

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 16 August 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

16 AUGUST 2012

Item No	Application Ref/ Officer	Proposal/Site Description
1	12/00842/REM Mr J Saddington	Application for reserved matters for the construction of 90 dwellings, garages, electricity sub station, access and the provision of public open space. at The Abattoir Bedale Road Aiskew North Yorkshire for Taylor Wimpey (North Yorkshire) Ltd. RECOMMENDATION: DEFER
2	12/00458/FUL Mrs H M Laws	Alterations to part of bakery/butchery building to farm shop and tea room. at Seaves Farm Brandsby York YO61 4RT for Farmhouse Direct. RECOMMENDATION: REFUSED
3	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
4	12/01338/FUL Mrs B Robinson	Application for alterations to existing office and training centre to form 5 dwellings and construction of 3 dwellings. at The Close 58 Northallerton Road Brompton North Yorkshire for RBA Moody Bros (Contractors) Ltd. RECOMMENDATION: GRANTED
5	12/00702/FUL Mr A J Cunningham	Revised application for a change of use of land from agricultural land to mixed use agricultural and equestrian, the formation of hardstanding and construction of a stable block and boundary fence as amended by plan received by Hambleton District Council on 7 June 2011. at Land To The North Of Hagg Farm Sandy Lane Islebeck North Yorkshire for Mr Ian Myatt. RECOMMENDATION: REFUSED

<p style="text-align: center;">6</p>	<p>12/00893/FUL Mrs H M Laws</p>	<p>Demolition of outbuilding, alterations and extensions to existing pub to form 2 dwellings and 3 flats as amended by plans received by Hambleton District Council on 16 July 2012. at The New Inn 62 - 66 Long Street Easingwold North Yorkshire for Punch Partnerships (PML) Ltd.</p> <p>RECOMMENDATION: GRANTED</p>
<p style="text-align: center;">7</p>	<p>12/00894/LBC Mrs H M Laws</p>	<p>Application for listed building consent for demolition of outbuilding, alterations and extensions to existing pub to form 2 dwellings and 3 flats as amended by plans received by Hambleton District Council on 16 July 2012. at The New Inn 62 - 66 Long Street Easingwold North Yorkshire for Punch Partnerships (PML) Ltd.</p> <p>RECOMMENDATION: GRANTED</p>
<p style="text-align: center;">8</p>	<p>12/00789/FUL Mr J Saddington</p>	<p>Construction of an agricultural workers dwelling, detached domestic garage, 4 agricultural buildings and a new vehicular access as per amended plans received by Hambleton District Council on 19th July 2012. at Land West Of Fencote House Hergill Lane Little Fencote North Yorkshire for Messrs HJ, RM & SJ Smith.</p> <p>RECOMMENDATION: GRANTED</p>
<p style="text-align: center;">9</p>	<p>12/01200/FUL Mrs B Robinson</p>	<p>Flood alleviation measures involving widening of existing channel to increase storage area adjacent to culvert inlet. at Turker Beck Flood Alleviation Area Bullamoor Road Northallerton North Yorkshire for The Environment Agency.</p> <p>RECOMMENDATION: GRANTED</p>
<p style="text-align: center;">10</p>	<p>12/01201/FUL Mrs B Robinson</p>	<p>Flood alleviation measures including excavation of a new channel to create increased water storage area adjacent to existing culvert inlet. at Sun Beck Flood Alleviation Area Scholla Lane Northallerton North Yorkshire for The Environment Agency.</p> <p>RECOMMENDATION: GRANTED</p>

1.

12/00842/REM

Application for reserved matters for the construction of 90 dwellings, garages, electricity sub station, access and the provision of public open space at the Abattoir, Bedale Road, Aiskew for Taylor Wimpey (North Yorkshire) Ltd

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Outline planning permission was granted on 28th March 2012 for re-development of the application site for housing, open space, an electricity sub-station and associated works. All matters were reserved within the outline application and consequently permission is now sought for access, appearance, landscaping, layout and scale.
- 1.2 An indicative layout showing up to 95 dwellings of a variety of house types was submitted with the outline application. This included the replacement of the 10 units currently occupied and in the ownership of Broadacres Housing and is therefore 85 units 'net'.
- 1.3 The site layout submitted in respect of this reserved matters application shows 84no units, of which 36no are affordable, severed by a single access onto Bedale Road. An additional 4no open market units will be served by a private access off Bedale Road, whilst 2no affordable units will be severed by a private access to the south of Rigby Terrace.
- 1.4 The proposed house types will take the form of terraced, semi-detached and detached homes, all two storeys in height, with a mix of 2, 3 and 4 bedrooms. All dwellings are two-storeys in height and will be constructed using modern facing brickwork with mock-slate or pantile roofs and a chimney detail on selected plots. All dwellings are designed to have private amenity space.
- 1.5 In terms of car parking provision, the average 'on-plot' parking spaces per unit (excluding garages) is as follows:-
- A - 2Bedroom - 16no units with 33 spaces @ average 2 per unit
 - B - 3Bedroom - 36no units with 72 spaces @ average 2 per unit
 - D, E, F, G, and H - 4Bedroom - 38no units with 73 spaces @ average 1.92 per unit
 - House types D - H inclusive have single or detached garages which provide an additional 49no useable spaces.
 - The majority of the proposed road network is 5.5m wide or more and this provides for additional 'Casual Visitor Parking' throughout the site consisting of a minimum of 25 spaces.
- 1.6 Existing trees and vegetation will be retained along the south-east facing elevation of the site whilst the existing hedgerow in the north-west facing corner of the site, adjacent to Bedale Road, will be retained and trimmed to the Council's approval.
- 1.7 The site has been confirmed within the Council's Local Development Framework Allocations Document where, as Allocation BH4, it is stated to be suitable for development within the Phase 2 period (2016-2021) subject to:
- i) development being at a density of ³at least 35 dwellings per hectare, resulting in

- around 80 dwellings, of which at least 40% (ie at least 32) should be affordable;
- ii) types and tenure of housing developed meeting the latest evidence of housing need; and
- iii) contributions from the developer towards providing public open space, provision of footway and cyclepath links along the Wensleydale Railway towards Leeming Bar and Bedale town centre including improvements to Bedale Bridge, additional capacity to local schools, increased or improved access to local healthcare facilities and, if required, additional drainage and sewerage infrastructure.'

