeuvres of larger vehicles travelling to and from the A684. Given the previous history of the site and the proposed improvements there can be no highway objection." Conditions requested.

4.3 Yorkshire Water - conditions requested.

4.4 River Wiske Internal Drainage Board - Comment:- The site lies within the River Wiske Internal Drainage District. There is no information on the sustainable drainage system which the developer proposes. There is no indication on whether the development increases the paved area and if so how the sustainable system will accommodate any increase in run-off. The River Wiske IDB Byelaw No 3 precludes any increase in discharge into the drainage district without Consent of the Board.

4.5 Neighbours and site notice – Comment that:

1. In 50 yrs there has been light use of the access track by a single user, the proposal will quadruple this and radically alter the scale of the business activity.
2. Proximity (28") of track to bedrooms. Intrusive noise from increased traffic and potential for damage to foundations, unless weight restrictions imposed.
3. Harm to value of property.
4. Loss of privacy to bedroom from turning traffic
5. Access is onto busy A road with 60mph limit frequently exceeded and a bend concealing approaching cars. Existing visitors already park elsewhere due to difficulty and danger of getting out into the road.

5.0 OBSERVATIONS

5.1 The site lies outside development limits, where as an exception to CP1 and CP2, under policies CP15 and DP25, development may be supported if it is

- i) small in scale,
- ii) compromises conversion or reuse or replacement or extension of existing buildings,
- iii)is not capable of location within settlement limits by reason of nature of the operation or lack of suitable sites,
- iv) is supported by an appropriate business case which demonstrates support will be provided to the local economy, and
- v)the development will not adversely impact on the economy of the service centres.

5.2 If acceptable in principle under these policies the main issues will be the design (CP17 DP32), effect on the surroundings (CP16 DP30), and amenities of neighbouring occupiers (CP1 and DP1). Additional issues to be taken into account are any necessary developer contributions for infrastructure (CP1 DP2), and highway safety.

Policy principles.

5.3 The proposal is a replacement of existing buildings and includes an increase in the footprint however it remains an essentially small scale development in accordance with criteria i)

5.4 It is a replacement of existing buildings, with an additional floor area, and is in accordance with criteria ii)

5.5 It is not clear from the submitted details whether alternative sites are available within the settlement of Brompton, however taking into account the existing units and their extremely close proximity to the built up part of the village, it is appropriate to accept this as a suitable location, and it considered to be broadly in accordance with criteria iii)

5.6 Due to their relatively small size the units are likely to attract small and local businesses that by their nature will support the local economy. An example is given by the applicant of a prospective occupier of one of the units who has a one man business as a kitchen fitter. It has also been indicated that the applicants own business will continue to operate from the new building. Brompton is a large village with well developed connections with the local town and does not have a particularly rural character, and the use for this type of business will introduce welcome employment opportunities to the village, as well as short term building opportunities during its construction, and is in accordance with criteria iv)

5.7 Due to its relatively small size the development is unlikely to affect business or employment development in the service town, in accordance with criteria v).

Summary of policy principles

5.8 Overall the principle of the development is appropriate under the terms of DP25 and does not significantly undermine the principles of CP1. In terms of CP2 the development offers employment opportunities in very close proximity to a service village, Brompton, and is within easy travel range, including by foot, bicycle and a well established bus service, of a larger population in the market town of Northallerton. It is in accordance with the principle of the NPPF which focuses on economic growth.

Design

5.8 With regard to other issues, the design of the building is utilitarian, which in this context is appropriate for the purpose. The main materials, a combination of brick and Yorkshire boarding to the exterior will help the building fit into to the generally natural character of the sub-domestic/semi rural surroundings, and will further soften in colour over time.

Amenity

5.9 The building is well separated from existing nearby houses on Water End, and although increased in height compared with the existing will not have an unacceptably harmful effect on outlook from there, and will not cause significant shadowing.

The building is approximately 13 metres from the nearest part of the dwelling approved under application ref 11/01677/FUL. The layout and orientation of the new house is such that daylight and sunlight to main rooms will remain at an acceptable level. Activity at the commercial site is not significantly more onerous than might be the case, say for a house located on a public road, and this concern does not by itself preclude the development. Conditions regarding boundary treatments have been imposed on the residential approval to ensure a reasonable level of privacy.

5.10 Neighbouring occupiers at Lynwood, at the south end of the plot are potentially affected by the passage of cars into the access road. Lynwood has a blank gable on the side and the effect of the additional traffic passing along the access road is not likely to be so additionally harmful as to justify refusal on these grounds, especially in the context of the existing main road.

5.11 The nature of the business use proposed is such that the activities can take place without harm to residential amenities. Car traffic and general activity will have a certain effect on the local environment, but will not affect residential amenities at the proposed new house to a level that would justify refusal on this basis.

Developer contributions

5.12 The development falls into the area eligible for contribution to the north Northallerton Link Road, and a unilateral undertaking has been prepared to comply with that measure (£2792).

Highway safety

5.13 There was an initial view, based on the existing use and the previous approval for B1 and B8 uses and improvements to the access with the A684, that there would not be objections on the grounds of highway safety.

5.14 Subsequent more detailed considerations, including the submission of swept path analysis for large vehicles entering and leaving the site, indicated that certain manoeuvres would result in large vehicles crossing the centre line, and necessitate very slow movements, which would be hazardous to traffic. Further alterations to the access to incorporate the adjacent access to the east were then submitted which allayed this concern, and therefore the proposal will not compromise highway safety. It is on the basis of including this additional land that the application has been assessed as having a satisfactory access to the A684.

Public comments on other issues

5.17 Parish Council views on noise and disturbance and working hours could be addressed by condition, if approved.

5.18 Concerns of the near neighbour about traffic passing close to the house are discussed in para 5.10 above. The traffic would pass close to the end wall, but in the absence of windows there is not considered to be so frequent or extremely noisy in effect as to justify refusal on this basis. Traffic using the access will be more intensive than appears to have been the case in recent years, but the location on a moderately busy main road is such that the additional traffic using the access would not be unacceptably intrusive.

5.19 With regard to the concerns of the Drainage Board, an appropriate condition can be imposed to ensure that additional run off is accommodated by sustainable means.

SUMMARY

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered DWG 2 Rev B, DWG 3 Rev B, DWG No. 4 Rev C. received by Hambleton District Council on 9 Jan 2012 and 16 May 2012 and 6 July 2012 unless otherwise agreed in writing by the Local Planning Authority.
3. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
4. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
5. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition above.
6. 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.
7. No part of the development shall be brought into use until the approved vehicle access has been constructed in accordance with the submitted drawing no: Job No. SCH324 DWG No. 4 Revision C. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority: (i) vehicular turning arrangements (ii) vehicular parking
9. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under

condition number 8 are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

10. 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.

The reasons for the above conditions are:-

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

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

3. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Local Development Framework Policy DP32.

4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

6. In the interests of highway safety.

7. In accordance with policy number CP1 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

8. In accordance with policy number and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

9. In accordance with policy number and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

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

4.

12/00941/FUL

**Alterations to existing car park.
at Springboard Business Centre 24 Ellerbeck Way Stokesley Business Park Stokesley
for Hambleton District Council.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site includes a two storey office building, of an innovative design based on an oval shape, located on a corner site within an industrial/business development. There are 36 car parking spaces on the west boundary side, with tarmac access and stone finish to spaces. There is a reed-bed drainage system on the eastern road frontage. The location of the industrial estate is just beyond the southern outskirts of Stokesley town. The landscape areas of the site include grass and a small amenity area with ornamental hedge planting at the north side of the building.

1.2 The proposal provides an additional 8 car parking spaces overall, continuing the car park to the northern boundary with a short branch extending eastwards. Surfacing is tarmac road way and compact stone surface to spaces. The proposed spaces extend towards the northern amenity area, and result in the removal of small amount of hedging. Surface water drainage is to the on-site sustainable system.

1.3 The application is for consideration by the Planning Committee as the application has been made by Hambleton District Council.

2.0 RELEVANT PLANNING HISTORY

2.1 02/01783/FUL Layout of land and construction of a building to comprise 10 Class B1 units with associated facilities. (NB the approved scheme included 20 business units overall).

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP2 - Access
Development Policies DP4 - Access for all

5.0 OBSERVATIONS

5.1 The Councils strategic policy is to reduce the need to travel by car (CP2) whilst also recognising that appropriate car parking provision will be required as part of making development accessible for all (DP4), and supporting the economy, including providing the conditions for small and medium sized enterprises to become established and grow (CP12). Other relevant considerations will be the visual impact of the proposal (CP17 DP32) drainage issues (CP21 and DP43) and general highway safety concerns.

5.2 In accordance with the guidance at the time the parking provision reflected a standard that sought to discourage car use by minimising car parking provision as far as possible. The character of the use as small independent business units limits the scope for the type of management that would encourage shared travel arrangements. The application note that there is a constant short fall of parking spaces with an average displacement of 8 vehicles, and has been cited as a disincentive to rent the business units and has been the cause of

cutting back of invitational events. It is reported that the police have alleged that the public highway has been obstructed.

5.3 The level of parking provision is insufficient to meet the reasonable needs of business users and is having a harmful effect on business and therefore there is justification to consider the provision of additional car parking.

5.4 The additional parking is towards the rear of the site and the scheme retains the major part of the existing landscaping, and the overall effect on the surroundings will be negligible.

5.5 Drainage is proposed to be achieved via an on-site sustainable system and does not therefore unacceptably increase the risk of flooding.

5.6 The scheme will have the benefit of reducing an acknowledged problem road side parking, to the benefit of traffic travelling through the estate.

SUMMARY

The parking provision is justified by the particular circumstances and will not have any adverse effect on the surroundings and is able to comply with the above policies.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered C/142/CP693 received by Hambleton District Council on 2 May 2012 unless otherwise agreed 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. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) DP32.

5.

12/01034/FUL

Construction of a replacement village hall. at Village Hall The Nookin Husthwaite North Yorkshire for Husthwaite Parish Council.

1.0 PROPOSAL & SITE DESCRIPTION

1.1 The existing village hall lies towards the southern end of the village, on the eastern side of The Nookin and is within the Conservation Area. The existing building has a long and relatively narrow footprint and lies close to the side and rear boundaries of its plot. The building, which is single storey, is relatively low in height although the ground level slopes up from the road so that the building sits at a relatively high level. A tarmac parking area lies at the front of the site with two vehicular accesses onto The Nookin.

1.2 The northern boundary is formed by a post and rail fence which is approximately 1.2m in height, whilst the eastern boundary is formed by well established trees and bushes. The rear of the hall beyond the retaining wall is occupied by mature trees and shrubs on a steeply sloping embankment. Residential properties lie to either side and opposite at the front.

1.3 The application states that the existing building is not fit for purpose and is becoming structural unstable and that site constraints make it necessary to demolish it to make way for a new building.

1.4 It is proposed to construct a replacement village hall on the site with an area for disabled parking at the front of the site. The proposed hall is in two main parts; the taller section with a mono pitch roof sloping upwards towards the frontage of the site. The smaller, lower section has a mono pitch roof sloping back up into the site. The building has a range of material finishes including brick, coloured lime render and horizontal timber cladding. The two roofs are different, the larger one being single ply membrane sheeted zinc and the smaller one at the front being a sedum green roof.

1.5 A bat survey and a tree survey have been received.

2.0 PLANNING HISTORY

2.1 2/71/55/PA – Alterations to existing village hall. Permission granted 1982.

2.2 2/89/071/0055A – Extension to existing village hall. Permission granted 1990.

2.3 07/00422/FUL - Single storey storage and toilet extension to existing church hall. Permission granted 10/4/2007.

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
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP5 - Community facilities
Development Policies DP8 - Development Limits
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP34 - Sustainable energy
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council – is the applicant

4.2 NYCC Highways Dept – further details regarding the parking has been requested.

4.3 Environmental Health Officer – no objections

4.4 Site notice/local residents – comments received as follows:

1. commend committee for taking plans to this stage;
2. the existing site is too small for a village hall although it is understood there is no alternative location available;
3. the shape of the building reduces car parking spaces and will result in cars parking on the narrow road outside;
4. there is no pavement at the upper end of The Nookin, which makes it difficult for pedestrians;
5. the front elevation is a considerable way in front of the building line of the adjoining properties;
6. uncertain whether the retaining walls will impinge on other peoples' land/access;
7. the position of the proposed hall is closer to the property opposite leading to overlooking and will encroach on space and privacy;
8. timber cladding is proposed for part of the building. The village does not have timber cladding, which looks cheap and requires maintenance;
9. a living roof also requires maintenance;
10. the road narrows at this point and causes congestion. Parking on the road will result as it sometimes does already.

5.0 OBSERVATIONS

5.1 The main issues to be considered relate to the scale, design and appearance of the proposed building; the anticipated impact on the character or appearance of the Husthwaite Conservation Area as a result of the proposal; consideration of the impact on the amenities of neighbouring residents and highways issues.

5.2 The demolition of the existing village hall is being considered separately under an application for conservation area consent.

5.3 There are no objections to the continued use of this site for a village hall. There are concerns about its location but the existing building is in need of replacement and no suitable alternative sites have been identified. The hall is well used and is hoping to attract new users following completion.

5.4 The siting of the proposed hall is in a similar position on the plot to the existing hall but the ground levels are to be significantly reduced to remove the existing steep slope up from the road. Additional details regarding levels are awaited to ensure that pedestrian access to the entrance is easily achieved from the road.

5.5 The design of the building is simple and functional with clean lines and minimal detailing. The mono pitched roofs reduce the bulk and dominance of the building, which then sits well below the landscaped sloping land to the rear. The footprint of the building

differs from the existing hall and a section is proposed close to the boundary with the road, in front of the established building line along this part of The Nookin. It is not considered that this is to the detriment of the streetscene or Conservation Area as the existing village hall is set much further back behind adjacent dwellings and there are established trees and hedgerows which add to the enclosed character of the road.

5.6 The positioning of the building close to the road will not have an adverse impact on residential amenity as it is far enough from neighbouring properties not to give rise to overlooking or have an overbearing impact.

5.7 There is some concern regarding the loss of parking facilities at the site. The applicant's agent states that the tarmac area to the front is used only for dropping off rather than for parking. Two dedicated disabled spaces are proposed to be provided at the front together with a turning area. The Highway Authority is giving further consideration to these matters and will submit further comments prior to the meeting. With regard to the provision of a footway along this stretch of The Nookin it is not felt appropriate to reduce the size of the site further for a short stretch of footway along this part of the road.

5.8 A bat survey has been submitted with the application, which suggests there is evidence of bat foraging activity although no bat roosts within the building or trees.

5.9 The tree report recommends the removal of 3 sycamores along the rear boundary of the site to allow the development of the village hall. Replacements are recommended, which will be more appropriate in the setting with the new village hall.

5.10 Subject to the resolution of the outstanding matters approval of the application is recommended.

SUMMARY

The proposed development will not be detriment to the character and appearance of the area and is acceptable in terms of siting, design and materials. It is considered that the development will not adversely affect residential amenity and highway safety. The development is in accordance with the above 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 part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

4. No means of exterior lighting within the site shall be provided without all details having previously been submitted to and approved by the Local Planning Authority in writing.

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 LDF Policies.
4. To ensure that the proposed development does not adversely affect the amenity of local residences in accordance with LDF Policy DP1.

6.

12/01035/CON

Application for conservation area consent to demolish existing village hall. at Village Hall The Nookin Husthwaite North Yorkshire for Husthwaite Parish Council.

1.0 PROPOSAL & SITE DESCRIPTION

1.1 The existing village hall lies towards the southern end of the village, on the eastern side of The Nookin and is within the Conservation Area. The existing building has a long and relatively narrow footprint and lies close to the side and rear boundaries of its plot. The building, which is single storey, is relatively low in height although the ground level slopes up from the road so that the building sits at a relatively high level. A tarmac parking area lies at the front of the site with two vehicular accesses onto The Nookin.

1.2 The northern boundary is formed by a post and rail fence which is approximately 1.2m in height, whilst the eastern boundary is formed by well established trees and bushes. The rear of the hall beyond the retaining wall is occupied by mature trees and shrubs on a steeply sloping embankment. Residential properties lie to either side and opposite at the front.

1.3 The application states that the existing building is not fit for purpose and is becoming structural unstable and that site constraints make it necessary to demolish it to make way for a new building.

1.4 It is proposed to remove the village hall and construct a replacement. The proposed replacement village hall is the subject of a separate application for planning permission.

1.5 A bat survey has been received.

2.0 PLANNING HISTORY

2.1 2/71/55/PA – Alterations to existing village hall. Permission granted 1982.

2.2 2/89/071/0055A – Extension to existing village hall. Permission granted 1990.

2.3 07/00422/FUL - Single storey storage and toilet extension to existing church hall. Permission granted 10/4/2007.

3.0 RELEVANT PLANNING POLICIES:

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

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP28 - Conservation

Development Policies DP32 - General design

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council – is the applicant

4.2 Site notice/advert/local residents – no comments received specifically regarding this application.

5.0 OBSERVATIONS

5.1 The main issue to consider in this proposal is whether the building is of importance to the character and appearance of the Hushwaite Conservation Area.

5.2 It is important that demolition of buildings that make a positive contribution to the character and appearance of a conservation area will not be permitted. It is clear from visual assessment of the building that the building is not of a quality or character that could be considered to make a positive contribution to the character or the appearance of the Conservation Area. It is suggested that the redevelopment of the site would improve its appearance. It is evident that the planning benefits that will arise from the removal of the building outweigh any possible harm from the removal of the building. The current proposed redevelopment scheme shows a new village hall on a different footprint within the same curtilage and is the subject of a separate planning application.

5.3 A bat survey has been submitted with the application, which suggests there is evidence of bat foraging activity although no bat roosts within the building or trees.

5.4 It is recommended therefore that the application for demolition be approved as, subject to the Members' decision in respect of the planning application, an acceptable replacement has been approved that will not adversely affect the character and appearance of the Conservation Area.

SUMMARY

The removal of the existing building will not result in any harm to the character and appearance of the Hushwaite Conservation Area. The scheme accords with the requirements of the above 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. The demolition of the building shown on drawing no.11020-002 received by Hambleton District Council on 21 May 2012, shall not commence until a contract for carrying out of works of redevelopment of the site is made and planning permission has been granted for the redevelopment for which the contract provides, and the redevelopment shall be commenced within 3 months of the commencement of the demolition.
3. Prior to the commencement of the demolition hereby approved, details shall be submitted to and approved by the Local Planning Authority of measures to protect the trees during the period of demolition. Thereafter the approved measures shall be implemented prior to the commencement of the demolition and retained until agreed in writing with 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. In accordance with Section 17(3) of the Planning (Listed Building and Conservation Areas) Act 1990 and to ensure that provision has been made

for the adequate redevelopment of the site and in accordance with LDF Policies.

3. The trees make an important contribution to the character and appearance of the Hushwaite Conservation Area and therefore should be protected in accordance with the LDF Policies.

7.

12/00527/FUL

Construction of two agricultural workers (two bedroomed) dwellings. at Morton Grange Farm Morton On Swale North Yorkshire DL7 9RQ for Mr & Mrs J Sanderson.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the construction of a pair of semi-detached two-bedroomed bungalows for occupation by agricultural workers employed by the farm business at Morton Grange Farm which lies some 800m south of the A684 in the centre of the village. The farm is served by a private track with access directly onto the A684 and comprises a pig and free range poultry enterprise.

1.2 The proposed dwellings lie entirely within the confines of the existing farm steading. The statement submitted in support of the application states that "The proposed site is located near to the main farmhouse and is located on the site of some old outbuildings which have recently been taken down for safety reasons. The proposed footprint of the dwellings is less than that of the buildings which previously stood on the site."

1.3 Morton Grange Farm itself comprises 240 acres (98 ha) of which 180 acres are arable with the remaining 60 down to grass. This farm has been run by the Sanderson family since 1935 and is currently operated by three partners, Mr AR Sanderson who looks after the pigs at Healam (see below) and lives at Patrick Brompton on a separate holding, his son James who is responsible for the overall running of the business and the pigs at Morton, and James' wife Lucy who also assists in the running of the business and, particularly the free range flock. In addition to Morton Grange the business also includes a 580 sow pig breeding operation at Healam House near Pickhill. Each sow produces an average of 26 piglets per year and the subsequent progeny from Healam House are brought to Morton Grange at the age of four weeks and fattened to bacon weight at around 5-6 months. The buildings at Healam House are rented on a farm business tenancy. There is no dwelling occupied by the Sandersons at Healam and emergency assistance is given by the owner of that holding. Morton Grange Farm has an extensive range of pig rearing buildings to cater for an average 'population' of 5,500 pigs at any one time and, in addition has a range of poultry buildings which hold an average of 28,000 birds.

1.4 All feed for the pigs is milled daily on the farm from home-grown produce supplemented by bought in cereals. The pigs are sold on contract with one load every week being moved out and an additional load every two weeks. The pigs are loaded at 4am for movement out.

1.5 The 28,000 free range birds range over an area of 29 acres and are housed in two sheds. They 'walk' within the open between 7am and 8pm (or dusk) with 11pm in summer. They lay for 13 months and then the sheds are emptied for one month for cleaning. Eggs are packed twice daily, 9am-1pm and then 5pm until 8pm.

1.6 All cereals from the arable land are milled and mixed for on-site use and all straw produced is also kept for farm use.

1.7 The labour force employed by the business, in addition to the partners noted above, comprise five full-time and three part-time regular workers. Two full-time are employed at Healam House (with Mr Sanderson senior providing additional labour) and three full-time at Morton Grange, two full-time on the pig enterprise and one, who occupies Morton Grange Cottage, split between the pigs and free range birds. Three part-time staff are employed

entirely on the free range birds (two of whom are wives/partners of full-time employees) and in addition seasonal and ad-hoc labour is required at different times of the year for general duties over the whole range of farm work.

1.8 A statement submitted in support of the application has provided a calculation of the labour requirements for the farm enterprise based upon the Agricultural Budgeting and Costing Book of 10.03 full-time equivalent job units. On the basis of this document's calculation the labour unit of one person is assumed to work 2205 hours per annum based upon 45 weeks at 39 hours plus 10 hours overtime per week. The DEFRA Farm Business Survey document assumes a lower number of hours per year of 1900. It is stated that if any of the current enterprises were to expand additional workers would be required.

1.9 It is also stated in support of the application that the workers at present rent accommodation in Morton-on-Swale, Ainderby Steeple, Leeming and Northallerton. The farm track has to pass other dwellings near the A684 and due to the need for unsociable hours of working during high demand periods, there are traffic movements through the village and surrounding area which could be reduced and would benefit local amenity. It is also stated that due to the growth of the business in recent years, including the extra animal livestock that the farm enterprise now has to deal with it became evident that the general staffing and on site staffing requirements have grown and as such the application is aimed at addressing the immediate needs of the farm in that respect.

2.0 PREVIOUS PLANNING HISTORY

2.1 03/00668/FUL : Construction of a pig building : Permission Granted June 2003.

2.2 03/01047/FUL : Construction of an agricultural storage building : Permission Granted July 2003.

2.3 07/00662/FUL : Construction of a poultry building : Permission Granted April 2007.

2.4 08/02553/FUL : Construction of an agricultural storage building : Permission Granted October 2008.

2.5 09/00079/FUL Construction of a poultry building : Permission Granted march 2009.

2.6 11/00242/FUL : Construction of a pig finishing unit : permission Granted April 2011.

3.0 RELEVANT PLANNING POLICIES:

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

National Planning Policy Framework - published 27 March 2012

Development Policies DP1 - Protecting amenity

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP32 - General design

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

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

Development Policies DP9 - Development outside Development Limits

Development Policies DP26 - Agricultural issues

Development Policies DP37 - Open space, sport and recreation

4.0 CONSULTATIONS

4.1 Morton-on-Swale Parish Council : Awaited.

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

4.3 Yorkshire Water : No objections.

4.4 Environment Agency : No objections.

4.5 The application was advertised by site notice at the entrance to the site and the three closest neighbours were consulted. No representations have been received.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the principle of the development of the site in a location outside defined development limits for the village (Policies CP4, DP9 and DP26), the scale, design and materials proposed (Policies CP17 and DP32) together with the impact of the development on local visual amenity and landscape character (Policies CP16 and DP30). The contents of the National Planning Policy Framework (paragraphs 28 and 55), which has superseded the previously relevant PPS7, Annex A : Sustainable Development in Rural Areas, is also to be taken into account in this case.

5.2 The form, scale and design of the proposed dwellings, which are a semi-detached pair of modestly sized two-bedroomed bungalows, entirely within the confines of the existing farm steading, are fully appropriate to their proposed use and location and will have no adverse impact on local visual or adjacent residential amenity as they will not be visible from outside the farm holding.

5.3 Paragraph 28 of the NPPF states that Local Planning Authorities should "support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings." It goes on to say that they should also "promote the development and diversification of agricultural and other land-based rural businesses." Paragraph 55 states that "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities" The paragraph, nevertheless goes on to say " Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside." Policy CP4 fully reflects this statement in requiring that any development outside development limits will only be permitted in exceptional circumstances when it is necessary to meet the needs of an enterprise to locate in the countryside and will help to support a sustainable rural economy. Policy DP9 states that 'Permission will only be granted for development outside Development Limits in exceptional circumstances having regard to the provisions of Policy CP4, or where it constitutes a replacement of a building, where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion.' The applicant has already indicated that a previous brick and tile agricultural building on this site was demolished for safety reasons. It is almost certain that a conversion of such a building to provide new dwellings would not have achieved 'a more acceptable and sustainable' result.

5.4 Morton Grange Farm is an established farming enterprise which, as noted above, has been operated by the applicant's family for in excess of 75 years. It is a profitable business with significant recent investment in both the pig and free range operations as may be understood from the recent developments on the farm set out in Section 2 above. The description of the farm enterprise at Morton Grange has been set out in Section 1 above where it is explained that there are, in effect, three elements to the stock side of the business ie the pig breeding at Healam House, which is directly related to the pig fattening operation at Morton whilst also at Morton is the free range hen business which is separate but carried on within the same holding. The breakdown of the partners' (three) and employees' (five full-time and three part-time) normal responsibilities has also been explained above. It is, nevertheless, the case that a significant amount of cover is supplied by the partners/workers, who have specific responsibilities but also give assistance on other parts of the farm business.

5.5 Whilst the 'functional test', previously part of Annexe A to PPS 7, is no longer applicable since the publication of the National Planning Policy Framework a judgement needs to be made as to the requirement for workers to be on hand to enable the proper, safe and efficient running of the agricultural enterprise. The report prepared on behalf of the applicant in support of the application states that "The number of pigs and hens on the farm require constant attention and the health and welfare implications for the supervision and management of livestock are important in determining the need for staff to be housed either on, or in close proximity to, the livestock buildings. Night and day attendance within a reasonable distance of the buildings (ie to be within sight and sound of livestock) is required to check pigs, shut up hens and to be alert to potential for animal distress or fire...Special attention is drawn to the Codes of Recommendations for the Welfare of Livestock Applicable to pig and poultry as published by DEFRA and the Soil Association Organic Standards. These refer to the need for rapid diagnosis and the treatment of injury and disease, the need for adequate fire precautions and plans for dealing with other emergencies...The protection of the livestock from injury and theft is of considerable concern when farm buildings are left unattended."

5.6 It has been described above that there are three partners in the farm business although of those Mr Sanderson (senior) lives at Patrick Brompton, some 9 miles away from Morton and in any event his special responsibility is the breeding pigs at Healam. Mr James Sanderson and his wife are the other partners, living in Morton Grange Farmhouse (ie the original 19thC dwelling), and, consequently, when one of them is away from the farm for any length of time (ie holidays) they will both be. That leaves a full-time worker (see para 1.7 above), who lives in Morton Grange Cottage, a 1950s dwelling, which is directly adjacent to the free range hen buildings, as the only other permanent resident worker. This cottage is in excess of 100m away and consequently not fully within 'site and sound' of the main pig buildings which lie to the west of the main steading. The site proposed for the two new dwellings is directly adjacent to the pig buildings within the centre of the farm steading.

5.7 In view of the scale of the livestock on the applicant's holding (ie 5,500 pigs and 28,000 free range birds) at any one time and the consequent need to ensure adequate manpower to cover safety, welfare and efficiency needs a decision must be made as to the level of accommodation on the farm which is necessary for this purpose. The overall level of employment on the farm, based on the calculated needs of DEFRA guidelines and the Agricultural Budgeting and Costing standards, in terms of annual hours worked translated into 'bodies on the ground' has been established at around 10 full-time equivalent (which includes those employed at Healam) and which is approximately that currently available (ie 3 partners + 5 full-time +3 part-time). Clearly, although the figure of 10 (approx) is needed in labour terms the accommodation required will be for a much lower number. The current number of people available on the holding for 24 hours ie Mr and Mrs James Sanderson plus one other full-time worker does not give much flexibility or emergency cover to the enterprise and it is considered that there is a sound case for at least one more dwelling. A decision on that point must, however, go further in this case, to establish if that need is such that two new dwellings are required or justified. It is pertinent to remember that the application relates a pair of two-bedroomed units only which would be appropriate accommodation for farm workers whilst not for a manager or owner/partner. Insufficient evidence has been provided to demonstrate that there is an essential need for two additional residential units.

5.8 It is at present proposed that the dwellings would be occupied by four of the applicant's employees: two full-time workers are married to two part-time workers, each with children who attend Morton School or nursery. Although the part-time workers are not essential to the provision of emergency night time cover, their residence on the holding would be a positive sustainability benefit by virtue of a reduction in their journeys to and from the farm for shift working (see paragraph 1.5 above) and also additional security. In addition the NPPF reference in paragraph 55 (as noted in para 5.3 above) to the fact that the promotion of sustainable development in rural areas includes housing which should be located where it will enhance or maintain the vitality of rural communities should be borne in mind. However, this initial occupation/relationship may not continue in perpetuity and, with the exception of an agricultural employment clause, cannot be conditioned as such.

5.9 In conclusion it is considered that this is a balanced case whereby the needs of the holding justify an additional dwelling in view of the scale of the two separate livestock operations which are carried out on the farm. The approval of a second new dwelling is much less clear and as noted above insufficient evidence has been provided to demonstrate that there is an essential need for two additional residential units. Although other factors can be taken into account such as the commercial realities that the full- and part-time workers employed are a couple, and the consequent reduction in travel to and from the site would enhance the families social life, together with the contribution which additional families may make towards local social and economic life in Morton-on-Swale, and that the two small units would be relatively 'affordable' units of accommodation these should not be considered 'normal' planning considerations and should not be given significant weight in making a decision on this proposal.

5.10 Taking into account, in addition to the agricultural circumstances referred to above, the inconspicuous nature of the site location entirely within the confines of the steading, the modest size of the units, the Policies within the Local Development Framework and the wider benefits to a rural community contained within the NPPF, it is considered that a conditional permission can be granted for a single dwelling, but the case for two dwellings can not be supported. Subject to the deletion of the second dwelling from the proposal it is recommended that the scheme for a single additional dwelling is granted subject to the satisfactory conclusion of a Unilateral Undertaking in respect of the provision of funds towards local public open space/recreational facilities required by Policy DP37 and imposition of an agricultural occupancy condition on the two existing agriculturally occupied dwellings at the farm.

SUMMARY

It is considered that the proposal for a single dwelling is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document and the contents of the National Planning Policy Framework identified in the above report in that an additional dwelling, located entirely within the existing farm steading, is essential to the operation of the farming business and will have no adverse impact on local visual amenity or landscape character.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the domestic curtilage of the development have been submitted to and approved in writing by the Local Planning Authority
3. The dwellings shall not be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 2 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.
4. The occupation of the new dwelling and the two existing dwellings Morton Grange and Morton Grange Cottage 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.

5. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (Ref 2012:09/02 Rev.A ; 2012/09/03 Rev.C) and details attached to planning application 12/00527/FUL received by Hambleton District Council on 6th 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. In order to define the domestic curtilages in view of the relationship of the dwellings to adjoining agricultural buildings and activities.
3. In order to define the domestic curtilages in view of the relationship of the dwellings to adjoining agricultural buildings and activities.
4. The dwellings are within an area where the Local Planning Authority considers that new residential development should be restricted to that which is essential in the interests of agriculture or forestry in accordance with Hambleton Local Development Framework Core Strategy Policy CP4.
5. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16, DP30 and DP9.

8.

12/00766/FUL

Change of use of shop (A1) to offices (A2). at Pennita 136 High Street Northallerton North Yorkshire for Calder Meynell LLP.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the change of use of a vacant A1 retail unit to office use (A2) on the eastern side of the High Street immediately opposite the junction of the High Street with Romanby Road. The site is within the Primary Retail Area and the Northallerton Conservation Area.

1.2 The applicants have stated in support of the application that : "The main objective of our move is to obtain larger premises as where we are currently, there are only two rooms available and as the practice has grown significantly over the last twelve months this is no longer practical for us. The new premises would allow us to employ a new member of staff therefore creating a new job opportunity in the town. I appreciate that the change of use application can be deemed to be contrary to policy however there are an increasing number of vacant properties on the High street and after speaking to the agent, I can confirm that there has been no interest whatsoever in Pennita in the last twelve months aside from our offer. It is not good for a High street to have many vacant properties and on that basis, we would hope that the Council would look favourably on our application. As the property has excellent access as it has a ground floor area, this would enable elderly or infirm clients to access legal services more easily.

1.3 This part of the High Street is not entirely retail and does contain a number of other mixed uses in the vicinity of the application site.

2.0 PREVIOUS PLANNING HISTORY

2.1 There have been no previous applications within the site.

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 CP14 - Retail and town centre development
Development Policies DP20 - Approach to town centre development
Development Policies DP22 - Other town centre uses

4.0 CONSULTATIONS

4.1 Northallerton Town Council : No observations.

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

4.3 The application was advertised by site notice at the front of the premises and the three adjacent neighbours were consulted. No representations have been received.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the justification of allowing an additional non-retail use in this location within the Northallerton Primary Shopping Frontage taking into account the benefits which may accrue to the overall vitality of the town centre as

a result of the unit being occupied, including the creation of additional employment (Policies CP14, DP21 and DP22). The contents of the National Planning Policy Framework are also relevant in this case.

5.2 Policy DP21 states that within the Northallerton Primary Retail Frontage non-retail commercial uses will be permitted where they will not constitute more than 25% of the frontage, measured by total distance. The Local Development Framework Annual Monitoring Report dated December 2011 showed that in Northallerton the total non-retail element was 32% which includes a vacancy percentage of 3%. Consequently, on that basis the proposal would be contrary to that Policy.