- 1.8 The justification to the allocation within the Submissions document confirms that the site has been allocated because : 'Its development provides the opportunity for a number of dwellings to be located on brownfield land within the Service Centre which would be within walking and cycling distance of local services and facilities, including public transport using the A684; its development would have relatively little impact on the form and character of the settlement; its development would have a positive impact on the visual appearance of the site; the site is within walking distance of and accessible to public transport and, finally, it is available with developer interest.'
- 1.9 The site, which is approximately rectangular in shape, comprises mainly the former abattoir which includes the slaughterhouse, associated buildings, hardstanding and lairage land to the north and eastern parts of the site. In addition 10 dwellings (6 houses and four flats) in Rigby Terrace, in the ownership of Broadacres Housing Association and fronting onto the A684 are included which would be demolished. The dwellings are not up to Broadacres preferred standards and will be replaced by other properties within the site (see paragraph 1.4 below). Six of the dwellings at the western end of Rigby Terrace will remain unaffected. The north-eastern boundary of the site is formed by a smallholding/former nursery curtilage, the land to the south of the Wensleydale Railway is in agricultural use and the south-western boundary adjoins the Gill's Garage complex which comprises a petrol filling station, body repair/spraying and servicing facility and car showroom.

2.0 RELEVANT PLANNING HISTORY

- 2.1 04/00134/OUT - Outline application for residential development (Refused on 8th May 2004).
- 2.2 10/00484/OUT - Outline application for re-development of site for housing, open space and electricity sub station (Granted on 28th March 2012).

3.0 RELEVANT PLANNING POLICIES

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

The National Planning Policy Framework – 27 March 2012

CP1 - Sustainable development
 CP2 - Access
 CP4 - Settlement hierarchy
 CP8 - Type, size and tenure of housing
 CP9 - Affordable housing
 CP16 - Protecting and enhancing natural and man-made assets
 CP17 - Promoting high quality design
 CP18 - Prudent use of natural resources
 CP19 - Recreational facilities and amenity open space

DP1 - Protecting amenity
 DP2 - Securing developer contributions
 DP3 - Site accessibility
 DP4 - Access for all
 DP6 - Utilities and infrastructure

DP12 - Delivering housing on "brownfield land"
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links

Hambleton Biodiversity Action Plan
Corporate Plan
Sustainable Communities Strategy

4.0 CONSULTATIONS

Parish Council

4.1 Comments awaited on the amended site layout and house types.

NYCC Highways

4.2 Comments awaited on the amended site layout and house types.

NYCC Development Management Archaeologist

4.3 Comments awaited on the amended site layout and house types.

HDC Environmental Health Officer

4.4 Comments awaited on the amended site layout and house types.

Police Architectural Liaison Officer

4.5 Comments awaited on the amended site layout and house types.

Network Rail

4.6 Comments awaited on the amended site layout and house types.

Wensleydale Railway

4.7 Comments awaited on the amended site layout and house types.

Sabic – Pipeline Operator

4.8 Comments awaited on the amended site layout and house types.

Publicity

4.9 The application was advertised within local press, by site notices and directly to the neighbouring residents. The period for replies expires on 30th August 2012. Four letters of objection and one representation of support have been received to date and are summarised as follows:-

Objection

- 1 Question housing need and demand. 5
- 2 No plans to increase infrastructure.

- 3 Worried about road safety and congestion.
- 4 The parking and turning of cars (usually done to the rear of 10 Rigby Terrace) will be difficult once the street is made shorter. May result in reversing movements onto Bedale Road.
- 5 Object to terraces being placed next to number 78. Would prefer detached houses to be situated within this area.
- 6 Concerned about the adequacy of boundary fencing to existing neighbours in terms of sound proofing.
- 7 Concerned about the proximity of Wensleydale Railway in terms of noise, pollution and danger.

Support

- 8 Broadacres – tenants in Rigby Terrace provided positive feedback to consultation. Due to the need to house the existing tenants early on in the programme requires a larger than normal concentration of affordable homes in one area. The site layout is the best result.

5.0 OBSERVATIONS

- 5.1 Matters of principle were considered in determining the original outline application and should not be reconsidered. Only those matters reserved for future consideration, namely: access, appearance, landscaping, layout and scale should be examined.
- 5.2 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness.
- 5.3 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which 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.”
- 5.4 Paragraph 62 of the NPPF states that “Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for a national design review...In assessing applications, local planning authorities should have regard to the recommendations from the design review panel.”
- 5.5 In response to this guidance, Officers invited the Applicant to refer the application to the Regional Design Review Panel as a collaborative process. This request was rejected by the Applicant. Consequently, Officers have critiqued the design aspects of the application without the added benefit of third party scrutiny. Officers made the following criticisms of the original submission:-
 - a) The “Landscape Proposals” drawing isn’t particularly clear. Provide further clarification in respect of the trees and other landscape features to be retained.
 - b) As a general principle, occupiers should be able to view their own parking space from their properties. Parking courts are not good design and an alternative solution should be found.
 - c) The Police ALO is likely to have concerns about the car parking court between plots 16 and 17 due to a lack of natural surveillance.
 - d) Plots 68 to 74 contain too much car parking to the front of the site. Wish to see car parking alongside dwellings where possible. A swathe of parked cars to the

front of dwellings has a significant detrimental impact on visual amenity and will result in an oppressive outlook. You may need to re-distribute plots to achieve this.

- e) There is an opportunity to use the track to the rear of Rigby Terrace to serve Plots 68 to 74. This would eliminate the need for car parking to the front and allow for car parking and garages to be positioned within rear gardens and served. The track could be resurfaced to the benefit of new and existing residents.
- f) The development has insufficient car parking. Wish to see a minimum of 2 in-curtilage car parking space per 2/3 bed and 3 for a 4 bed (excluding garages). This will also be an expectation of the Planning Committee.
- g) Plot 7 is positioned too close to 76 Bedale Road. Would normally expect to see separation distances of 21m rear to rear elevations. This doesn't comply. Increase by 1m.
- h) Plots 65-67 are 8.5m from the side garden space of 1 Rigby Terrace is too close and will result in overlooking and loss of amenity. These dwellings should be re-orientated to face the A684. Delete one unit to achieve this successfully.
- i) The inclusion of chimneys throughout the development would improve its character and reflect local vernacular. Chimneys should be added to the rows of terraced, in addition to other housetypes as detailed below:-
- j) "The Hadleigh" – Would be improved through addition of a roof chimney on either end. The brick detail to the eaves is attractive and should be repeated on other detached housetypes.
- k) "The Eynsham" – add a single full height external chimney.
- l) "The Bradenham" – add a single full height external chimney.
- m) "The Downham" – the different styles of ground floor roof styles is clumsy. The pitched-roof over garages looks like a dated 1980's feature. This housetype would be better with a flat roof canopy over front door and flush garage door. Add chimneys.
- n) "The Gosford" – improve the window profile. Amend to copy the other terraces.
- o) How is the 10% energy efficiency being achieved?
- p) Submit "Streetscene" sections to illustrate the overall design.
- q) It would be better to have a greater mix of dwellings on the site frontage. Introduce some detached dwellings. The break in frontage created by the car parking court is not supported. Introduce a hipped roof detail to some of the frontage plots.
- r) Not convinced that the POS area is particularly useable. Wish to see the POS deleted and properties up positioned up to the site boundary with more areas of incidental POS scattered throughout the site. This would result in a more specious development.
- s) There should be a brick wall detail to the side of Plot 75 and rear of Plot 85.
- t) The relationship between many of the proposed dwellings is extremely tight. The following plots are considered to be too close. Expect to see a significant increase in the separation distances

u) Understand the need to decant 10 households from Rigby Terrace, however greater pepperpotting of the remainder of the affordable units should be incorporated into layout.

5.6 An amended site layout plan has been submitted by the developer in an effort to address these concerns. However, many of the design issues raised remain outstanding including:

- Landscaping detail
- Density of dwelling at the western edge of the site.
- Means of access to gardens
- Bin storage arrangements
- Car parking arrangements
- Additional design improvements to housetypes
- Sustainable construction details

5.7 14no of the proposed dwelling will front directly onto Bedale Road and therefore contribution to the overall streetscene and help assimilate the development into its wider surroundings. Consequently, the form, scale and design of these properties are particularly important. Streetscene drawings have been requested but have yet to be received.

6.0 RECOMMENDATION

6.1 Recommend that the application be DEFERRED to allow for outstanding consultation responses to be received and for further allow for additional design improvements to be made to the site layout.

2.

12/00458/FUL

**Alterations to part of bakery/butchery building to farm shop and tea room and construction of a loading bay as amended by plans received by Hambleton District Council on 20 April and 13 June 2012.
at Seaves Farm Brandsby York YO61 4RT
for Farmhouse Direct.**

1.0 PROPOSAL & SITE DESCRIPTION

1.1 Members have now 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 dwellings are Seaves Mill, Bumper Farm House and John's Barn. The original farm has been sub-divided so that Seaves Mill is surrounded from the north, south and west by land belonging to Seaves Farm. The building is on land belonging to Seaves Farm but which is sited between Seaves Mill to the north and Bumper Farm House and John's Barn to the south.

1.2 The building is used as a bakery/butchery with access gained directly from Stillington Road onto a large concrete hardstanding that lies between the building and the road and fenced on both sides from the three neighbouring dwellings. The building is set back approximately 70m from the road.

1.3 Permission was granted in 2009 retrospectively for the existing business operation. The existing farm business that supports the bakery/butchery business extends to 60 acres with 40 head of rare breed cattle and 120 rare breed chickens. Rare breed pigs are not on site but are contracted out to farms in the Hambleton area. It is intended to add rare breed sheep to the farm in the future and currently lambs are bought in from local farms. All produce is currently sold at shows and events held nationally and by mail order although the latter use is no longer considered to be viable.

1.4 In order to support the viability of the existing enterprise and replace the mail order element of revenue it is proposed to diversify by introducing alternative uses. It is proposed to use part of the existing building as a farmshop with tearoom. The space for this use covers a floorspace of 25sqm; 10 covers are proposed in the tearoom. The existing employment comprises 2 full time staff that work on site at Seaves Farm and sell the products at shows. It is proposed to increase the employment to include another full time worker and 2 part-time staff to be on site at Seaves Farm.

1.5 It is proposed to sell the products made on the premises including rare breeds' meat, sausages, bacon and pies, together with eggs from the farm. It is also proposed to sell local goods produced off-site including bread, chicken and cheese and propose to sell convenience items to local people that would have been sold in the village shop. It should be noted that although the application submitted is for a 'farm shop' there is no distinction in planning law between a farm shop and any other retail premises falling within Use Class A1.

1.6 Parking for the use is proposed along the boundary of the site with the neighbouring property to the north with the provision of 9 parking spaces.