5.3 However, it has been noted above that the building has been vacant for a year since the closure of the previous business. Policy CP14 states that support will be given to maintaining and enhancing the vitality and viability of the Service Centre town centres. It states that retail and other town centre developments of a scale appropriate to their roles will be supported where this respects the character and environment of the centre and assists in maintaining its retail function. Policy DP22 also adds that the development of appropriate non-retail town centre uses, including commercial and office uses, will be encouraged where support is given to the viability and vitality of the centre and access is available for all sectors of the community. Paragraph 23 of the NPPF states that Local Planning Authorities should look positively on ' a range of suitable sites to meet the scale and type of retail, leisure, commercial and office development needed in town centres.' It adds that 'It is important that needs for retail, leisure, office and other main town centre uses are met in full and not compromised by limited site availability.'

5.3 It has been noted above that the applicant has been advised by the property's letting agent that there have been no other offers on this unit since the closure of the previous business over 12 months ago. The agent has indicated that this is, in part, due to the small floor area of this building and its lack of appeal to many retail users. A decision must, therefore, be taken on the relative benefits of allowing a change to a non-retail use if this will enable a new tenant to occupy the building and create an additional job opportunity. It is, consequently, considered in this instance that in view of the restricted appeal of the building to retail users (which is evidenced by its vacancy for in excess of 12 months) a conditional permission can be granted which will assist in maintaining the viability and vitality of the town centre and provide additional employment.

SUMMARY

It is considered that the proposal is in general accordance with the Policies within the Local Development Framework Core Strategy, the Development Policies document and the contents of the National Planning Policy Framework identified in the above report in that notwithstanding the contents of Policy DP21 the proposed use is complementary to the main town centre retail function and will assist in maintaining the overall vitality and viability of the Northallerton town centre and provide an additional employment opportunity.

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 and details attached to planning application 12/00766/FUL received by Hambleton District Council on 5th April 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. 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 CP14 and DP22.

9.

12/01014/FUL

Demolition of existing domestic garage and construction of a dwelling. at Land To Rear Of 2 Prospect Cottages Bankhead Road Northallerton North Yorkshire for Mr N Denmark.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the construction of a two-bedroomed detached bungalow on a plot of land to the east of Bankhead Road on the north-eastern fringe of the town.

1.2 The plot measures 20m in depth x 12.5m in width. It is bounded to the north by the garden curtilages of three dwellings in Bramblefields, to the east by a pair of garages which serve 2 Prospect Cottages which is one of a pair of semi-detached dwellings to the south, and to the west by the side elevation of a semi-detached dwelling (137 Bankhead Road). The plot would take access from the adjoining 'hammerhead' turning area off Bankhead Road across a shared access area which also serves the adjacent 2, Prospect Cottages. The site at present is partly grassed with hardcore areas adjoining. There are no physical boundaries (other than temporary steel fencing) to the southern and eastern boundaries.

1.3 The proposed bungalow measures 10.3m in length x 6.3m in depth. It is orientated such that the front elevation faces westwards towards 137 Bankhead Road and is a maximum of 9.6m from the side elevation of that property. The north elevation (which has no openings) faces towards the dwellings in Bramblefields and is between 13.1m and 15m from those dwellings. The rear elevation faces towards the adjacent pair of garages, being 1m from the rear boundary. The south elevation (which also has no openings) faces towards 2 Prospect Cottages and is 11.6m away from that dwelling at the closest point. There are no openings in the facing elevation of 2 Prospect Cottages.

1.4 The site is currently vacant and has been used for the storage/parking of vehicles belonging to the applicant.

2.0 PREVIOUS PLANNING HISTORY

2.1 There have been no previous applications within the site. Pre-application advice was offered advising that an application for residential development on this site would not be supported.

3.0 RELEVANT PLANNING POLICIES:

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

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP4 - Settlement hierarchy

4.0 CONSULTATIONS

4.1 Northallerton Town Council : No observations on the proposal.

4.2 North Yorkshire County Council (Highways Authority) : Queried the status of the 'shared access' but considers it difficult to sustain a formal objection. A detailed access condition was specified and should be imposed in the event of a permission being granted.

4.3 Yorkshire water : No objections.

4.4 The application was advertised by site notice on the front boundary of the site and the five closest neighbours were consulted. Five letters of objection have been received from neighbouring residents in respect of car parking and access, flooding risk, impact on amenity and the loss of trees and hedges from the site.

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, if any, on adjacent residential amenity (Policy DP1).

5.2 The site is within the defined development limits of Northallerton which is designated as a Principle Service Centre in the context of Policy CP4, having a full range of local services and facilities appropriate to accept additional residential development.

5.3 The dwelling proposed is a single storey unit of modest size although it is located in close proximity to surrounding development, particularly to the semi-detached dwelling to the west, as noted above. The distances to the dwellings to the north and south, together with the limited profile of the facing gables of the proposed dwelling and the absence of openings would not have a significant adverse impact on their amenity or privacy. The land to the east is part of the curtilage of 1 Prospect Cottages although a 'detached' part which houses a double garage and, again there would be no significant impact on neighbouring amenity. However, the front elevation of the dwelling is only 7m from the curtilage of the dwelling to the east and within 8m of its facing elevation at the closest point. Notwithstanding that this elevation is the side of the property with only a landing window, side entrance door and is screened by a 2m high fence, it will adjoin the front garden of the proposed dwelling where, in view of the absence of a rear garden, the main amenity area and car parking/turning areas of the new dwelling would be located.

5.4 Vehicular and pedestrian access into the site is from the end of the adopted turning area off Bankhead Road and off a shared concrete drive not in the ownership of the applicant and, again, would not have any significant impact on adjacent amenity.

5.5 However, the distance between the main, front elevation of the proposed dwelling and the neighbouring property is below the standard required to protect their respective amenity and, consequently, it is recommended that the application should be refused as set out below.

6.0 RECOMMENDATION:

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

1. Notwithstanding the modest scale of the proposed dwelling, its proximity and orientation to the dwelling to the west is such that the development of the site in the manner proposed would have an unacceptable impact upon the residential amenity of the occupiers of that property and would provide an unacceptably poor standard of amenity for future occupiers of the proposed dwelling and is therefore not a high quality design and is contrary to Local Development Framework Policies CP1, DP1, CP17 and DP32 and the National Planning Policy Framework's core planning principles and requirements for good design.

10.

12/00998/FUL

**Construction of a sow building.
at Romanby Grange Boroughbridge Road Northallerton North Yorkshire
for R.E. Phillips & Son.**

1.0 PROPOSALS AND SITE DESCRIPTION

1.1 Planning permission is sought to erect a new sow building. This application is one of three current applications relating to the intensification of the current farming activities at Romanby Grange Farm.

1.2 The proposed building measures approximately 46m long x 16.11m wide x 3.40m in height to the eaves and 4.83m in height to the ridge and would be constructed using a portal frame with concrete wall panels with traditional Yorkshire Boarding above and fibre cement roof sheets.

1.3 The manure from the existing sow house is currently stored in an open midden to the north of the building. This will remain unchanged by the development. However an additional covered midden, measuring 152 sqm, will be located to the south of the sow building.

1.4 The overall proposal will increase the existing sow numbers to a total of 380, which in turn will give a maximum 2,520 pigs on this expanded site.

1.5 A tree planting scheme has been incorporated into the proposal in an effort to help screen the development from neighbouring dwellings.

1.5 The surface water collected from the roof of the proposed Sow building will connect into soakaways located on the farm site.

1.6 The site is accessed from Boroughbridge road via a metalled driveway.

1.7 Romanby Grange is a 670 acre agricultural holding located off Boroughbridge Road on the southern edge of Romanby. The farm consists of a farmhouse & office and numerous agricultural buildings used for a pig breeding enterprise. The existing farm has the capacity for approximately 1260 pigs of which 190 are sows. The progeny are reared to approximately 50kgs and then transported to nearby Hall Farm where they are taken to finishing weight.

1.8 Residential properties on Oaktree Drive are located approximately 57m to the north. Open farmland surrounds the farm to the east, west and south.

1.9 The Applicant is related to an Elected Member of the Council.

2.0 RELEVANT PLANNING HISTORY

2.1 2/95/123/0487A - Construction of an agricultural building for the accommodation of livestock (Granted 15.09.1995)

2.2 AN2/96/123/0487B - Application of Prior Notification to construct a tractor and feed store (Granted 03.12.1996)

2.3 11/02590/FUL - Construction of a pig farrowing building (Granted 18.01.2012)

2.4 11/02591/FUL - Construction of a weaner grower building and silo (Withdrawn on 18.01.2012)

2.5 11/02592/FUL - Construction of a sow building (Withdrawn on 18.01.2012)

2.6 12/00999/FUL - Construction of a pig farrowing building (Pending Consideration)

2.7 12/01000/FUL - Construction of a weaner grower building and silo (Pending Consideration)

3.0 RELEVANT PLANNING POLICIES:

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

National Planning Policy Framework - published 27 March 2012

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 DP3 - Site accessibility

Development Policies DP9 - Development outside Development Limits

Development Policies DP25 - Rural employment

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

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation

Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Parish Council – no observations received.

4.2 NYCC Highways – no objections subject to conditions.

4.3 HDC Environmental Health Officer - The proposed building would be used to double the number of sows kept at the farm to 380.

It is proposed to replace the current open midden used for manure storage with a covered midden (by part of the roof) to the south of the building. It is suggested that this will reduce ingress of rainwater and thus the volume of dirty run-off water and that being covered, will reduce the odour emissions having the potential to affect nearby properties.

The proposed unit is approximately 75m away from the nearest non-associated residential properties which is closer than the 100m distance suggested by the former MAFF where odours from livestock and manure are usually strong and the 400m advisable separation distance to prevent odour problems. The covered midden unit would however be at a distance of 100m from the nearest dwellings.

This must be considered alongside the fact that the current sow unit is a similar distance and has operated previously without odour complaints to this department.

Whether this application is acceptable or otherwise in environmental terms hinges on whether the improved covered midden will offset the potential increase in odour emissions from the doubling of sows housed within the new unit. This will, to a large extent depend on the management of this unit, the midden and other units on the farm, and on past

performance evidenced by the absence of complaints received by this department, it would appear the farm has been managed in a way such that a nuisance has not arisen.

Other issues that need to be taken into consideration is the increase in delivery of feed to the farm (to 4 full per week). It is understood that the applicant has agreed to change delivery times to ensure that they do not take place before 0700hrs where currently this could be as early as 0600hrs.

Recommend that the following conditions are attached:

- (1) There shall be no deliveries vehicles arriving or leaving the site before 0700hrs or after 1800hrs Monday to Saturday and at any time on Sunday or Public Holidays.
- (2) No slurry or manure arising from the development hereby approved shall be spread on the land north of Romanby Grange between Romanby Grange and dwellings on Oaktree Drive.

Also recommend that an informative is attached to any planning approval as follows:

“The applicant is advised that, without a high standard of management for intensive livestock units in proximity of dwellings, there is the potential for statutory nuisance by way of noise or odours. The Applicant should be aware that the granting of planning permission for this development will not provide a defence in the event that noise or odours arise at anytime in the future which are deemed to be a statutory nuisance. In the event of such statutory nuisance arising, the Council are legally required to take action under Part III of the Environmental Protection Act 1990 to require the nuisance to be abated.”

4.4 Environment Agency – No objections. In addition, an Environmental Permit will not be needed for the site. Further information indicates that the proposed heard weights will vary between 8kg and 40kg (with approximately 300 product pigs above 30kg). This falls below the intensive livestock threshold of 2,000 product pigs (over 30kg) as outlined in section 6.9 Schedule 1 of The Environmental Permitting (England and Wales) Regulations 2010.

4.5 Publicity - a site notice was erected close to the application site and near neighbours have been consulted in writing. The period for replies expires on 1 August 2012. Nine objections have been received and are summarised as follows: -

- 1) What will happen to the existing midden on the north side (facing the residential area) of the existing building between items 2 and 4? The quantity of material dumped here is always of considerable volume and open to all weathers. Surely the same considerations that are applied to the new item 5 should also apply to this existing midden if it is to continue in use?
- 2) The most obnoxious odour can arise from the incinerator. Ask that there is tight control over incinerator use and maintenance to limit use and limit very offensive odours/emissions which can arise.
- 3) The proposed landscaping scheme is insufficient. “Whips” will take years to provide reasonable screening. Wish to see the inclusion of more mature trees and shrubs alongside the “whips”. Could spoil be used to create a raised bund along the screening strip to further aid effective use of the planting?
- 4) Whilst recent changes to feed delivery times have been made there will still be an unacceptable increase in noise associated with traffic, farmyard manure ‘distribution’, pig transportation and feed deliveries.
- 5) As conceded in the Design and Access Statement residents already “live with a degree of odour from the current operations” so we do not agree with the comment that there will be “no overall increase in odour from the site”.
- 6) The increase in farmyard manure produced will be collected, stored and spread locally during the summer months. The larger quantities of manure and urine will create an increase in the horrendous overpowering stench. This is unacceptable to those neighbours

who wish to spend time in their gardens, hang out washing or even just have window open as the prevailing winds are predominantly in this direction.

7) The produced gasses which pose both respiratory threats and create a foul stench include ammonia, methane and hydrogen sulphide. This is unacceptable to the neighbouring community.

8) What guarantees are there that the surrounding agricultural farm land neighbouring the houses will not be used for pig rearing, feeding or holding?

9) Whilst we fully understand that this planning application seeks to support sustainable economic growth, the proposal does not fully consider "protection of residential amenity" – the proposed expansion would be more sympathetically viewed if it did not seek to double the size of the existing pig farm and was located to the South/South West of the existing farm.

10) Why indeed should the existing open midden remain at all, given that it is not beyond the recommended 400 metres from residential property and arguably it constitutes a Statutory Nuisance as defined in Section 79 of the Environmental Protection Act of 1990?

11) The buildings will be visually intrusive.

12) Winds from the North, East or West will carry the odours several kilometres before they reach residential properties. This is essentially irrelevant in view of the fact that the prevailing wind from the South- West takes the smell to our home and to others within 90 metres.

13) It is claimed in the Design and Access Statement "Evaluation" that "the farm is an important local employer and will be seeking employment for further part-time workers through an increase in herd numbers." Yet in Section 19 of the Planning Application form it is stated that the proposal, if accepted, would only increase the workforce from 2 full-time to 3 full-time staff.

14) If the current pig farm did not exist, would planning consents be granted for such a farm and for the proposed doubling of capacity on the same site, so near to residential property, bearing in mind the Town and Country Planning (General Permitted Development) Order of 1995?

15) In view of the 670 acres owned by the applicant, cannot this proposed example of industrial farming with the attendant notorious problem of smells associated with pig rearing, be accommodated in a socially acceptable location?

16) Farrowing Building - accept that this will probably be approved as it would be replacing an existing structure but what of Items 4 and 5? These are new buildings on an industrial scale, well within sight of the residential area and very much inside of, by any reasonable assessment, what would be considered a suitable separation area between any residential and farming/industrial development.

17) The resubmission of a previous application (subsequently withdrawn) fails to address concerns regarding visual, noise and odour issues.

18) The erection of the proposed sow building, some 742 sqm of floorspace, will greatly impact on the landscape.

19) Incorporation of a midden within the building, still only 105 metres from residential properties, will provide only visual benefits.

20) The building construction, top half Yorkshire Boarding, will not contain the odour generated by up to 300 cubic metres of manure or the sound of vehicles used in the collection and moving process.

21) Deciduous trees given screening only from spring to autumn.

22) Doubling of the herd size, at present 1260 pigs to 2520 pigs, will more than double activity, vehicle movement, noise and odour generated within the farm. Vehicle and property maintenance, cleaning of sow buildings, moving/storage of manure and slurry, replenishment of feed silos and use of incinerator will all increase proportionally.

5.0 OBSERVATIONS

5.1 The main issues for consideration in the determination of this application relate to: the principle of the development, design, landscaping, impact on neighbours and highway impacts.

5.2 Paragraph 28 of the National Planning Policy Framework (NPPF) directs local planning authorities to "support economic growth in rural areas in order to create jobs and

prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings” and “promote the development and diversification of agricultural and other land-based rural businesses.”

5.3 Policy CP4 of the Core Strategy stipulates that development in the open countryside will only be supported when an exceptional case can be made and when inter alia “it is necessary to meet the needs of farming...and will help to support a sustainable rural economy.”

5.4 Policy DP26 of the Development Policies DPD states that agriculture will be supported...by measures that include inter alia ii) promotion of sustainable forms of agriculture which include environmentally sensitive, organic, and locally distinctive food production and iv) guiding development of new agricultural buildings...to locations which are sensitive to their environment.

5.5 The proposed sow building is considered to facilitate sustainable economic development that supports traditional land-based activities and is therefore considered to comply with the aims and objectives of the NPPF and policies CP4 and DP26 of the Hambleton Local Development Framework.

5.6 Paragraph 56 of the NPPF states that “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

5.7 Policy DP32 of the Development Policies DPD requires all development to be of the highest quality. 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.

5.8 The proposed design is common to other large scale buildings seen throughout the District. Furthermore, the careful choice of colour and non-reflective materials in the finish of the buildings roof and facades will help reduce its immediate presence within the landscape.

5.9 The proposed buildings will be in keeping with the surrounding landscape which is interspersed with farm holdings and isolated brick-built dwellings. However, due to the site’s position within the landscape and limited screening, clear and immediate views of the proposed development will be possible from neighbouring dwellings. Consequently, a proposed tree planting scheme has been submitted with the application in order to help assimilate the new building into its surroundings. This scheme proposes to use a mixture of feathered and standard deciduous trees, to be planted during October to February. Further details and implementation of the landscaping scheme should be secured via condition.