1.7 The application also includes details of a covered loading area at the rear of the building, which has been installed without permission. The loading area has a footprint of 5m x 4m and a height of 3m.

1.8 Members deferred consideration of the application at the 21st June 2012 meeting to allow further information to be submitted regarding visibility at the access following concerns

expressed by the Highway Authority. A digital survey of the neighbouring hedge has been undertaken on behalf of the application, which shows that part of the hedge is within the visibility splay and a copy of the drawing is appended to this report

2.0 PLANNING HISTORY

2.1 09/02673/FUL - Retrospective change of use of farm building to form a bakery/butchery. Permission granted 17/12/2009 subject to the following condition:
No part of the premises shall be used for on-site retail sales.

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 policy, access and amenity.

2.2 09/02674/FUL - Extension to existing bakery/butchery building. Permission granted 17/12/2009.

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 CP14 - Retail and town centre development
- Core Strategy Policy CP15 - Rural Regeneration
- 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 DP24 - Other retail (and non-retail commercial) issues
- Development Policies DP25 - Rural employment
- National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - No objections to the plans, apart from increased traffic that the development will generate. The Parish Council are aware of the objections of the owners of the neighbouring properties regarding the close proximity of this development to their properties. Also the Parish Council wish to express their concerns over the need for a number of retrospective planning applications at Seaves Farm. Brandsby Parish Council wishes HDC to take note of the local objections.

4.2 NYCC Highways Dept – recommends refusal for the following reason:

The existing access, by which vehicles associated with this proposal would leave and rejoin the County Highway is unsatisfactory since the required visibility of 2.4m metres x 120 metres cannot be achieved at the junction with B1363 and therefore the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.

The visibility that is available at the existing access is substandard and whilst there may be an opportunity to improve the visibility to the south there would need to be a substantial quantity of vegetation/ hedgerow to be taken back. It would seem however that the applicant does not have control over this hedge and has therefore no power to improve the visibility splays. There is a concern from the Highway Authority that the extra vehicles that would be associated with the customers of the proposed café and shop would intensify the use of this substandard access. At present the drivers of any vehicle would have to encroach onto the B1263 (which is subject to the national speed limit) before they can see any vehicles on B1263 approaching them. A speed survey at that location showed that the 85th percentile speed of the vehicles surveyed was 46mph in northbound direction and 42.5mph in a southbound direction. If an improvement to the visibility to the south could be gained to allow visibility to the bend in the road to the south then this would be acceptable to the Highway Authority.

4.3 Environment Agency - We have no objection to the above proposed development. From the plans submitted it is our understanding that the proposed development primarily involves the change of use from a bakery and butchery to a farm shop and tea room. As such, in terms of the flood risk vulnerability the proposed use remains within the less vulnerable classification as detailed in table D.2 of PPS25. The erection of a protective sun awning is not of interest to the Agency. (PPS25 is superseded by the NPPF)

4.4 Environmental Health Officer - has considered the application and reviewed the history of the premises and the department has no objection in principal to this application. I would support the comments regarding hours of use, prohibition on external seating and the limit to the number of covers. In addition I would request a condition relating to the overnight parking of refrigerated vehicles. The loading bay is included in the application to provide protection for foodstuffs being loaded/unloaded from vehicles. You will be aware that this service is currently investigating a complaint regarding the noise generated by refrigeration vehicles used for the transport of products to and from these premises. Noise from refrigeration units are a common cause of complaint to Environmental Health departments particularly when these operate overnight. I have discussed the issue with Mr and Mrs Kitson and Mr Kitson agreed to park the refrigerated vehicles elsewhere on the farm, near the poultry unit to the rear of the application site. To formalise that arrangement I would recommend the following condition.

1. No vehicles shall be parked alongside the building which is the subject of this application, with their engines or refrigeration units operating, between the hours of 10pm and 7am.
2. No external plant or equipment shall be installed without the written approval of the Local Planning Authority.

4.5 Site notice/local residents – letters of objection have been received from 6 properties, the comments of which are summarised as follows:

1. the use will increase traffic flow on a section of road very close to a series of bends;
2. there will also be vehicles towing caravans when the certificated location caravan site is in use;
3. the proposed opening hours suggest the serving of breakfasts – a biker café? The B1363 is a well known biker road;
4. the increase in lighting will have a detrimental effect on the environment;
5. is discharge from the site into the adjacent beck?
6. odours are already apparent from the bakery. This will increase with the provision of a tearoom;
7. drivers can view the neighbouring property through and over the boundary fence;
8. the use will result in noise disturbance in such close proximity to neighbouring properties caused by conversation, car doors slamming, engine noise;
9. outdoor eating areas will increase disturbance further;
10. Seaves Farm is in danger of overdevelopment, changing it from quaint farm to a trading estate;
11. there are existing tearoom businesses at Crayke and Sutton on the Forest and could take trade from those businesses;
12. would additional toilet facilities not be required?
13. Seaves Farm has ample acreage, which provides ample scope for re-siting the buildings away from the residential core of the site;
14. there is concern regarding the retrospective nature of development at Seaves Farm;
15. the road is a danger particularly due to the high speeds of some motorcyclists at weekends;
16. whilst I applaud local business initiatives this application would have a detrimental impact on what is already a very dangerous road (B1363) and for us the only 'main' route for miles;
17. I believe that without an extension of the 30 mph limit to a point South of Bumper Farm (and South of the subject property) on the B1363 then this change of use, if granted, will be a further danger to all road users;
18. local residents, through the Parish Council, have asked that the speed limit of 30 mph be extended Southwards to a point on the B1363 as indicated above as there are at least 13 children resident on this stretch of road from Bumper Farm to the present start point of the 30mph limited area, as well as persons with horses and other livestock/pets;

19. although we do not object to the loading bay which has been added to the drawings retrospectively. We understand fully that the loading bay is necessary within the day to day running of the business of Farm House Direct. However, we do object to appliances and refrigerated vehicles running adjacent and within this area. The noise disturbance is irritatingly loud and can be heard within our home with all doors and windows closed. The vans often run for days at a time sometimes as much as 4 days consecutively.