5.10 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 (including light pollution), odours and daylight.

5.11 The nearest residential dwellings, Oak Tree Drive, are located approximately 57m to north of the application site and several objections have been received in relation to air pollution, odour, noise and general disturbance.

5.12 The Applicant has confirmed that manure is stored for a maximum of three months when it is then cleared and transported to surrounding fields. R.E. Phillips & Son are in control of 670 acres of farm land of which only 25 acres is actually at Romanby Grange. The manure is taken away to field heaps on this surrounding farmland, well away from any domestic dwellings.

5.13 It is also current practise for any farmyard manure spread on the land adjacent to the houses north of Romanby Grange to be ploughed into the ground within 24 hours to minimise odour.

5.14 In terms of deliveries, all feed supplies are delivered to the farm and currently comprise of three part loads of feed per month. This will increase to four full lorry loads per month with the additional livestock proposed.

5.15 There is one part full tractor and trailer load of 50kg grower pigs transported off-site per week, to Hall Farm three miles away. This will change to two loads per week with the additional livestock proposed. Every six to eight weeks there is one small load of culled retiring breeding sows transported of site to slaughter.

5.16 Despite the proposed increase in pig numbers on the site, the incinerator will still only be in operation once a week and will not burn more than 50kgs/hour. The current incinerator is inspected annually and relicensed by DEFRA every 2 years. Temperatures are recorded to confirm that the equipment is burning efficiently. The incinerator is already in-situ and therefore cannot be subject to further control via this particular application.

5.17 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 hours of deliveries and control over the spreading of slurry. As a consequence, residential amenity can be adequately protected and, as a result, the proposed development is considered to comply with Policy DP1.

5.18 No objections have been received from the Local Highway Authority with regards to highway safety or degradation of the highway itself. Consequently, it is considered that the local road network will be able to cope with the likely increase in vehicle movements.

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

SUMMARY

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

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered: P11-PPSH-001 Rev.B received by Hambleton District Council on 10th May 2012 and P11-PPSH-003 Rev.D, P11-PPSH-004 Rev.D and P11-PPSH-006 Rev.C received by Hambleton District Council on 31st May 2012 unless otherwise agreed in writing by the Local Planning Authority.
3. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which

within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

4. 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 160m to the south and 90m to the north measured along both channel lines of the major road A167 Boroughbridge Road from a point measured 2.0m 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.

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

6. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. (iii) The approved areas shall be kept available for their intended use at all times that construction works are in operation.

7. There shall be no deliveries vehicles arriving or leaving the site before 0700hrs or after 1800hrs Monday to Saturday and at any time on Sunday or Public Holidays.

8. No slurry or manure arising from the development hereby approved shall be spread on the land north of Romanby Grange between Romanby Grange and dwellings on Oaktree Drive.

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 Policies CP16, CP17, DP30 and DP32.

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 CP16, CP17, DP30 and DP32.

4. In the interests of highway safety.

5. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
6. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
7. In order to protect the amenity of neighbouring residents in accordance with Policy DP1 of the Development Policies DPD.
8. In order to protect the amenity of neighbouring residents in accordance with Policy DP1 of the Development Policies DPD.

11.

12/00999/FUL

Construction of a pig farrowing building. at Romanby Grange Boroughbridge Road Northallerton North Yorkshire for R.E. Phillips & Son.

1.0 PROPOSALS AND SITE DESCRIPTION

1.1 Planning permission is sought to erect a new farrowing building. The site for currently houses a dilapidated pig shed which will be demolished to make way for the new building, therefore being built within the curtilage of the existing farm buildings. This application is one of three current applications relating to the intensification of the current farming activities at Romanby Grange Farm.

1.2 The proposed building measures approximately 15.4m long x 12.3m wide x 2.15m in height to the eaves and 3.32m in height to the ridge.

1.3 The building will be a prefabricated system build, constructed from a laminated and insulated timber framed panel system. The external cladding is finished in flexstone green and the internal lining is a hygienic, washable polypropylene. The structure will be erected over sealed, underground concrete slurry tanks.

1.4 The overall proposal will increase the existing sow numbers to a total of 380, which in turn will give a maximum 2,520 pigs on this expanded site.

1.5 A tree planting scheme has been incorporated into the proposal in an effort to help screen the development from neighbouring dwellings.

1.6 The surface water collected from the roof of the proposed farrowing building will connect into soakaways located on the farm site.

1.7 The proposed farrowing building will use a recirculation system which recycles air within the building. The fans to be used are thermostatically controlled to keep a constant temperature of 26 degrees and are designed to run at these low speeds to avoid disturbance to the livestock and reduce the potential for noise pollution to the surrounding environment.

1.8 The site is accessed from Boroughbridge road via a metalled driveway.

1.9 Romanby Grange is a 670 acre agricultural holding located off Boroughbridge Road on the southern edge of Romanby. The farm consists of a farmhouse & office and numerous agricultural buildings used for a pig breeding enterprise. The existing farm has the capacity for approximately 1260 pigs of which 190 are sows. The progeny are reared to approximately 50kgs and then transported to nearby Hall Farm where they are taken to finishing weight.

1.10 Residential properties on Oaktree Drive are located approximately 57m to the north. Open farmland surrounds the farm to the east, west and south.

1.11 The Applicant is related to an Elected Member of the Council.

2.0 RELEVANT PLANNING HISTORY

2.1 2/95/123/0487A - Construction of an agricultural building for the accommodation of livestock (Granted 15.09.1995)

- 2.2 AN2/96/123/0487B - Application of Prior Notification to construct a tractor and feed store (Granted 03.12.1996)
- 2.3 11/02590/FUL - Construction of a pig farrowing building (Granted 18.01.2012)
- 2.4 11/02591/FUL - Construction of a weaner grower building and silo (Withdrawn on 18.01.2012)
- 2.5 11/02592/FUL - Construction of a sow building (Withdrawn on 18.01.2012)
- 2.6 12/00998/FUL - Construction of a sow building (Pending Consideration)
- 2.7 12/01000/FUL - Construction of a weaner grower building and silo (Pending Consideration)

3.0 RELEVANT PLANNING POLICIES:

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

National Planning Policy Framework - published 27 March 2012
 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 DP3 - Site accessibility
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP25 - Rural employment
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design

4.0 CONSULTATIONS

- 4.1 Parish Council – no observations received.
- 4.2 NYCC Highways – no objections subject to conditions.
- 4.3 HDC Environmental Health Officer - The proposed unit is approximately 65m away from the nearest non-associated residential properties which is closer than the 100m distance suggested by the former MAFF where odours from housed livestock and manure are usually strong and the 400m advisable separation distance to prevent odour problems.

This must be considered alongside the fact that the farrowing unit is a similar distance as existing livestock units which have operated previously without odour complaints to this department.

Whether this application is acceptable or otherwise in environmental health terms will, to a large extent depend on the management of this unit, the underground slurry tank and other units on the farm, and on past performance, evidenced by the absence of complaints received by this department, it would appear the farm has been managed in a way such that a nuisance has not arisen.

Other issues that need to be taken into consideration is the increase in delivery of feed to the farm (to 4 full loads per week). It is understood that the applicant has agreed to change

delivery times to ensure that they do not take place before 0700hrs where currently this could be as early as 0600hrs. It is also proposed to incorporate 4 x thermostatically controlled air recirculation units to maintain the internal temperature of the building.

If this application is approved I would recommend that the following conditions are attached:

- 1 There shall be no deliveries vehicles arriving or leaving the site before 0700hrs or after 1800hrs Monday to Saturday and at any time on Sunday or Public Holidays.
- 2 No slurry or manure arising from the development hereby approved shall be spread on the land north of Romanby Grange between Romanby Grange and dwellings on Oaktree Drive.

Would also recommend that a Note to applicant is attached to any planning approval as follows:

“The applicant is advised that, without a high standard of management for intensive livestock units in proximity of dwellings, there is the potential for statutory nuisance by way of noise or odours. The applicant should be aware that the granting of planning permission for this development will not provide a defence in the event that noise or odours arise at anytime in the future which are deemed to be a statutory nuisance. In the event of such statutory nuisance arising, the Council are legally required to take action under Part III of the Environmental Protection Act 1990 to require the nuisance to be abated.”

4.4 Environment Agency – No objections. An Environmental Permit will not be needed for the site. Further information indicates that the proposed heard weights will vary between 8kg and 40kg (with approximately 300 product pigs above 30kg). This falls below the intensive livestock threshold of 2,000 product pigs (over 30kg) as outlined in section 6.9 Schedule 1 of The Environmental Permitting (England and Wales) Regulations 2010.

4.5 Publicity - a site notice was erected close to the application site and near neighbours have been consulted in writing. The period for replies expired on 1 August 2012. Six objections have been received and are summarised as follows: -

- 1) What will happen to the existing midden on the north side (facing the residential area) of the existing building between items 2 and 4? The quantity of material dumped here is always of considerable volume and open to all weathers. Surely the same considerations that are applied to the new item 5 should also apply to this existing midden if it is to continue in use?
- 2) The most obnoxious odour can arise from the incinerator. Ask that there is tight control over incinerator use and maintenance to limit use and limit very offensive odours/emissions which can arise.
- 3) The proposed landscaping scheme is insufficient. “Whips” will take years to provide reasonable screening. Wish to see the inclusion of more mature trees and shrubs alongside the “whips”. Could spoil be used to create a raised bund along the screening strip to further aid effective use of the planting?
- 4) Whilst recent changes to feed delivery times have been made there will still be an unacceptable increase in noise associated with traffic, farmyard manure ‘distribution’, pig transportation and feed deliveries.
- 5) As conceded in the Design and Access Statement residents already “live with a degree of odour from the current operations” so we do not agree with the comment that there will be “no overall increase in odour from the site”.
- 6) The increase in farmyard manure produced will be collected, stored and spread locally during the summer months. The larger quantities of manure and urine will create an increase in the horrendous overpowering stench. This is unacceptable to those neighbours who wish to spend time in their gardens, hang out washing or even just have window open as the prevailing winds are predominantly in this direction.

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- 8) What guarantees are there that the surrounding agricultural farm land neighbouring the houses will not be used for pig rearing, feeding or holding?
- 9) Whilst we fully understand that this planning application seeks to support sustainable economic growth, the proposal does not fully consider "protection of residential amenity" – the proposed expansion would be more sympathetically viewed if it did not seek to double the size of the existing pig farm and was located to the South/South West of the existing farm.
- 10) Why indeed should the existing open midden remain at all, given that it is not beyond the recommended 400 metres from residential property and arguably it constitutes a Statutory Nuisance as defined in Section 79 of the Environmental Protection Act of 1990?
- 11) The buildings will be visually intrusive.
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- 15) In view of the 670 acres owned by the applicant, cannot this proposed example of industrial farming with the attendant notorious problem of smells associated with pig rearing, be accommodated in a socially acceptable location?
- 16) Farrowing Building - accept that this will probably be approved as it would be replacing an existing structure but what of Items 4 and 5? These are new buildings on an industrial scale, well within sight of the residential area and very much inside of, by any reasonable assessment, what would be considered a suitable separation area between any residential and farming/industrial development.
- 17) The resubmission of a previous application (subsequently withdrawn) fails to address concerns regarding visual, noise and odour issues.
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and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings” and “promote the development and diversification of agricultural and other land-based rural businesses.”

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5.8 The proposed design is common to other agricultural buildings seen throughout the District. Furthermore, the careful choice of colour and non-reflective materials in the finish of the buildings roof and facades will help reduce its immediate presence within the landscape.

5.9 The proposed farrowing building will be in keeping with the surrounding landscape which is interspersed with farm holdings and isolated brick-built dwellings. However, due to the site’s position within the landscape and limited screening, clear and immediate views of the proposed development will be possible from neighbouring dwellings. Consequently, a proposed tree planting scheme has been submitted with the application in order to help assimilate the new building into its surroundings. This scheme proposes to use a mixture of feathered and standard deciduous trees, to be planted during October to February. Further details and implementation of the landscaping scheme should be secured via condition.

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5.11 The nearest residential dwellings, Oak Tree Drive, are located approximately 65m to north of the application site and several objections have been received in relation to air pollution, odour, noise and general disturbance.

5.12 The Applicant has confirmed that manure is stored for a maximum of three months when it is then cleared and transported to surrounding fields. R.E. Phillips & Son are in control of 670 acres of farm land of which only 25 acres is actually at Romanby Grange. The manure is taken away to field heaps on this surrounding farmland, well away from any domestic dwellings.

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5.16 Despite the proposed increase in pig numbers on the site, the incinerator will still only be in operation once a week and will not burn more than 50kgs/hour. The current incinerator is inspected annually and relicensed by DEFRA every 2 years. Temperatures are recorded to confirm that the equipment is burning efficiently. The incinerator is already in-situ and therefore cannot be subject to further control via this particular application.

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5.18 No objections have been received from the Local Highway Authority with regards to highway safety or degradation of the highway itself. Consequently, it is considered that the local road network will be able to cope with the likely increase in vehicle movements.

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

SUMMARY

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

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered: P11-PPSH-001 Rev.B received by Hambleton District Council on 10th May 2012 and P11-PPSH-003 Rev.D, P11-PPSH-004 Rev.B and P11-PPSH-006 Rev.C received by Hambleton District Council on 31st May 2012 unless otherwise agreed in writing by the Local Planning Authority.
3. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which

within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

4. 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 160m to the south and 90m to the north measured along both channel lines of the major road A167 Boroughbridge Road from a point measured 2.0m 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.

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

6. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. (iii) The approved areas shall be kept available for their intended use at all times that construction works are in operation.

7. There shall be no deliveries vehicles arriving or leaving the site before 0700hrs or after 1800hrs Monday to Saturday and at any time on Sunday or Public Holidays.

8. No slurry or manure arising from the development hereby approved shall be spread on the land north of Romanby Grange between Romanby Grange and dwellings on Oaktree Drive.

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 Policies CP16, CP17, DP30 and DP32.

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 CP16, CP17, DP30 and DP32.

4. In the interests of road safety.

5. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
6. In the interests of highway safety.
7. In order to protect the amenity of neighbouring residents in accordance with Policy DP1 of the Development Policies DPD.
8. In order to protect the amenity of neighbouring residents in accordance with Policy DP1 of the Development Policies DPD.

12.

12/01000/FUL

**Construction of a weaner grower building and silo.
at Romanby Grange Boroughbridge Road Northallerton North Yorkshire
for R.E. Phillips & Son.**

1.0 PROPOSALS AND SITE DESCRIPTION

1.1 Planning permission is sought to erect a 640 place weaner/grower building and silo. This application is one of three current applications relating to the intensification of the current farming activities at Romanby Grange Farm.

1.2 The proposed building measures approximately 26.9m long x 11.5m wide x 2.44m in height to the eaves and 4.28m in height to the ridge.

1.3 The building will be a prefabricated system build, constructed from a laminated and insulated timber framed panel system. The external cladding is finished in flexstone green and the internal lining is a hygienic, washable polypropylene. The structure will be erected over sealed, underground concrete slurry tanks.

1.4 It is proposed to erect a galvanised steel silo adjacent to the weaner building. The silo measures approximately 6m in height and has a diameter of 2.6m.

1.5 A tree planting scheme has been incorporated into the proposal in an effort to help screen the development from neighbouring dwellings.

1.6 The surface water collected from the roof of the proposed farrowing building will connect into soakaways located on the farm site.

1.7 The proposed weaner building will use a recirculation system which recycles air within the building. The fans to be used are thermostatically controlled to keep a constant temperature of 26 degrees and are designed to run at these low speeds to avoid disturbance to the livestock and reduce the potential for noise pollution to the surrounding environment.

1.8 The site is accessed from Boroughbridge road via a metalled driveway.

1.9 Romanby Grange is a 670 acre agricultural holding located off Boroughbridge Road on the southern edge of Romanby. The farm consists of a farmhouse & office and numerous agricultural buildings used for a pig breeding enterprise. The existing farm has the capacity for approximately 1260 pigs of which 190 are sows. The progeny are reared to approximately 50kgs and then transported to nearby Hall Farm where they are taken to finishing weight.

1.10 Residential properties on Oaktree Drive are located approximately 130m to the north. Open farmland surrounds the farm to the east, west and south.

1.11 The Applicant is related to an Elected Member of the Council.

2.0 RELEVANT PLANNING HISTORY

2.1 2/95/123/0487A - Construction of an agricultural building for the accommodation of livestock (Granted 15.09.1995)

2.2 AN2/96/123/0487B - Application of Prior Notification to construct a tractor and feed store (Granted 03.12.1996)

- 2.3 11/02590/FUL - Construction of a pig farrowing building (Granted 18.01.2012)
- 2.4 11/02591/FUL - Construction of a weaner grower building and silo (Withdrawn on 18.01.2012)
- 2.5 11/02592/FUL - Construction of a sow building (Withdrawn on 18.01.2012)
- 2.6 12/00998/FUL - Construction of a sow building (Pending Consideration)
- 2.7 12/00999/FUL - Construction of a farrowing building (Pending Consideration)
- 3.0 RELEVANT PLANNING POLICIES:
- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- National Planning Policy Framework - published 27 March 2012
- 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 DP3 - Site accessibility
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP25 - Rural employment
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
- Development Policies DP32 - General design

4.0 CONSULTATIONS

- 4.1 Parish Council – no observations received.
- 4.2 NYCC Highways – no objections subject to conditions.
- 4.3 HDC Environmental Health Officer - The proposed unit is approximately 65m away from the nearest non-associated residential properties which is closer than the 100m distance suggested by the former MAFF where odours from housed livestock and manure are usually strong and the 400m advisable separation distance to prevent odour problems.
- 4.4 This must be considered alongside the fact that the farrowing unit is a similar distance as existing livestock units which have operated previously without odour complaints to this department.

Whether this application is acceptable or otherwise in environmental health terms will, to a large extent depend on the management of this unit, the underground slurry tank and other units on the farm, and on past performance, evidenced by the absence of complaints received by this department, it would appear the farm has been managed in a way such that a nuisance has not arisen.

Other issues that need to be taken into consideration is the increase in delivery of feed to the farm (to 4 full loads per week). It is understood that the applicant has agreed to change delivery times to ensure that they do not take place before 0700hrs where currently this could be as early as 0600hrs. It is also proposed to incorporate 4 x thermostatically controlled air recirculation units to maintain the internal temperature of the building.

If this application is approved I would recommend that the following conditions are attached:

1 There shall be no deliveries vehicles arriving or leaving the site before 0700hrs or after 1800hrs Monday to Saturday and at any time on Sunday or Public Holidays.

2 No slurry or manure arising from the development hereby approved shall be spread on the land north of Romanby Grange between Romanby Grange and dwellings on Oaktree Drive.

Would also recommend that a Note to applicant is attached to any planning approval as follows:

“The applicant is advised that, without a high standard of management for intensive livestock units in proximity of dwellings, there is the potential for statutory nuisance by way of noise or odours. The applicant should be aware that the granting of planning permission for this development will not provide a defence in the event that noise or odours arise at anytime in the future which are deemed to be a statutory nuisance. In the event of such statutory nuisance arising, the Council are legally required to take action under Part III of the Environmental Protection Act 1990 to require the nuisance to be abated.”

4.5 Environment Agency – No objections. An Environmental Permit will not be needed for the site. Further information indicates that the proposed heard weights will vary between 8kg and 40kg (with approximately 300 product pigs above 30kg). This falls below the intensive livestock threshold of 2,000 product pigs (over 30kg) as outlined in section 6.9 Schedule 1 of The Environmental Permitting (England and Wales) Regulations 2010.

4.6 Publicity - a site notice was erected close to the application site and near neighbours have been consulted in writing. The period for replies expired on 1 August 2012. Nine objections have been received and are summarised as follows: -

1) What will happen to the existing midden on the north side (facing the residential area) of the existing building between items 2 and 4? The quantity of material dumped here is always of considerable volume and open to all weathers. Surely the same considerations that are applied to the new item 5 should also apply to this existing midden if it is to continue in use?

2) The most obnoxious odour can arise from the incinerator. Ask that there is tight control over incinerator use and maintenance to limit use and limit very offensive odours/emissions which can arise.

3) The proposed landscaping scheme is insufficient. “Whips” will take years to provide reasonable screening. Wish to see the inclusion of more mature trees and shrubs alongside the “whips”. Could spoil be used to create a raised bund along the screening strip to further aid effective use of the planting?

4) Whilst recent changes to feed delivery times have been made there will still be an unacceptable increase in noise associated with traffic, farmyard manure ‘distribution’, pig transportation and feed deliveries.

5) As conceded in the Design and Access Statement residents already “live with a degree of odour from the current operations” so we do not agree with the comment that there will be “no overall increase in odour from the site”.

6) The increase in farmyard manure produced will be collected, stored and spread locally during the summer months. The larger quantities of manure and urine will create an increase in the horrendous overpowering stench. This is unacceptable to those neighbours who wish to spend time in their gardens, hang out washing or even just have window open as the prevailing winds are predominantly in this direction.

7) The produced gasses which pose both respiratory threats and create a foul stench include ammonia, methane and hydrogen sulphide. This is unacceptable to the neighbouring community.

8) What guarantees are there that the surrounding agricultural farm land neighbouring the houses will not be used for pig rearing, feeding or holding?

- 9) Whilst we fully understand that this planning application seeks to support sustainable economic growth, the proposal does not fully consider “protection of residential amenity” – the proposed expansion would be more sympathetically viewed if it did not seek to double the size of the existing pig farm and was located to the South/South West of the existing farm.
- 10) Why indeed should the existing open midden remain at all, given that it is not beyond the recommended 400 metres from residential property and arguably it constitutes a Statutory Nuisance as defined in Section 79 of the Environmental Protection Act of 1990?
- 11) The buildings will be visually intrusive.
- 12) Winds from the North, East or West will carry the odours several kilometres before they reach residential properties. This is essentially irrelevant in view of the fact that the prevailing wind from the South- West takes the smell to our home and to others within 90 metres.
- 13) It is claimed in the Design and Access Statement "Evaluation" that "the farm is an important local employer and will be seeking employment for further part-time workers through an increase in herd numbers." Yet in Section 19 of the Planning Application form it is stated that the proposal, if accepted, would only increase the workforce from 2 full-time to 3 full-time staff.
- 14) If the current pig farm did not exist, would planning consents be granted for such a farm and for the proposed doubling of capacity on the same site, so near to residential property, bearing in mind the Town and Country Planning (General Permitted Development) Order of 1995?
- 15) In view of the 670 acres owned by the applicant, cannot this proposed example of industrial farming with the attendant notorious problem of smells associated with pig rearing, be accommodated in a socially acceptable location?
- 16) Farrowing Building - accept that this will probably be approved as it would be replacing an existing structure but what of Items 4 and 5? These are new buildings on an industrial scale, well within sight of the residential area and very much inside of, by any reasonable assessment, what would be considered a suitable separation area between any residential and farming/industrial development.
- 17) The resubmission of a previous application (subsequently withdrawn) fails to address concerns regarding visual, noise and odour issues.
- 18) The erection of the proposed sow building, some 742 sqm of floorspace, will greatly impact on the landscape.
- 19) Incorporation of a midden within the building, still only 105 metres from residential properties, will provide only visual benefits.
- 20) The building construction, top half Yorkshire Boarding, will not contain the odour generated by up to 300 cubic metres of manure or the sound of vehicles used in the collection and moving process.
- 21) Deciduous trees given screening only from spring to autumn.
- 22) Doubling of the herd size, at present 1260 pigs to 2520 pigs, will more than double activity, vehicle movement, noise and odour generated within the farm. Vehicle and property maintenance, cleaning of sow buildings, moving/storage of manure and slurry, replenishment of feed silos and use of incinerator will all increase proportionally.
- 23) What is really needed is a thick evergreen hedge of about four metres in height; conifers would seem to be ideal.
- 24) The development is shown to be on the south side of the existing units and will have minimal impact on the Oaktree Drive environment.

5.0 OBSERVATIONS

5.1 The main issues for consideration in the determination of this application relate to: the principle of the development, design, landscaping, impact on neighbours and highway impacts.

5.2 Paragraph 28 of the National Planning Policy Framework (NPPF) directs local planning authorities to “support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion

of existing buildings and well designed new buildings” and “promote the development and diversification of agricultural and other land-based rural businesses.”

5.3 Policy CP4 of the Core Strategy stipulates that development in the open countryside will only be supported when an exceptional case can be made and when inter alia “it is necessary to meet the needs of farming...and will help to support a sustainable rural economy.”

5.4 Policy DP26 of the Development Policies DPD states that agriculture will be supported...by measures that include inter alia ii) promotion of sustainable forms of agriculture which include environmentally sensitive, organic, and locally distinctive food production and iv) guiding development of new agricultural buildings...to locations which are sensitive to their environment.

5.5 The proposed weaner building and its associated silo are considered to facilitate sustainable economic development that support traditional land-based activities and are therefore considered to comply with the aims and objectives of the NPPF and policies CP4 and DP26 of the Hambleton Local Development Framework.

5.6 Paragraph 56 of the NPPF states that “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

5.7 Policy DP32 of the Development Policies DPD requires all development to be of the highest quality. 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.

5.8 The proposed design is common to other agricultural buildings seen throughout the District. Furthermore, the careful choice of colour and non-reflective materials in the finish of the buildings roof and facades will help reduce its immediate presence within the landscape.

5.9 The proposed weaner building and silo will be in keeping with the surrounding landscape which is interspersed with farm holdings and isolated brick-built dwellings. However, due to the site’s position within the landscape and limited screening, clear and immediate views of the proposed development will be possible from neighbouring dwellings. Consequently, a proposed tree planting scheme has been submitted with the application in order to help assimilate the new building into its surroundings. This scheme proposes to use a mixture of feathered and standard deciduous trees, to be planted during October to February. Further details and implementation of the landscaping scheme should be secured via condition.

5.10 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 (including light pollution), odours and daylight.

5.11 The nearest residential dwellings, Oak Tree Drive, are located approximately 130m to north of the application site and several objections have been received in relation to air pollution, odour, noise and general disturbance.

5.12 The Applicant has confirmed that manure is stored for a maximum of three months when it is then cleared and transported to surrounding fields. R.E. Phillips & Son are in control of 670 acres of farm land of which only 25 acres is actually at Romanby Grange. The manure is taken away to field heaps on this surrounding farmland, well away from any domestic dwellings.

5.13 It is also current practise for any farmyard manure spread on the land adjacent to the houses north of Romanby Grange to be ploughed into the ground within 24 hours to minimise odour.

5.14 In terms of deliveries, all feed supplies are delivered to the farm and currently comprise of three part loads of feed per month. This will increase to four full lorry loads per month with the additional livestock proposed.

5.15 There is one part full tractor and trailer load of 50kg grower pigs transported off-site per week, to Hall Farm three miles away. This will change to two loads per week with the additional livestock proposed. Every six to eight weeks there is one small load of culled retiring breeding sows transported of site to slaughter.

5.16 Despite the proposed increase in pig numbers on the site, the incinerator will still only be in operation once a week and will not burn more than 50kgs/hour. The current incinerator is inspected annually and relicensed by DEFRA every 2 years. Temperatures are recorded to confirm that the equipment is burning efficiently. The incinerator is already in-situ and therefore cannot be subject to further control via this particular application.

5.17 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 hours of deliveries and control over the spreading of slurry. As a consequence, residential amenity can be adequately protected and, as a result, the proposed development is considered to comply with Policy DP1.

5.18 No objections have been received from the Local Highway Authority with regards to highway safety or degradation of the highway itself. Consequently, it is considered that the local road network will be able to cope with the likely increase in vehicle movements.

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

SUMMARY

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

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered: P11-PPSH-001 Rev.A, P11-PPWG-004 received by Hambleton District Council on 10th May 2012 and P11-PPSH-003 Rev.C and P11-PPSH-006 Rev.C received by Hambleton District Council on 31st May 2012 unless otherwise agreed in writing by the Local Planning Authority.
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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. 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 160m to the south and 90m to the north measured along both channel lines of the major road A167 Boroughbridge Road from a point measured 2.0m 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.

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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 Policies CP16, CP17, DP30 and DP32.

3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.

4. In the interests of road safety.

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

6. In the interests of highway safety.
7. In order to protect the amenity of neighbouring residents in accordance with Policy DP1 of the Development Policies DPD.
8. In order to protect the amenity of neighbouring residents in accordance with Policy DP1 of the Development Policies DPD.

13.

12/00965/FUL

Construction of an agricultural contractors building and yard plus formation of a new vehicular access.

at Seward Agricultural Machinery Ltd Sinderby Station Sinderby Lane Sinderby for Croptech Ltd.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the construction of a building and the use of adjacent land as a yard/depot for a local firm of Agricultural Contractors who are currently based at a farm steading in Howe village. The site proposed is on part of the land which was used until earlier this year as a site contractor's (Carillion) compound directly south of Seward's Agricultural Machinery complex adjoining the eastern (southbound) carriageway of the recently improved A1(M) at the former Sinderby Station north of the B6267 one mile west of Ainderby Quernhow.

1.2 The proposed building is a steel portal framed structure clad with coloured plastisol sheeting and measuring 73m x 20m and 8.8m to the pitched ridge. The building is set within a curtilage of 1ha and contains areas for machine storage, offices and staff facilities and chemical storage. It would utilise the access into the site off the B6267 which was previously used by Carillion subject to a detailed specification to be given by the Highways Authority.

1.3 It is stated in a report supporting the application that : "Croptech Ltd are agricultural contractors who have been established for 14 years with their premises being located on a shared and tenanted farmstead within the hamlet of Howe. The premises currently consist of a portakabin building (office base), secure containers for chemical storage and an external yard for the storage of vehicles and equipment. In addition, modern farm buildings are used on a shared basis with the existing farm tenant."

"The business employs 10 staff and serves in the order of 80 farm enterprises within the locality providing spraying, drilling and harvesting services. The client base is well established and extensive comprising some 75,000 acres of farmland with the majority being located along the A1 corridor. (NB a plan showing the location of the majority of the serviced sites has been submitted with the application) "

"Given the orientation of the business, the nature of the business is highly mechanised and reliant upon the use (and suitable effective maintenance) of an extensive range of specialised equipment and machinery. This currently comprises 5 crop sprayers and a combine harvester, each involving a considerable investment on the part of the business. The provision of this service to the farming community enables individual farm enterprises to minimise capital investment in machinery and equipment, subsequently enhancing their own individual operational efficiency and ability to continue in business. The proper maintenance and upkeep of machinery is, therefore, vital to the client's business as well as the ability to suitably access farmland under contract from an appropriate base."

"The present site has now outlived its usefulness in this respect, being limited in terms of a location for new working buildings and the unhindered operation of the business. This is due to the scale and nature of the site as well as the shared nature of the premises. Whilst there is a degree of covered space which can be used for vehicle/machinery maintenance this is shared with the tenant farmer, which proves problematic at times, hindering the client's own efficiency levels and practical maintenance of their expensive equipment and machinery."

"The seasonal nature and often critical time nature of the work can also result in vehicles coming in and going out at unsocial hours and using an inadequate point of access for the ever increasing size and type of vehicles used by Croptech. As the existing premises is situated in close proximity to, and gains access past, a number of dwellings in Howe there are also wider issues of amenity to consider if the clients were to remain on their present site indefinitely."

1.4 Discussions took place with the applicant's agents earlier this year and they were advised that evidence should be provided as part of any submission of the search for other alternative premises either within a designated industrial site or elsewhere within an existing steading. It is stated within the current submission that the applicants have been searching for alternatives for some time but no premises on the market have met their operating criteria. An accompanying statement indicates that:

"In the first instance consideration has been paid by the applicants to the re-use of agricultural buildings on established farmsteads in the general area or new development in these locations. The most obvious source for such has been the farm holdings actually serviced by Croptech. However, such buildings are far from ideal and even 'modern' farm buildings tend to be too restricting. This is the problem they face on their current site. The applicants have investigated this option and are not aware of any suitable/available sites as a result. It must be appreciated that the applicants are in regular contact with the local farming community (their clients) and visit a substantial number of sites. None have been brought to their attention as a result of this consideration."

1.5 It is stated that a search was undertaken earlier this year of available premises being marketed which would accommodate the applicant's needs. The search criteria were identified as : i) close proximity to the A1(M) corridor; ii) a building of at least 1500 sq.m; iii) a 'contained site' (for security and safety reasons); iv) external space adequate for storage and turning; v) suitable access to an adopted highway in view of the large nature of the vehicles. The applicants have given evidence of ten sites which have been investigated, including business park sites in Thirsk, Carlton Miniott, Topcliffe and Dalton. These sites are all 4-10 miles further away from their existing site which is, in turn, to the east of the majority of farms and businesses served by the applicants. It is stated, in this respect, that "The nature of the business requires a location which minimises travel. Given the nature of the client's vehicles there is also a need to reduce conflict with other road users (a typical crop sprayer has a maximum speed of 27mph) and minimise travel time to the site." Consequently any sites further away from the 'client base' will use more fuel and increase journey times and potential traffic conflict/congestion.

2.0 PREVIOUS PLANNING HISTORY

2.1 Swards and their predecessors have been established on the land to the north for in excess of 35 years. The area subject to the current application was part of a larger area used by Carrillion as a compound for offices and plant between 2009 and earlier this year, although this was on the basis of 'Permitted Development Rights' associated with the A1(M) improvements rather than with the benefit of a specific planning permission .

3.0 RELEVANT PLANNING POLICIES:

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

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

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP15 - Rural Regeneration

Development Policies DP25 - Rural employment

4.0 CONSULTATIONS

- 4.1 Sinderby Parish Council : No objections.
- 4.2 Yorkshire Water : No objections.
- 4.3 Highways Agency : No objections to the proposal.
- 4.4 North Yorkshire County Council (Highways Authority) : No objections. A detailed recommendation with specified access dimensions is awaited.
- 4.5 Environmental Health Officer : No objections subject to conditions.
- 4.6 The application was advertised by site notice at the front of the site and the closest adjacent neighbour was consulted. No representations have been received.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the proposed site location outside any designated development limits (Policies CP1, CP2 and CP4, CP16), the particular type and nature of the business and any special need to be located in such a location (Policy DP25), the benefits which may accrue to the existing local agricultural community as a result of the continuation/expansion of this business (Policy CP15) and the potential impact on visual amenity and landscape character (Policies CP16 and DP30). The contents of the National Planning Policy Framework (NPPF), paragraph 28, are also relevant.