20. as a neighbourly gesture of goodwill we have cut back a substantial amount of hedge and it has been confirmed by Mr Lewis of NYCC that the hedge poses no danger to existing users of the B1363;

21. the submitted plans imply the hedge is 'to be cut back at start (corner tapering down to 0 near road sign'. It is not in our interests to reduce the depth of the hedge any more for the following reasons:

- i) further reduction will not increase the visibility splay to 120m;
- ii) further reduction could reduce the viability of that section of hedge;
- iii) the hedge provides privacy from the many, and in particular, high sided vehicles that pass by;
- iv) the hedge provides considerable soundproofing from the substantial numbers of vehicles that travel along the B1363;
- v) further reduction in the depth of hedge could cause a breach in perimeter security allowing dogs to escape into the path of traffic.

22. legal action will be taken against anyone who removes any foliage from any part of the hedge without our written consent. The Planning Department must be made aware that we have not agreed to any reduction in the hedge.

5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of the retail/tea room use in this location; the effect of the alterations to the building on its character and appearance and that of the wider rural landscape; the impact on the amenity of neighbouring residents and highway matters.

5.2 The site lies outside the Development Limits of Brandsby and therefore an exceptional case must be made for the development in this less sustainable location. The proposed development is a diversification of the existing commercial operation at this location, which is aimed at an expansion of the existing business. If it is accepted that this is an exceptional case in the terms of CP4 (i.e. providing support for the existing business and employment use) it must be supported by evidence.

5.3 LDF Policy CP4 requires development in locations such as this to help support a sustainable rural economy. The proposed use is a diversification of the existing business and is helping to support and expand the existing business operating at the site by making more effective use of the facilities. The proposed functions are an employment generator, which is supported by the NPPF, and it is envisaged that locally sourced produce and labour will be used. Paragraph 28 of the NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas, whilst the proposal is in accordance with CP15 by "encouraging" development proposals that will support the "social and economic needs of rural communities".

5.4 The NPPF requires support to be given for the provision of visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. This guidance "recognises town centres as the heart of their communities" and "supports their viability and vitality", which is reflected in the policies of the Local Development Framework.

5.5 LDF Policy CP15 reflects the advice within the NPPF to support the social and economic needs of rural communities by encouraging:

- the expansion of appropriate businesses outside service centres and service villages;
- the re-use of suitable buildings for employment generating uses;
- diversification of the agricultural economy;
- appropriate tourism related initiatives.

In all cases the development should be designed to be sustainable, consistent with the requirements of CP1 'sustainable development'.

5.6 Policy CP15 is supported by Policy DP25, which supports rural employment in locations outside the Development Limits if all of the following apply:

- it is small in scale;
- it comprises the re-use of an existing rural building;
- the development is not capable of location within a settlement with Development Limits, by reason of the nature of operation or the absence of suitable sites;
- it is supported by an appropriate business case which demonstrates that support will be provided to the local economy;
- the development would not adversely impact on the economy of the Service Centres.

5.7 Policy CP14 'retail and town centre development' and DP24 'Other retail issues' support specialist retailing such as farm shops which support the rural economy consistent with Policies CP4, DP9, CP15 and DP25 and could not reasonably be expected to locate within Primary Retail Areas by reason of the products sold, or their links to other uses.

5.8 It is considered that the proposal meets with the criteria of Policy CP15 as it results in the diversification of an existing agricultural business. However, the fundamental principles of the LDF are to ensure that development is sustainable and that it maximizes the conservation of land, energy and resources, and minimises adverse impacts upon the economy, society and the environment. The site is located approximately ***km from Easingwold, the nearest Service Centre as designated within the LDF, but is sited outside the Development Limits of both Stillington and Brandsby. It could be argued that the shop and tearoom will be easily accessible by cyclists from Easingwold and the villages and that it will benefit from passing trade. It is not considered that given its scale it would encourage the local community to use the farm shop rather than the facilities within Easingwold contrary to the sustainability objectives. Furthermore, due to its location it would be of benefit to the surrounding villages, particularly Brandsby, which are currently not served by a village shop.

5.9 The impact of additional car based journeys would not be significant and this has to be set against the greater advantages deriving from farm diversification and the support for an existing business. The proposal would be located to serve one or more isolated communities and this has to be considered in the context of the narrow range of products that would be offered for sale although the unit is intended to operate partly as a 'village shop'. It is noted that the village shop in Brandsby closed and was redeveloped several years ago.

5.10 If considered acceptable as a form of diversification it is therefore necessary to ensure that the shop and tearoom operate in association with the existing business. A condition is therefore recommended that the majority of the items available in the shop are produced by the farm, butchery and bakery business.

5.11 The existing butchery/bakery building lies within 12m of the nearest dwelling at Bumper Farmhouse and therefore there is scope for the use to have an adverse impact on residential amenity as a result of vehicle movements and noise disturbance. Amended plans have been received that reposition the car parking to lie adjacent to the northern boundary of the site. Although this moves the parking away from Bumper Farmhouse it moves it closer to the dwelling at Seaves Mill. A distance of approximately 30m lies between the proposed parking area and the dwelling at Seaves Mill and therefore the impact on amenity will not be so significant.

5.12 It is recommended that the hours of opening and the number of covers are restricted to reflect the proximity of the site to residential properties.

5.13 The site lies partly within Flood Zones 2 and 3. There is no additional floor area created by the proposed development and therefore no increased flood risk associated with the development.