5.2 Policy CP4 normally requires all developments to be within the Development Limits of settlements within the hierarchy set out in that Policy. Developments within other locations will only be supported where an exceptional case can be made for the proposals in terms of Policies CP1 and CP2 and where, inter alia, "It is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential need to locate in a smaller village or the countryside and will help to support a sustainable rural economy." The development is then also required not to conflict with the environmental protection and nature conservation policies of the LDF.

5.3 In applying the test of Policy CP1 in a balanced way it is considered that the proposal can neither receive significant support nor breach the terms of policy. Similarly in applying CP2 which aims to protect scarce resources by reducing the need to travel no significant conflict is found in this case if the proposal resulted in the relocation of an existing local business. The business of agricultural contracting, whilst not falling within the definition of agriculture as set out within planning legislation, is an important element in the maintenance and retention of a successful and viable agricultural sector within the economy. It is considered the use of land for agricultural contracting falls within the scope of the exceptional case in the Policy CP4 criteria i) as noted in the proceeding paragraph.

5.4 Policy CP4 requires that assessment be made of the environmental impact of the development. CP16 requires that development or activities will not be supported which "has a detrimental impact upon the interests of a natural or man-made asset" The preamble to CP16 identifies the main elements and relevant to this case is "the open countryside – its landscape, character and appearance: and the best and most versatile agricultural land"

5.5 The landscaping setting of the proposal site is defined by the position of the A1(M) on an embankment and its relationship with the Swards agricultural sales/repair and servicing complex which was established in excess of 35 years ago and was granted permission for a consolidation, new building and extensions in 2010 as a result of the impact of the A1(M) road improvements on the site and the business.

5.6 The height of the southbound A1 carriageway and the close proximity of the site to its boundary means that the building will not be prominent from the north or on approach from the south on the A1(M) due to the landform as described above. When viewed from an eastern direction from Ainderby Quernhow the site will be seen against the A1(M) embankment.

5.7 When viewed from the B6267 against the far distant backdrop of the hills of the North York Moors the site is in an open landscape with no significant landscape features. From the B6267 the development of a large building within the site would appear as a significant intrusive feature in the landscape.

5.8 Discussions with the applicants has confirmed that additional landscaping would be provided along the eastern boundary to provide screening and creating a potential constraint upon any future extension of development in an eastern direction.

5.9 LDF Policy DP25 (Rural Employment) supports employment development in locations outside development limits where, subject to other Policies, a list of five criteria is met. The first criterion is that the operation is small in scale. It must be a matter of judgement if a business employing ten people is considered to be small scale. The proposal relates to the relocation of a business already operating from a site outside development limits less than one mile away, and the new proposal will, potentially, allow the business to continue in a more viable form with potential for future expansion.

5.10 The second criteria of DP25 relates to the conversion, re-use or replacement of existing rural buildings. In this case there are no buildings on the site which was recently used as a compound for the A1(M) main contractor. The land has the appearance of being restored to an agricultural use. The applicant has assessed other sites and rejected them as unsuitable for the purposes of the business, a common thread in the reason for rejecting the sites is that they are east of the desired area of search. No sites have been assessed on the A1(M) corridor despite the fact that the applicant has identified this being the area in which most of their customers are located.

5.11 Criteria three relates to the potential business and whether it could be located within a settlement or whether the nature of the operation is such that it has a specific need to be sited within a more isolated location. In this case it is the applicant's contention (as set out by virtue of the search criteria described in paragraph 1.4 above) that an urban or village location is not appropriate when taking into account the space, 'containment' and access considerations, the size of vehicles and unsocial hours of operation at peak times. As noted above the assessment has not been sufficient to show that alternative sites do not exist. But it is acknowledged that the proposed development would have impacts on neighbouring land uses.

5.12 The fourth criteria requires an appropriate business case to be put forward which would include reference to benefits to the local economy and rural communities. This has been explained and understood as supporting the rural economy. The final criterion requires that the siting outside development limits would not have any adverse impact on the economy of designated Service Centres. It is not considered that this would be the case in this instance as, primarily, and as already mentioned, the scheme relates to the continuation of an existing business already located within a rural settlement.

5.13 Paragraph 28 of the NPPF states that Local Planning Authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This should take the form of: "supporting the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings... and... promoting the development and diversification of agricultural and other land-based industries." It is considered that the proposal is generally in accordance with that statement.

5.14 Prior to the submission of the application the applicant was advised that attempts should be made to identify a site within an established settlement/industrial designation for the activity. Evidence has been submitted with the application of sites which have been examined and, on the basis of the needs and requirements of the business, why these have not been suitable. The nearest industrial areas/business parks to Howe that have been assessed are all located to the south or east of the application site whilst the client base is to the north and west. No assessment has been made of land or site to the north and west. Reference has been made to the size and nature of the applicant's vehicles and the preference to minimise the distances travelled from a 'traffic conflict' and time point of view. In addition the use and cost of fuel needs to be minimised for economic reasons and this is also a benefit in sustainability terms. There is also a potential 'synergy' with the adjoining use and activity of Swards agricultural servicing and repair business.

5.15 The site is outside defined development limits and does not satisfy all the criteria set out in Policies CP4, CP16 and DP25 as appraised above. The proposal would be likely to support the rural economy and a balanced decision therefore needs to be reached weighing each of the issues. It is considered that in the absence of information to show that there are no alternative sites that could accommodate the development or detailed proposals to show how the landscape impacts can be mitigated that the application should be refused.

6.0 RECOMMENDATION:

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

1. The proposal is contrary the Local Development Framework Policies CP1, CP2, CP4, CP16 and DP30 as the proposal would cause harm to the character and appearance of the landscape due to the position and size of the proposed building and the associated storage and paraphernalia.
2. The proposal is contrary the Local Development Framework Policies CP1, CP2, CP4, CP15 and DP25 as the proposal is a new use located outside Development Limits and does not comprise the conversion and re-use or replacement of existing rural buildings of sound construction, or appropriate extensions of buildings or existing uses which are otherwise acceptable in terms of other LDF policies and insufficient evidence has been provided to demonstrate that the use can not be accommodated within a settlement with Development Limits.

14.

12/00019/FUL

**Change of use from dwelling to a country house hotel as amended by plans received by Hambleton District Council on 24th February 2012, 19th March 2012, 3rd May 2012 & 6th June 2012
at Rudby Hall, Skutterskelfe, North Yorkshire, TS15 0JN
for Python Properties Ltd**

1.0 **BACKGROUND**

1.1 Members resolved to defer the application at Planning Committee on 29th March 2012 to allow for additional information to be submitted in response to Members' concerns about:

- (1) installation of plant and equipment;
- (2) the potential for large scale catering facilities;
- (3) the impact of a possible marquee;
- (4) sewerage;
- (5) the adverse impact on a Grade 2 Listed Building with particular reference to removal of a chimney and the access.

1.2 In summary, the Applicant has made the following points of clarification :-

Installation of plant and equipment

1.3 This issue is addressed below as part of the response to "the potential for large scale catering facilities."

The potential for large scale catering facilities

1.4 The hotel will offer a bed and breakfast service only. The existing (relatively large) domestic kitchen at Rudby Hall will be more than sufficient to provide a breakfast service to the limited number of guests. There are no plans to upgrade the existing kitchen facilities at Rudby Hall.

1.5 Any catering required for private functions will be brought into the Hall when it is required. There would be no extensive cooking operations at the Hall, either as part of its day to day operations or on the occasions when events may be planned.

1.6 There are also no plans to provide air conditioning or other large scale heating or cooling facilities in association with the proposed use.

1.7 Evening meals will be available from the kitchen for residents of the hotel only.

The impact of a possible marquee

1.8 The proposed condition, as drafted within the original Planning Committee Report, does not provide sufficient control for the Council. There should be a maximum length of time that the marquee can be erected on site. It is agreed that this would be 72 hours on a weekday and a maximum of 4 days if used on either a Saturday or Sunday. There should be no erection or dismantling of the marquee on Saturdays, Sundays or Bank Holidays. The dismantling or erection of the marquee should only

take place between 8.00 am and 6.00pm. The Applicant sees no reason to object to the suggested restriction from the Council's own Environmental Health Officer that this should be set at 12 days per year.

Sewerage

- 1.9 It is the Applicant's intention to either utilise the existing septic tank or provide a new treatment plant to deal with the foul drainage. If planning permission is granted, the Applicant is happy to see a condition imposed that requires a detailed scheme for foul drainage to be submitted in writing prior to commencement of the use.

The adverse impact on a Grade 2 Listed Building, particularly the removal of a chimney and the access

- 1.10 The existing access to the Hall is only subject to a very minor change (re-positioning the pillars 200mm further back from the carriageway) and there are no proposals to remove existing chimneys.

2.0 PROPOSAL & SITE DESCRIPTION

- 2.1 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.
- 2.2 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.
- 2.3 Rudby Hall is a large 3-storey country house set in 10 acre gardens and situated in open countryside between Hutton Rudby and Stokesley.
- 2.4 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*.
- 2.5 The main gardens lie to the west and south of the Hall and contain a number of mature trees. There is a large copse of trees extending to the east and lining the banks of the River Leven to the south. There are residential properties to the north, north west and west of the site.
- 2.6 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.

3.0 RELEVANT PLANNING HISTORY

- 3.1 In 1986, full planning permission and listed building consent were granted for alterations to the 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.
- 3.2 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.

- 3.3 2/86/134/0031 - Alterations to existing residential accommodation for use as offices and formation of a car park (Granted on 22.12.1986)
- 3.4 2/86/134/0031A - Application for Listed Building Consent for alterations to existing residential accommodation to form offices (Granted on 04.03.1987)
- 3.5 2/94/134/0031D - Change of use of existing offices to a dwelling (Granted on 04.11.1994)
- 3.6 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)
- 3.7 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)
- 3.8 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)
- 3.9 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)
- 3.10 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)
- 3.11 2/03/134/0031E - Alterations to part of existing dwelling for use as 2 additional dwelling units (Granted on 21.11.2003)
- 3.12 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)
- 3.13 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)
- 3.14 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)
- 3.15 12/00020/LBC - Application for listed building consent for internal alterations to existing dwelling to form a hotel (Pending Decision)

4.0 RELEVANT PLANNING POLICIES

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

The National Planning Policy Framework 2012

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

5.0 CONSULTATIONS

Parish Council (20.02.12)

- 5.1 Recommend approval of the application.

Parish Council (11.06.12)

- 5.2 The Council recommend approval but have concerns which should be carefully examined. The noise levels during the day and in the evening need to be addressed, how the noise is to be controlled and the numbers of people attending events. The 12 marquee functions a year are more than likely to be concentrated within a few months of the summer and the Council consider it would be too much to have an event every weekend. They would be concerned if there were more than two a month. The real concerns of the neighbouring properties should be taken into account. Recommend approval of the proposed access road alterations.

NYCC Highways (22.06.2012)

- 5.3 No objections subject to a condition that requires no part of the development to be brought into use until the alterations to the vehicle access have been constructed in accordance with the amended plan submitted on 6th June 2012.

English Heritage (27.02.2012)

- 5.4 Does not object in principle to the change of use of Rudby Hall to a Country House Hotel, subject to the following matters:-
- 5.5 (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.
- 5.6 (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 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.

- 5.7 (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.
- 5.8 (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.
- 5.9 Recommendation - If the Council is minded to grant consent the matters referred to above need to be fully addressed.

English Heritage (22.05.2012)

- 5.10 This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

English Heritage (07.06.2012)

- 5.11 It is proposed to move the gate piers back by 200mm in order to achieve a visibility splay. This does appear to create a great deal of disruption for very little change. However, if it is really considered necessary, it would be acceptable in principle to English Heritage. This is subject to the following matters: -
- 5.12 Lime mortar is to be used in the reconstruction and the mortar must be kept off the faces of the stone as at present. The details need to exactly match the original (except of course the position) and the jointing of the stones needs to achieve the same width as at present.

Environmental Health Officer (29.02.2012)

- 5.13 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.
- 5.14 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.

- 5.15 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.
- 5.16 With respect to drainage, recommend that the Environment Agency's opinion be sought and their recommendations be attached as conditions to be met before first use of the Hall as a commercial undertaking.
- 5.17 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.
- 5.18 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.
- 5.19 Entertainment noise from within substantial buildings can be controlled by a mixture of engineering and management controls.
- 5.20 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.
- 5.21 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.

5.22 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)

5.23 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.

5.24 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.

Environmental Health Officer (04.07.2012)

5.25 The proposals are clearly a cause of concern for local residents who have in recent years been accustomed to non-commercial activities at the Hall and it is likely therefore that the proposal will generate a noticeably changed environment.

5.26 It is understood that the applicants aim is to develop a tranquil atmosphere at the Hall. Further consideration has been given to the opportunities available to effectively control the development whilst protecting the amenity of nearby residents should that particular vision not be realised.

5.27 Many of the original recommended conditions remain unchanged;

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 in accordance with the approved details.*
2. *No external plant or equipment shall be installed without the approval of the local planning authority. Thereafter the external plant and/or equipment shall be implemented and maintained in accordance with the approved details.*
3. *The secondary entrance to the east of the premises shall not be used for deliveries, staff or customers.*
4. *The main entrance and car park shall be provided with a surface finish to be approved in writing by the local planning authority. Thereafter the approved finish shall be implemented and maintained for the life of the development hereby approved.*

- 5.28 However in response to some valid concerns over some wording the following conditions are proposed.
- 5.29 Concern has been expressed regarding noise from food preparation in the kitchen and the effect this may have on premises adjoining the courtyard to the east of the Hall. The applicant has stated that the development is proposed to be operated as a bed and breakfast establishment. To allow the authority to exercise some control over the quantity of food preparation on site the following conditions are proposed which aim to prevent potential disturbance from the current proposal and prevent the Hall from becoming a restaurant open to all with out the authority having the opportunity to consider the impact on neighbours
5. *There shall be no food preparation on application site other than for staff and residents.*
 6. *The doors and kitchen windows facing the courtyard to the east of the Hall shall remain closed whilst the kitchen is in use.*
 7. *The courtyard to the east of the Hall shall not be used by staff, or customers and no deliveries shall be made via this courtyard.*
- 5.30 Concern has also been expressed about the wording of conditions aimed at controlling noise from events at the Hall. Whilst I do not support all the comments made and I am aware that conditions based around discernability (the ability to recognise the source) have been used elsewhere, there have been some valid concerns raised and it is clear that all parties are more comfortable with the use of noise limits. Consequently the following conditions are proposed to reduce the impact of events held in the grounds and in the Hall.
8. *Events within the grounds of the Hall shall be held on no more than 12 days a year.*
 9. *Events within the grounds of the Hall shall not take place outside the hours of 12 midday and 6pm.*
 10. *All events held in the grounds of the Hall are to be held in a marquee, the location of which is specified in condition 1.*
 11. *No sound amplification equipment shall be used in the grounds of the Hall, including within any marquee, without the written permission of the local planning authority*
 12. *No live music shall be played in the grounds of the Hall, including within any marquee, without the written permission of the local planning authority*
 13. *No temporary structures, other than those permitted by condition (insert number) are to be erected in the grounds of the Hall without the written permission of the local planning authority.*
 14. *There shall be no access for staff to any marquee permitted by condition (insert number) outside the hours of 11am and 7pm other than for erection and dismantling of the marquee.*
 15. *Erection and dismantling of any marquee shall not take place outside the hours of 8am and 6pm Monday to Saturday and at no time on Sundays and Bank Holidays*
 16. *No deliveries or collections shall take place outside the hours of 8am and 6pm Monday to Saturday and at no time on Sundays and Bank Holidays*
 17. *No noise emanating from events held in the Hall shall exceed 28(L_{Aeq, 5min}) at any point on the red line shown on the attached plan ref ???*
- 5.31 Recommended Condition 17 aims to preserve the current background noise levels at noise sensitive premises this would take into account amplified and non amplified sound. Because some amplified noise contains higher levels of low frequency noise, as recognised by the applicant's acoustic consultant, it may also be prudent to attach the following conditions which would facilitate the applicant in managing the activities of visiting DJ's for example.

18. A noise limiter shall be installed in the bar and dining rooms which shall be set to achieve maximum octave band sound levels within each room as detailed in Table 1 of the Apex Acoustics Report reference 3165.1B accompanying the application. All amplified speech and music shall be played through the noise limiter which shall be secured against tampering once set to the stated levels.

- 5.32 Notwithstanding the above Members will need to be aware that there is the potential for this development to generate noises, principally from members of the public, which can not be readily quantified nor controlled by condition.

Environment Agency (02.02.2012)

- 5.33 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 (21.03.2012)

- 5.34 The applications have been examined and Northumbrian Water has no objections to the proposed developments.

Northumbrian Water (18.05.2012)

- 5.35 In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.
- 5.36 Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

HDC Senior Engineer

- 5.37 The submitted FDA1 form (Non-Mains Drainage Form) has some inconsistencies;
- 5.38 Discharge – The Applicant has indicated the system will not discharge solely to watercourse, but has also indicated no discharge to soakaway, so not sure where the other bit of discharge will go.
- 5.39 Expected Flow – this is stated as 200litres per day, this is clearly incorrect as the proposal is to develop a country house hotel with capacity for functions.
- 5.40 The FDA1 is superseded by their agents 'Howson Developments Ltd' letter dated 30 April 2012, ref 11.026.027.
- 5.41 In respect of Condition 3 – Foul Drainage, the Applicants state that they intend to install a new mini treatment plant at Rudby Hall. This is much more preferable to the continued use of a septic tank which is old technology; a treatment plant will readily meet the required environmental standards.
- 5.42 The Applicant should speak to the Environment Agency in relation to their requirements. Suggest that the Applicant should also speak to Northumbrian Water Limited (NWL) in order to assess the options for connection to the public sewerage network. The nearest public sewer will be in the vicinity of White Horse Farm some ½ - ¾ mile west of Rudby Hall. The lifetime costs of a package plant maintained by the Applicant may be less favourable than a sewerage pumping station that discharges to the public sewerage network, there may also be potential for the pumping station to be adopted by NWL.

- 5.43 In respect of the package treatment plant; the Council will require an assessment of the required capacity of the new treatment plant taking into account the proposed usage of the development including appropriate allowance for residents and functions which could place additional loading on the treatment plant. Also details of the treatment plant, from a visual perspective (noting that the building is listed), but also noise, odour and environmental consideration in relation to the discharge to the watercourse.
- 5.44 The treatment capacity of the package plant will determine the scale of unit required, the Applicant will also need to provide details of responsibilities for the operation and maintenance of the plant to ensure it meets the required discharge consent conditions for its lifetime.

Publicity

- 5.45 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 expired on 28th June 2012. 16 objections, a petition carrying 24 signatures against the development and 1 letter of support have been received and are summarised as follows:-

Impact on Amenity

- 1) 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.
- 2) 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.
- 3) 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) 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.
- 5) 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.
- 6) 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 preceding 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.

- 7) 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.
- 8) The increased potential of damage to property by ingress/egress of vehicles. Such damage has, on more than one occasion, occurred to "Briardene" property due to trafficking to Rudy Hall.
- 9) 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.
- 10) 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.
- 11) The request to hold commercial marquee events is such a major issue which would have such massive implications and impact upon rural life at Skutterskelfe that we feel it should be considered as a totally separate planning issue and should not be attached to the application above.
- 12) The back elevation of Briardene, which forms the East side of the courtyard to Rudby Hall, is a mere 30 metres from what will be the working kitchens of the proposed Hotel cum B&B. The noise from which will resonate in the enclosed courtyard and destroy the peaceful environment that is one of the prime reasons for setting up home in the hamlet.
- 13) To be noted is the fact that the South and North boundary of the courtyard are occupied by renters of Python Properties. The potential of trespass and invasion of privacy, (it is noted here that such trespass and invasion of privacy has, in the past, been experienced due to actions of Python Property renters). If such is allowed to happen from a small contingent of people, how can it be credibly anticipated that Python Properties will be able to control the behaviour of numerous members of the public at its functions and outside events.
- 14) In order to accurately determine background noise levels in a rural environment, a detailed survey is required which covers both the frequency and intensity of the noise as well as its duration. This needs to be measured on all the boundaries with particular emphasis on those abutting the neighbours. It also needs to include measurements taken during the week and weekend and at different times of the day and night. This not a simple methodology. The noise measurements mentioned in Howson Developments letter dated 30/4/2012, are not in the public domain so it is impossible to ascertain if it is an effective background noise level survey. The Environmental Officer recommended no increase in noise levels at the boundaries. Now the applicants want to discuss an increase in this level - despite not having a proper background survey. In addition, methods to police the noise levels are notably absent. There is no mention of an ongoing monitoring regime, placing of noise meters etc or what would be done if the noise levels are exceeded.

Impact on the Heritage Asset

- 15) 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 assets 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.
- 16) 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.
- 17) 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.
- 18) 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

- 19) 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.
- 20) 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.
- 21) 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.
- 22) 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.
- 23) 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.
- 24) 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.

- 25) 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.
- 26) 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.
- 27) 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

- 28) The Rudby Hall Septic tank discharges into a small stream (Carr Stell) which in turn runs into the River Leven. The septic tank is used by three private residences as well as the various apartments/houses incorporated into Rudby Hall. No documentation exists on the designed carrying capacity of the Rudby Hall Septic Tank. In the absence of such information a sewage load calculation has been carried out for all the users of the Septic tank at Rudby Hall.

This has been done for five scenarios:

- a. When the Hall was an office, accommodating up to 50 office workers. This included two 2 bed roomed residences, two 3 bed roomed residences and a 4 bed roomed residence.
- b. The current situation which includes five 4 bed roomed residences, one 3 bed roomed residence and three 2 bed roomed residences.
- c. Scenario b. above but with one of the 4 bed roomed residences and one of the 3 bed roomed residences replaced by a 13 bed roomed B&B.
- d. Scenario c. above but with 70 people attending a function at the B&B.
- e. Scenario d. above but with 100 people attending the function.

Taking scenario a. as the base cases, then the calculations show that for the current situation, both the flow load and the biological load on the Septic Tank have potentially increased by a factor of 1.5.

Adding a 13 bed roomed B&B will potentially lead to nearly a doubling in flow and a 2.5 times increase in the biological load. In addition the flow load is substantially above 5000l/day which is the limit for a system classified as "a small discharge of sewage effluent".

When a function of up to 70 people is added then the biological load is increased by a factor of 3.3.

The biological load increases by a factor of 3.6 when the function is increased to 100 people. It should be noted that the flow load calculated for this scenario is 13000l/day.

It is clear that the proposed development at Rudby Hall will result in a substantial increase in both the volume of sewage produced as well as its potential environmental impact on the receiving waters.

A comprehensive study needs to be carried out to determine the best means of disposing of the sewage in an environmentally acceptable manner. This should include, amongst other possible solutions, disposal to the Hutton Rudby sewage works (the nearest connection point being some 800meters away) or construction of a full-scale treatment system. The system needs to be operational before any expansion can be envisaged.

- 29) 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 13 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.
- 30) 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

- 31) There is no mention in either the Planning Application or the Listed Building Consent Application of the following issues:-
- a) 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.
 - b) 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.
 - c) 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.
- 32) 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 has been on the market for that long – perhaps something to do with the economic climate?

- 33) No information has been submitted with the application about noise control.
- 34) The Applicant has previously informed residents that there would be no amplified music. This statement does not appear in the Planning Statement.
- 35) 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.
- 36) 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?
- 37) 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?
- 38) 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.
- 39) Insufficient consultation has taken place with local residents.

Support

- 40) Resident of The Garden House – house joins the main hall, set back to the right in what was the old Butler’s Pantry.
- 41) 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.
- 42) 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.
- 43) 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.

- 44) The Hall is beautiful property and one that goes largely unnoticed in the area. Use as a small hotel would others to enjoy the building, its impressive grounds and wonderful views. An exclusive hotel would be a boost for not only Skutterskelfe but also 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.
- 45) 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.

6.0 OBSERVATIONS

- 6.1 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.
- 6.2 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.
- 6.3 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.
- 6.4 In applying Test One; it is considered that the proposed development will promote economic wellbeing and protect a designated asset in accordance several of the tests within 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, tourist attractions, taxi firms etc., will benefit from spin-off trade.
- 6.5 The Government is committed to securing economic growth in order to create jobs and prosperity and ensuring that the planning system does everything it can to support sustainable economic growth. To this end, paragraph 20 of The National Planning Policy Framework (NPPF) stipulates that "local planning authorities should plan proactively to meet the development needs of business and support economic growth through the planning system."
- 6.6 Paragraph 28 of the NPPF states "Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development. To promote a strong rural economy, local and neighbourhood plans should...support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings and support sustainable rural tourism and leisure development that benefit businesses in rural areas, communities and visitors."
- 6.7 Consequently the NPPF 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 (in advance of the NPPF) 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.

- 6.8 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.
- 6.9 In light of the above considerations, it is considered that the proposed hotel satisfies Test One.
- 6.10 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.
- 6.11 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."
- 6.12 As identified above, Paragraph 28 of the NPPF promotes the conversion of existing buildings for new rural enterprise. This approach 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.
- 6.13 As highlighted within paragraph 6.6 of this report, it is envisaged that the proposed development will create a new source of employment for the District and generate economic benefits for existing local businesses.
- 6.14 In light of the above considerations, Test Two is satisfied.
- 6.15 Test Three: requires proposals not to conflict with the environmental protection and nature conservation policies of the LDF (final para of CP4).
- 6.16 No permanent alterations are proposed therefore the impact on wildlife will be negligible. The impact on surrounding residents requires particularly careful attention.
- 6.17 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.
- 6.18 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 nos 1, 2 and 3 The Stables sit between the Hall and those

properties fronting the main road. Local residents are very concerned that the proposed change of use will result in unacceptable levels of noise and disturbance.

- 6.19 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) Waste Disposal
 - 2) Details of external plant or equipment.
 - 3) Access
 - 4) Food Preparation
 - 5) Use of eastern courtyard
 - 6) Events in grounds
 - 7) Marquee – use, erection & dismantling
 - 8) Noise
 - 9) Deliveries
- 6.20 As a consequence, residential amenity can be adequately protected and therefore Test Three is satisfied.
- 6.21 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."*
- 6.22 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.
- 6.23 Policy DP28 of the Development Policies DPD provides that development within or affecting a listed building should seek to preserve or enhance all aspects that contribute to its character and appearance. Permission will be granted, where this is consistent with the conservation of the feature, for its interpretation and public enjoyment, and developments refused which could prejudice its restoration.
- 6.24 Paragraph 131 of the National Planning Policy Framework (NPPF) states that "in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness."
- 6.25 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.
- 6.26 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."

- 6.27 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.
- 6.28 The Local Highway Authority (LHA) previously raised concerns about poor visibility at the main access to the Hall. The LHA recommended that the existing stone piers be repositioned approximately 200mm further back from the main road. The LHA considers that this improvement will make a considerable difference to the visibility that is afforded to emerging drivers. The relocation of the pillars by this amount could give improvements to the visibility of approximately 10m in both directions. Amended plans were submitted on 6th June 2012 showing this improvement to the main access. English Heritage has raised no objection to resiting of the piers although the Council's Conservation Officer has queried whether the benefit of the proposed works is sufficient to justify disturbing a heritage asset.
- 6.29 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 or other means to be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented prior to first use of the Hall as a Hotel.
- 6.30 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

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 as followed, unless otherwise agreed in writing by the Local Planning Authority:

- 11.026 004 Rev.A (Basement, Ground & 1st Floor Plans) received on 6th January 2012
- 11.026 001 (Location Plan) received on 6th January 2012

- 11.026 001 (Marquee Location) received on 24th February 2012
- 11.026 005 Rev.B (2nd & 3rd Floor Plans) received on 3rd May 2012
- 12010. F01 Rev.B (Access) received on 6th June 2012

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

3. **Foul Drainage**

Prior to first use of the development hereby approved, details of the proposed means of disposal of foul water drainage shall be submitted to and approved by the local planning authority. The discharge of foul drainage to the main sewer should be investigated as a preferred option. Thereafter, the approved 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 in accordance with the approved details.

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. Thereafter the external plant and/or equipment shall be implemented and maintained in accordance with the approved details.

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

7. **Food Preparation**

There shall be no food preparation on application site other than for staff and residents.

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

8. Kitchen Doors & Windows

The doors and kitchen windows facing the courtyard to the east of the Hall shall remain closed whilst the kitchen is in use.

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

9. Use of Courtyard

The courtyard to the east of the Hall shall not be used by staff, or customers and no deliveries shall be made via this courtyard.

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

10. Events in Grounds - 12 per year limit

Events within the grounds of the Hall shall be held on no more than 12 days a year.

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

11. Events in Grounds - Time Limit

Events within the grounds of the Hall shall not take place outside the hours of 12 midday and 6pm.

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

12. Events in Grounds – Marquee

All events held in the grounds of the Hall are to be held in a marquee, the location of which is shown on drawing 11.026 001 (Marquee Location) received by Hambleton District Council on 24th February 2012.

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

13. Events in Grounds – No Amplification Equipment

No sound amplification equipment shall be used in the grounds of the Hall, including within any marquee, without the written permission of the local planning authority

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

14. Events in Grounds – Live Music

No live music shall be played in the grounds of the Hall, including within any marquee, without the written permission of the local planning authority.

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

15. Marquee – Access for Staff

There shall be no access for staff to any marquee permitted by condition (insert number) outside the hours of 11am and 7pm other than for erection and dismantling of the marquee.

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

16. Marquee – Erection & Dismantling

Erection and dismantling of any marquee shall not take place outside the hours of 8am and 6pm Monday to Saturday and at no time on Sundays and Bank Holidays.

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

17. Temporary Structures

No temporary structures, other than those permitted by condition (insert number) are to be erected in the grounds of the Hall without the written permission of the local planning authority.

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

18. Noise Levels

No noise emanating from events held in the Hall shall exceed 28(L_{Aeq, 5min}) at any point on the red line shown on drawing 12010.P01 (Acoustic Boundary Layout Plan) received by Hambleton District Council on 26th June 2012.

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

19. Noise Limiter

A noise limiter shall be installed in the bar and dining rooms which shall be set to achieve maximum octave band sound levels within each room as detailed in Table 1 of the Apex Acoustics Report reference 3165.1B accompanying the application. All amplified speech and music shall be played through the noise limiter which shall be secured against tampering once set to the stated levels.

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

20. Deliveries & Collections

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

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

21. Use of secondary entrance

The secondary entrance to the east of the premises shall not be used for deliveries, staff or customers. Prior to first use of the development hereby approved, a scheme

for the closure of the secondary access to the east of the Hall shall be submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be implemented and maintained in accordance with the approved details.

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

22. 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. Thereafter the approved finish shall be implemented and maintained for the life of the development hereby approved.

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

23. Alteration to the existing access

No part of the development shall be brought into use until the alterations to the vehicle access have been constructed in accordance with the submitted drawing (Reference Drawing No. 12010.F01 Rev B). Once constructed these areas shall be maintained clear of any obstruction and retained at all times.

Reason: In accordance with Policy DP4 of the Local Development Framework and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

15.

12/00020/LBC

Application for listed building consent for internal alterations to existing dwelling to form a hotel and the repositioning of two stone piers as amended by plans received by Hambleton District Council on 19th March 2012, 3rd May 2012 and 6th June 2012 at Rudby Hall, Skutterskelfe, North Yorkshire, TS15 0JN for Python Properties Ltd

1.0 PROPOSAL & SITE DESCRIPTION

- 1.1 Listed Building Consent is sought to undertake various internal alterations to Rudby Hall in order to facilitate its change the use from a private dwelling to a Country House Hotel and to reposition two stone piers adjacent to the Hall's main vehicular access. The Hall would be converted to boutique hotel with 11 lettable suites that would include 13 bedrooms. 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. The proposed internal alterations include:
- A free standing bar to existing dining room (ground floor)
 - Re-configuration of existing wc/cloaks to form male and female toilets (ground floor)
 - Provision of new en-suite bathrooms to bedrooms (first, second and third floors)
 - Formation of new doorways to corridors and rooms (ground, first and second floors)
- 1.3 All new doorways and en-suites would be formed to reflect existing details. New doors would be timber, six panelled and painted white to match other traditional doors within the Hall. New frames would also match existing frames to ensure consistency. The provision of new doorways within existing arched openings on the first floor would include an arched top light to reflect similar treatment of doorways.
- 1.4 The existing stone piers are located adjacent to the main access and would be repositioned approximately 200mm further back from the main road in accordance with the Local Highway Authority's recommendations.
- 1.5 Rudby Hall is a large 3-storey country house set in 10 acre gardens and situated in open countryside between Hutton Rudby and Stokesley.
- 1.6 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*.
- 1.7 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.

- 1.8 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.
- 1.9 A Heritage Statement has been submitted in support of the application.

2.0 RELEVANT PLANNING HISTORY

- 2.1 In 1986, full planning permission and listed building consent were granted for 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 2/86/134/0031A - 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 12/00019/FUL - Change of use from dwelling to a country house hotel as amended by plans received by Hambleton District Council on 24th February 2012, 19th March

3.0 RELEVANT PLANNING POLICIES

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

The National Planning Policy Framework 2012

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP28 - Conservation

Development Policies DP32 - General design

4.0 CONSULTATIONS

Parish Council

- 4.1 Recommend approval of the application.

English Heritage (20.02.2012)

- 4.2 Does not object in principle to the change of use of Rudby Hall to a Country House Hotel, subject to the following matters:-
- 4.3 (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.
- 4.4 (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 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.
- 4.5 (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.

- 4.6 (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.
- 4.7 Recommendation - If the Council is minded to grant consent the matters referred to above need to be fully addressed.

English Heritage (13.04.2012)

- 4.8 This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

English Heritage (24.05.2012)

- 4.9 This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

English Heritage (07.06.2012)

- 4.10 It is proposed to move the gate piers back by 200mm in order to achieve a visibility splay. This does appear to create a great deal of disruption for very little change. However, if it is really considered necessary, it would be acceptable in principle to English Heritage. This is subject to the following matters: -
- 4.11 Lime mortar is to be used in the reconstruction and the mortar must be kept off the faces of the stone as at present. The details need to exactly match the original (except of course the position) and the jointing of the stones needs to achieve the same width as at present.

York Georgian Society

- 4.12 Whilst the external appearance of the building, apart from the elaborate portico, could still be considered predominantly 'Georgian' in character, internally the layout and detail appears to be more 'Victorian' and it is internal alterations which form the subject of the application. For this reason, we would prefer not to comment but to defer to the views of the Victorian Society.

Victorian Society

- 4.13 No reply received.

Publicity

- 4.14 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 expired on 25th May 2012. 6 objections have been received and are summarised as follows (only those comments relevant to the application for listed building consent have been summarised):
- a) The application neither protects nor enhances the Grade II* Listed Building.
 - b) The proposed development fails to properly recognise the local character.
 - c) PPS15 makes clear 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.