5.14 There are no objections to the covered loading area constructed over the existing hardstanding at the rear of the building, which is not visible from the front of the site. Noise emanating from loading bay however is of concern on the infrequent occasions when the

refrigeration vehicles are parked at the premises and plugged in. It is recommended that a condition be imposed preventing the operation of these vehicles overnight due to the proximity of neighbouring residents.

5.15 The hedgerow survey undertaken on behalf of the applicants illustrates an element of hedge that lies within the required visibility splay in a southerly direction. This hedgerow is within the ownership of a neighbour who has confirmed that he is unwilling to reduce the depth of the hedge and his comments are detailed in the section above. If the hedgerow is not trimmed back for the length specified in the survey the required visibility cannot be provided and the Highway Authority recommends refusal.

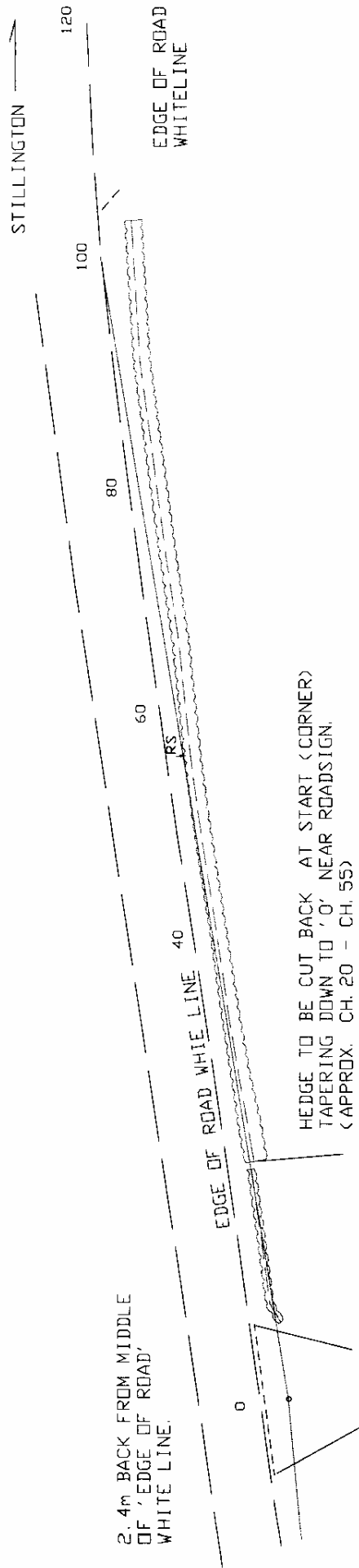
5.16 Attempts are being made to address the issue by clarification of whether the hedgerow overhangs highway land and is therefore a matter for the Highway Authority to maintain. The proposed development is a commercial expansion of an existing business, which is considered to be acceptable in all other respects. However, as the intensification of the use of the access is proposed to be undertaken by customers and visitors to the shop and tearoom there is a highway safety issue, which must take precedence. For this reason therefore the application is recommended for refusal.

6.0 RECOMMENDATION:

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

1. The existing access, by which vehicles associated with this proposal would leave and rejoin the County Highway is unsatisfactory since the required visibility of 2.4m metres x 120 metres cannot be achieved at the junction with B1363 and therefore the intensification of use which would result from the proposed development is unacceptable in terms of highway safety. The proposed development is therefore contrary to Local Development Framework Policies CP2 and DP4.

SOUTH



VISIBILITY SPLAY AT SEAVES FARM, STILLINGTON ROAD, BRANDSBY YO61 4RT
RYEDALE LAND SURVEYS 01653 696213 / 07751 678305 rlsurveys@tiscali.co.uk
7th JULY 2012

3.

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 23 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 sub-divided 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.

1.4 Members deferred consideration of the application from the 19th July 2012 meeting to allow more information to be received and considered regarding the possible effect of the stables development on the amenity of the neighbouring residents at Seaves Mill.

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

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 - Following the letter received by Roger Lee Planning Ltd and request from the planning department to reassess the application, a visit was made to Seaves Farm on 28th July to assess the proposal and impact on amenity. I have since read previous correspondence from Environmental Health and would agree with the assessment: Existing Environment: The surrounding farm area around the stables is exposed to general farming activity and noise. The occupant has 100 free range chickens, 50 cattle, two pigs, butchery and bakery. One of the main access routes around the farm runs between Seaves Mill and the stables. The associated area will have periodic noise from vehicle movements and animal movement associated with general farm activity. These activities are planned to increase within the existing agricultural usage.

Whilst standing in front of the stables the predominant noise source was from a fast flowing stream and sounds from several mature trees moving in the wind. The stream is fed from the pond or dam, which at the boundary of the two properties drops two metres (which I'm guessing was the position of the old water wheel) and continues on Seaves Mill land between the property and the stables.

Activity from the stables: The stables are currently used to house 4 horses. The farm has 10 horses but most reside in the surrounding fields. The proposed 5th stable is to be as a spare stable to deal with illness or the housing of ferals. The proposed bale room will be used to store bedding for the horses. The horses are to be solely used by the family as a hobby/pets when they have time and not in a business capacity.

The front of the stables contains 3 low energy lighting units which are only used whilst the family are in the area. There is a security light to the right-hand side gable end of the stables which is triggered by a sensor.

The stables were found to be in a clean and tidy condition. There were no flies or smell. The stables are cleaned out daily. Waste is put into one trailer load and taken to the main manure heap, positioned further into the site, using the farm quad bike. The blacksmith comes to the property every 6/8 weeks to shoe the horses and does them altogether. A horse box was parked to the front of the stables and 1 horse was in the stables at the time of my visit.