- d) With regards to Policy HE7 of PS15, 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 the conflicts that will occur.

5.0 OBSERVATIONS

- 5.1 The main issue to consider in the determination of this application is the impact of the proposed works on the character, appearance and fabric of the listed building.
- 5.2 Policy DP28 of the Development Policies DPD provides that development within or affecting a listed building should seek to preserve or enhance all aspects that contribute to its character and appearance. Permission will be granted, where this is consistent with the conservation of the feature, for its interpretation and public enjoyment, and developments refused which could prejudice its restoration.
- 5.3 Paragraph 131 of the National Planning Policy Framework (NPPF) states that “in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.”
- 5.4 Paragraph 134 of the NPPF states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”
- 5.5 As identified within paragraphs 1.2 and 1.3 of this report, the proposed works are modest and will be undertaken in a sympathetic manner. Moreover, the proposed works will facilitate use of the building in a manner that will contribute positively and swiftly towards sustainable economic development in a rural area.
- 5.6 English Heritage (EH) had initially raised concern that a new doorway to Bedroom 8 would cause harm to an existing chimney stack. The internal layout has since been amended in order to preserve the chimney stack and EH has since removed the initial objection.
- 5.7 EH also requested further information concerning the fireproofing of existing internal doors. The Applicant’s have confirmed that 10mm of intumescent veneer will be affixed to the doors’ recessed panels which will increase fireproofing without harming the character of the building. EH has no objection to this approach.
- 5.8 Again, EH has no objection to the repositioning of the stone entrance piers provided that lime mortar is used in their construction and that mortar is kept off the faces of the stone. The details should match the original (with the exception of position) and the jointing of the stones should achieve the same width as at present.
- 5.9 In light of the above considerations this application for Listed Building Consent is recommended for approval.

SUMMARY

The proposed works are not considered to have a harmful impact upon the character, appearance or fabric of the listed building and will facilitate use of the building in a manner

that will contribute positively and swiftly towards sustainable economic development in a rural area, in accordance with Policy CP16 & DP29 of the Local Development Framework and guidance contained within the National Planning Policy 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 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by 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 as followed, unless otherwise agreed in writing by the Local Planning Authority:

- 11.026 004 Rev.A (Basement, Ground & 1st Floor Plans) received on 6th January 2012
- 11.026 001 (Location Plan) received on 6th January 2012
- 12010. C10 Rev.A (Door Detail) received on 19th March 2012
- 11.026 005 Rev.B (2nd & 3rd Floor Plans) received on 3rd May 2012
- 12010. F01 Rev.B (Access) received on 6th June 2012

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of the Listed Building and its surroundings and in accordance with the Hambleton Local Development Framework Policies CP16 and DP28.

3. Stone Piers

The repositioned stone piers, as shown on drawing ref: 12010.F01 Rev B, shall replicate the appearance of the existing stone piers in terms of jointing pattern, jointing width and use of lime mortar. The stone contained within the existing piers shall be reused in the construction of the new piers.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of the Listed Building and its surroundings and in accordance with the Hambleton Local Development Framework Policies CP16 and DP28.

16.

12/01084/FUL

**Revised application for proposed alterations and extension to existing dwelling.
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 double 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, the side and rear garden is enclosed by a brick wall of approximately 1.8 metres high. The wall is constructed mainly of a light coloured brick with a timber middle section. The wall is set back from the footway by approximately 3.5 metres for a length of approximately 13 metres, and then sweeps backwards in a curve to 35 Northfield Drive, where this part of the wall is positioned approximately 11 metres back from the highway edge. 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 of the adjacent houses to the west. The open space is grassed and includes some landscape planting. On Northfield Drive, the houses are two storey, and set back from the highway by variable but similar amounts. The main part of No 35 is set back approximately 9 metres. They have mainly open frontages.

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

1.4 The proposals are a revision of a previous application.

The present proposal is:

- i. Kitchen extension 6 x 2.9m on the east side elevation of the bungalow. The extension has a hipped roof.
- ii. Garage extension 3 x 5.5m on the east elevation. The outer garage wall as proposed is in line with the existing garden wall. The garage has a hipped roof.
- iii. Convert inner garage to a habitable room, with full height bay on a brick plinth in place of the existing garage door.
- iv. Replace existing projecting bay on the front elevation with a full height bay on a brick plinth.

1.5 Amended plans have been submitted which include annotations making clear the width of the footpath on the outside of the garage is 800mm wide and that no fence or wall is proposed on the outer side of the garage. It does not include any substantive amendments. A new location plan has been submitted which omits the double garage that was shown on the frontage as previously refused. The plan showing the double garage on the frontage had been submitted in error.

2.0 RELEVANT PLANNING HISTORY

2.1 12/00228/FUL Proposed alterations and extension to existing dwelling. Refused 30.03.2012

(This proposal included a double garage forward of the front of the house, and a removal forward of the side garden wall, which are not included in the present proposal).

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

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 - Objection. The hedging adjacent to the garage is still beyond the line of the existing hedging contrary to the open plan aspect of the estate.

4.2 Ward member - This proposal was discussed at the Stokesley Parish Council meeting held on 10 July 2012.

The unanimous view was to object to the development.

The councillors objected to the adverse impact of that development would have on the street scene along Northfield Drive.

Currently this is of open plan grassed front gardens.

The development at No 36 will have an adverse impact on the open plan view by significant encroachment into the open plan grassed area.

I therefore ask that this proposal goes before the Planning Committee for determination.

4.3 Neighbours - Objections.

i. Location plan is as original and shows a new garage at the front. Proposed roof will overhang path beyond line of existing wall. Footpath bounded by hedge will bring sight line further outwards. Query why this application allowed when similar application has been refused.

ii. Ambiguities with location plan not showing proposed attached garage, and siting of new garage to front - already refused. Plan does not show exact measurements of garage. Lack of clarity regarding the extent to which the wall/planting/path at the side of the new garage will move towards the footpath. Alterations to this area previously refused.

iii. Moving of boundary wall and erosion of aesthetics of the estate. Existing location plan exaggerates distance of wall from main building, reducing the apparent impact of the side extension on the surroundings. Extending in this area already refused.

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.

Side Extension

5.2 The proposed kitchen extension is modest in size using a hipped roof and materials to match the existing house. It is contained behind the garden wall and will not have any significant effect on the general streetscene and will not impose on the amenities of neighbours.

Garage extension.

5.3 The extension outwards of the garage follows the slightly lower line of the existing garage ridge, and the garages as proposed will remain subservient to the main house. The design includes an over-sailing roof which will fit with the style of the original house and overall the proposed garage will blend well with the existing building.

Bay window extensions

5.4 These alteration to the bay window is minor change to the building which is well integrated with the existing structure, and with the brick plinth will blend in well with the existing dwelling.

Street scene implications

5.5 The site is a corner plot and of key concern will be the visual impact of the proposal from each direction on Tameside and Northfield Drive. The house is orientated towards Tameside and benefits from the set back position giving a wide aspect in which the garage extension can be accommodated. The neighbouring properties on Tameside are two storey and the house as extended and altered will not be out of scale or unacceptably dominant.

5.6 The view along Northfield Drive is at present enclosed by the garden wall to this property. The garage extension will occupy an open grass area beside the existing garage, but the main elevation will follow the line of the existing garden wall, respecting the line of the present plan. The over-sailing roof will overhang the line of the garden wall but will be a visually 'light' feature, with space apparent underneath and will not be unacceptably overbearing on neighbouring properties or users of the footway. To the rear of the proposed garage the line of garden wall remains as at present, and retains the existing relationship with open frontages of the two storey properties on Northfield Drive. Overall therefore the proposal will not be unacceptably intrusive and will retain the existing characteristics of the streetscene in Northfield Drive.

Neighbour amenities

5.7 The extensions are relatively distant from neighbouring properties and will not harm the outlook of occupiers and could not be shown to be harmful to their amenities.

Observations

5.8 Concern has been expressed at some of the submitted details, which have since been dimensioned/clarified/corrected as required. The concern is consistent with concerns raised with the previous application.

5.9 Concerns have been expressed about the extent outwards of the overhang to the roof beyond the garage wall. Whilst this does increase the overall extent of the building, it is valuable in providing a good match with the design of the existing house, and as discussed above, any resulting visual intrusion is minor.

5.10 Similarly, concern has been expressed that the path indicated on the outside of the garage and associated hedge planting will further increase the impact of the outward extent of the addition. These are minor features however, and as noted above the majority of the existing wall will remain in place as at present and overall the effect of this aspect of the proposal is not so significant as to justify refusal.

5.11 The concern has been expressed regarding the dimensions of the site as shown on the submitted drawings and whether they are accurate. Further measurements are to be taken on site and will be reported at the meeting.

5.12 Concern is expressed by the Parish Council, Ward Members and neighbours and others that the open aspect of the estate will be affected by the proposed hedge protruding beyond the line of the proposed garage wall. The estate presents some open vistas (of which the amenity area in front of this house is a notable example), and it is also the case that in places, garden walls are found in close proximity to the roadside and are sometimes softened by external planting. Examples can be seen on Tameside, nearby. The scheme does not propose to extend the garden wall further towards the road, and the indicated planting will have fairly soft and natural appearance in the streetscene. Overall therefore, the effect is not considered to be unacceptably harmful to the open character of the estate.

5.10 Similarly, concern has been expressed that the path indicated on the outside of the garage and associated hedge planting will further increase the impact of the outward extent of the addition. These are minor features however, and as noted above the majority of the existing wall will remain in place as at present and overall the effect of this aspect of the proposal is not so significant as to justify refusal.

5.11 The concern about the position of the wall in relation to the existing house is not clear, however it can be seen that the scheme proposed results in a side extension being well tucked in behind the existing wall and due to its hipped design, and on the assumption that tiles will be a good match with the existing, it will not be intrusive on the streetscene.

5.12 Concern is expressed by the Parish Council and others that the open aspect of the estate will be affected by the proposed hedge protruding beyond the line of the proposed garage wall. The estate presents some open vistas (of which the amenity area in front of this house is a notable example), and it is also the case that in places, garden walls are found in close proximity to the roadside and are sometimes softened by external planting. Examples can be seen on Tameside, nearby. The scheme does not propose to extend the garden wall further towards the road, and the indicated planting will have fairly soft and natural appearance in the streetscene. Overall therefore, the effect is not considered to unacceptably harmful to the open character of the estate.

SUMMARY

Due to its siting, design, and materials the proposal is appropriate to the existing house and in the street scene, and will not have a harmful effect on the amenities of neighbouring occupiers and is able to comply with the above policies.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered PAD:ND:Bk.04 received by Hambleton District Council on 14 June 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) 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.

17.

12/01132/FUL

Change of use of existing wildlife lake to a wildlife/fishing lake and retrospective application for the change of use agricultural land to a site for touring caravans. Formation of caravan hardstandings, access track, car parking, waste disposal point and construction of a reception building and amenity building. at Canada Fields Moor Lane Yafforth North Yorkshire for Mr K Tiplady.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is in a rural location approximately 3 miles north west of Northallerton. There is an existing road access from the B6271. Along the roadside there is a well established copse of mature trees. Immediately behind the trees there is a range of 3 modern agricultural buildings, and a cabin style dwelling that is unauthorised and the subject of an enforcement notice and new revised planning application. There is an access track continuing from the agricultural buildings area westwards across the adjacent field and into a further field where there are 5 hardstandings laid out beside the track with (at the time of site visit) touring caravans in situ. To the south of the track there is a pair of small lakes. On the east side the field is bounded by a post and rail fence from the adjacent agricultural field. There are intermittent trees and low hedge on the west boundary.

1.2 The proposal is:

- a) caravan use for 5 caravans only. The remainder of northern part of site is to be used ancillary to the caravan use. The site currently has a Caravan Club exemption certificate.
- b) associated access track (in situ).
- c) hardstandings for caravan and holding bay (to allow for caravan manoeuvring and overlap) (in situ)
- d) amenity block 7.7 x 3.5 metres. Materials dark green composite panels.
- e) reception cabin 6.2 x 5 metres. Timber (in situ)
- f) waste disposal point (in situ). Close boarded timber enclosure with bins and chemical toilet disposal point.
- g) fishing lakes (in situ) with 6 pegs. Information submitted notes that this will mainly serve the caravan site users and that due to its size it has limited attraction to wider interested parties.

1.3 The main site area is noted as approximately 1.6 ha and the lakes area approximately 0.26 ha in area.

1.4 The plans show additional planting around the lakes and on the north west boundary of the camping area.

2.0 RELEVANT PLANNING HISTORY

2.1 2/96/161/0040 - Construction of an agricultural building for the accommodation of livestock; Granted 1996.

2.2 2/01/161/0040A - Construction of an agricultural building for the accommodation of livestock; Granted 2001.

2.3 2/02/161/0040B - Construction of an agricultural building for storage purposes and for the accommodation of livestock; Withdrawn 2002.

2.4 2/03/161/0040C - Construction of an agricultural building for storage purposes and for the accommodation of livestock; Granted 2004.

2.5 10/00342/FUL - Retrospective application for the siting of a caravan to be used as an agricultural workers dwelling; Withdrawn 2010.

2.6 10/02889/FUL - Revised retrospective application for the siting of a caravan to be used as an agricultural workers dwelling; Refused. Appeal Dismissed.

2.7 10/02878/APN - Application for Prior Notification for the construction of a steel portal framed agricultural building; Refused 2011.

2.8 11/00061/FUL - Revised application for the construction of a general purpose agricultural storage building. Refused 06.04.2011

2.9 12/01131/ADV - Application for advertisement consent for the retention of 2 non illuminated signs. Current.

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP32 - General design

Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies DP43 - Flooding and floodplains

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - expiry 15 June 2012

4.2 NYCC Highways - conditions requested (and note that works are required to be completed in connection with previous approval 03/02214/FUL)

4.3 Environmental Health - No observations.

4.4 Neighbours and site notice - last expiry 10.07.2012 No observations received.

5.0 OBSERVATIONS

5.1 The main issues are whether as development outside of any sustainable settlement, the proposal may be acceptable as an exception to policies CP1 and CP2, in accordance with the criteria set out in CP4, in this case criteria i), necessary to meet the needs of tourism and will help to support a rural economy. If acceptable in principle, issues to consider will be the impact of the development on the rural surroundings (CP16, DP30) amenity issues (CP1, DP1) and any highway safety and access issues.

Policy

5.2 CP4 recognises that tourism uses may have an essential need to locate in the countryside, and touring caravan and recreational fishing may be onesuch. The NPPF supports sustainable rural tourism and leisure developments that benefit business in rural areas. This would include supporting provision of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. The Councils policies are in accordance with the NPPF.

5.3 The site is approximately 3 miles from Northallerton which has a wide range of services, and lies on a bus route between Northallerton and Richmond (5 buses into Northallerton, 3

return) which is accessible by hail and ride. The distance to Northallerton would lend itself to cycling, if required, or a reasonably affordable taxi ride.

5.5 The site proposes few pitches, and additional information notes that experience so far is that the main activity is generally weekends, between April and September and there will be comparatively modest generation of car trips.

5.6 With regard to use of the fishing lakes they are small (6 pegs) and the supporting information received notes that they attract few anglers not associated with the caravan site. Taking into account the relative scale of the lakes and proximity to Northallerton, as noted above the lakes are considered relatively accessible to the service centre for the few users, other than caravaners, that might be attracted there.

5.7 The proposal is associated by ownership with an existing agricultural use on the site. It utilises land noted to be poor and tending to be wet, and is an appropriate activity which will support to the rural economy.

5.8 Overall, it can be accepted that although the nature of the use of the site for touring caravans is inherently car based, the location of the site is sufficiently sustainable to be considered as an exception to CP1 and CP2, subject to the other policies of the Local Plan.

Landscape

5.9 With regard to landscape amenity, the site is discreetly located and benefits from a belt of mature trees to the main road, and views in from the rural road to the north west will be softened by existing trees and further planting as it develops. The 'tourer' nature of the use will also tend to ensure that the main use of the caravan site will be when leaf cover is available.

5.10 The reception building and proposed toilet block benefit from the existing screening, as above, and although they will remain on site through the year, due to their dark colouring they will not be unacceptably conspicuous.

5.11 The lakes are contained by a relatively modest bund, higher on the west side, and overall have an acceptably natural appearance in the rolling landscape.

Amenity of neighbours

5.12 The site is well separated from dwellings nearby and will not be imposing on outlook.

Amenity of visitors

5.13 There is space available for on-site recreation and relaxation and appropriate and unobtrusive means of dealing with waste disposal are provided.

Drainage and flooding

5.14 The fishing lakes utilise the natural drainage of the land and the tracks are permeable and the development overall will have sustainable drainage. Foul waste is stored and collected and will not contaminate the land.

SUMMARY

Due to its size, design, materials and location the proposal is able to comply with the above policies.

6.0 RECOMMENDATION:

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

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

2. 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 25 May 2012 unless otherwise agreed in writing by the Local Planning Authority.
3. There shall be a maximum of 5 touring caravans on site at any time.
4. The development must comply with the following requirements that:
 - (i) the caravans are occupied for the holiday purposes only;
 - (ii) the caravans shall not be occupied as a person's sole, or main place of residence;
 - (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.
5. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

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. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered received by Hambleton District Council on **** unless otherwise agreed in writing by the Local Planning Authority.
3. To enable the Local Planning Authority to assess the impact of any different number of caravans against the policies of the Local Plan.
4. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Hambleton Local Development Framework Policies CP15 and DP25.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16, DP30.