Likely impact: The application as proposed will have minimal impact on the existing noise environment. However, I would recommend that conditions are added to restrict the use as proposed and I would recommend the following:

- The use of the stables shall be restricted to that of the family residing on the land and not for business use such as livery, horse riding etc. This would restrict the use of this area to the family for when they have time between work and school and prevent intensification of use.
- The stables and associated feed area shall be used for the maintenance and feed of the horses only and not for any other ancillary use of the farm.
- A scheme shall be submitted and approved in writing to the Local Planning Authority detailing measures to be used to control the potential nuisance caused by artificial lighting.
- Manure from the stables shall be removed daily and taken to and stored in the main manure heap.
- Manure shall not be burnt on the site.

Future impact: The above conditions should prevent development of the stables. However as the farm environment / business develops, use of the internal access road may increase. Mrs Kitson has advised they were thinking to place screening along the boundary between Seaves Mill, the access road and stables. I would advise that consideration is given to a close boarded timber fence which would help screen the site and reduce noise from passing vehicles, to occupants using the garden area of Seaves Mill.

Noise complaint: An allegation of noise, which in part was about activity from the stables and horses at night, was received on 5th July 2012. This has been disputed by Mrs Kitson. This department has no comment to make until the investigation into statutory nuisance has been carried out. The complainant has been asked to provide supporting information about the noise and its impact through the submission of diary sheets. This information will be independently verified by an investigation officer either through a site visit whilst the noise is present or use of noise recording equipment. An assessment will then be carried out against the 'tests' of nuisance including the; character of the area, standard of conform, time and duration, motive, social utility, interference and reasonableness to determine if a statutory noise nuisance exists.

Previous Planning Applications: Environmental Health was not consulted on historic planning applications regarding this proposed (stables) development.

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".

A letter submitted on behalf of the adjacent residents is appended to this report.

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. Information has been submitted with the application to suggest that there was a previous building on this site. It appears unlikely that whatever structure existed in this position was used only for equestrian purposes and therefore the application is effectively being considered for the construction of a new building for a new use.

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, bearing in mind that the previous application was for a larger building (with a footprint of 18.3m x 18.3m and a height of 6.7m) that was also to be used for agricultural storage.

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 undertaken further consideration of the proposed development following the receipt of comments submitted on behalf of the neighbouring residents. The conclusion is that as there is already a degree of noise and disturbance as a result of the proximity of the neighbouring dwelling to the existing working farm, this will not significantly increase as a result of the equestrian activities providing the new use is for domestic purposes only. In addition, the existing background noise levels are already quite high partly due to the running water of the millstream within the curtilage of Seaves Mill. It is considered that any disturbance can be potentially managed by conditions restricting the use for domestic purposes only; preventing agricultural use, which would intensify activities; controlling the means of illumination and the storage and disposal of manure.

5.9 The proposed development, subject to the above conditions, is considered to be acceptable and approval of the application is recommended.

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 noted above.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The 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 agricultural or 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 implemented and shall no animal waste or stable bedding shall be burnt.
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 23 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.

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Tel: 01977 516447

Our Ref: RL12/GEN/18
2012

18 July

Mrs H Laws
Planning Officer
Hambleton District Council
Civic Centre
Stone Cross
Northallerton
DL6 2UU

Dear Mrs Laws

Planning Application No 12/00854/FUL – Seaves Farm, Brandsby

As advised during our telephone conversation yesterday we have been asked by Mr and Mrs Lynas of Seaves Mill to look at the application proposals and associated documents in connection with the above and to submit representations on their behalf.

At the outset, the planning history to the proposed development is highly relevant and we are surprised at how little attention has been given to this in your report to the Planning Committee. It is covered briefly in paragraph 5.4 of the report, where you state that the original application in 2009 (ref 09/01080/FUL) was submitted for a stable block in a similar position to the current application, but that following concerns being raised by officers at the time regarding the impact on Seaves Mill, a revised application was submitted and approved for siting the stables further to the north and at a suitable distance from Seaves Mill. As you know Mr and Mrs Lynas objected to that original application – and the Parish Council also voiced strong concerns – but you will also note that with regard to the revised application Mr and Mrs Lynas did not object as they were satisfied that there would be no detrimental impact on their residential amenity.

It seems inexplicable with this background that not only have the owners of Seaves Farm subsequently chosen to build the stables on the location where you as a planning authority did not consider that to be acceptable in 2009, but that you are now recommending this retrospective planning application for approval. Having read through your report the decision to make such a recommendation appears to be based on three key points – (i) the reduced size of the stables, (ii) the landscaping on the boundary and (iii) the absence of any complaint by Mr and Mrs Lynas to Environmental Health officers. It is our view that your assessment of these key points is misguided, for the following reasons.

The stables as proposed in the original 2009 withdrawn application were 18.3m x 18.8m floor area with a 6.5m ridge height (although in your report you refer to the approved scheme in 2009 which is not of any significance as that was sited away from Seaves Mill). The stables as built are 17.8m x 12.5m with a 3.4m height to the ridge. Clearly the current stables are smaller than those previously applied for.

However, the size and height of the stables is not particularly relevant nor is it the key factor. The reason why the 2009 application was withdrawn was not because of the size and/or height of the stables, but because of the proximity to Seaves Mill and Mr and Mrs Lynas

objected at the time on that basis. Planning officers agreed with that objection by referring those concerns back to the applicant's agent and revised plans were submitted, but as these fell outside the red line area of the application, a new application had to be submitted.

There also seems to be some degree of influence in the determination process that the current positioning is based on what is a completely fictitious premise that there was previous stabling on this area. The applicants are not constrained by land holding and have a large acreage which gives them ample scope to place the stables away from residential buildings thus minimising the detrimental effect on the amenities of their neighbours. This is another reason why the application should not be supported as it is simply not necessary to site the stables in the current location.

Having regard to all of the above this it is difficult to see how officers can now support an application for stables in the position as built. The stables are 5m from the boundary with Seaves Mill and 20m from the facing elevation of the property. Policy DP1 requires that all development proposals adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odour and daylight.

Unfortunately the Council does not provide any specific guidance on developments of this nature and the impact they have. Any reliance has to be placed on the broad brush approach in Policy DP1, although it is noted that the supporting text to the policy intentionally avoids setting minimum distances in development. We are however aware that many authorities in the region apply minimum distances of 50m between stables and third party land due to the statutory nuisance that can arise in terms of noise, disturbance and pollution from siting development any closer.

Although you correctly state that visibility is not a matter that is relevant to consideration of a planning application, that is again missing the point. It is not the visibility that is the issue, it is the impact caused by the close proximity of the stables that it is the dominating influence. Mr and Mrs Lynas have provided photographs in their submissions to you which demonstrate the close proximity of the stables to their habitable windows. Whilst it is the case that the visual impact is reduced through the summer months, screened by the self-sown deciduous trees that you refer to in your report, it is also the case that throughout the remainder of the year the building is clearly visible and creates noise and substantial light pollution throughout the Autumn, Winter and Spring months, i.e. the vast majority of the year. Therefore to rely as you do in your report on landscaping reducing the view is too simplistic an approach and in any event there is no guarantee that any planting will succeed in the long term and we note that there is no condition imposed to require planting on the applicant's side of the boundary to be retained. The onus should not be placed on Mr and Mrs Lynas to ensure that there is satisfactory screening as it is not their development that is causing the impact, but that of their neighbours, and any onus should be on them through conditions.

The intrusion of the building with its associated activities on Mr and Mrs Lynas' day to day lives is enormous having created 24 hour 7 days a week disturbance. Given that the stables are to be used for private purposes you are not proposing any controls on hours of use, which is understandable, but this only serves to enhance the impact. Because of the close proximity of the stables all noise created by the servicing of the block, loading and unloading of horse boxes, vehicles manoeuvring, blacksmithing etc. is clearly audible inside their home even with all the windows closed.

Mr and Mrs Lynas have two school age children who are constantly being awoken and disturbed at all hours of the night by incessant human and animal activities. With all the doors and windows closed, which has now become a necessity for them, they are effectively listening to the constant activities at the stable block during meal times as well. Again, this is a direct result of the close proximity of the stables and demonstrates why a much more significant distance is necessary.

With regard to environmental health issues, the way that this has been addressed is unprofessional in the extreme as it is based on a series of assumptions rather than a proper examination and assessment of the application proposals. The original consultation response only commented on how manure should be disposed of, and went no further.

There was no assessment at all of the impact of the development having regard to Policy DP1. The Environmental Health Officer has subsequently responded by saying that the history of the site was taken into account in the initial response – how can that be the case when it was the simplest and shortest of responses referencing manure only, not the background where objections had previously been made in 2009 to the siting and impact of the development in such close proximity to the property at Seaves Mill?

The 11 July response also says that it was believed that horses had been housed for a period of time, had not been considered to be a noise nuisance and that there was the potential for horses to graze in this area with or without the stables. That is a misguided view, which again is based on assumptions. Any land which accommodates horses will require stables, and it is natural that horses will graze near the stables, so the likelihood is that if stables were built where they had been approved in 2009, then horses would have grazed in that area, not near to the boundary with Seaves Mill. However, even so, the Environmental Health Officer's comments do not address issues of noise, disturbance and pollution caused by the more intensive use that is inevitable by the positioning the stables in this location.

The Environmental Health Officer's arguments about private and commercial use and the imposition of a condition to prevent the latter also does not address any issues of noise, disturbance or pollution, so key points are missed again.

Finally, the lack of any objection from Environmental Health appears to be dictated by a lack of any complaint by Mr and Mrs Lynas to them. With respect, it is not for Mr and Mrs Lynas to have detailed knowledge or understanding of Council procedures. They made their objections clear in complaining to enforcement officers and would quite understandably then rely on Council officers to liaise with each other in order to establish relevant issues and assess matters of disamenity.

We hope that it is not the case that planning officers underestimate the significance of the impact of these proposals simply because that there are long standing relationship difficulties between the neighbours. Mr and Mrs Lynas are not in the habit of objecting to applications at Seaves Farm for the sake of it – they did not object to the revised application in 2009 as it resolved their concerns at that time. There is however clear disamenity to Mr and Mrs Lynas arising from this retrospective application and it is our view that the application should be refused on the basis of being contrary to Policy DP1. At the very least the Application should be deferred given the Environmental Health officer's comment on 11 July that her department is currently investigating a complaint of noise nuisance. It would be premature to grant permission whilst such an investigation is underway.

We would be grateful if you could ensure that this letter and its contents are brought to the attention of the planning committee.

Yours sincerely

Roger Lee

4.

12/01338/FUL

Application for alterations to existing office and training centre to form 5 dwellings and construction of 3 dwellings.

**at The Close 58 Northallerton Road Brompton North Yorkshire
for RBA Moody Bros (Contractors) Ltd.**

1.0 PROPOSAL & SITE DESCRIPTION

1.1 The existing building is listed grade II and was last occupied as North Yorkshire County Council offices. The property is now vacant. The building lies within its own gardens, covering an area of approximately 0.9 hectares. A detached coach house lies adjacent to the front boundary wall. The Close was built in 1895 as a residence, designed by Walter H Brierley. It is Jacobean in style.

1.2 The site lies on the western side of Northallerton Road. The main building lies on the highest part of the site with the gardens stepping down to the rear and the side. The dwellings at Corber Hill lie to the north with the dwellings on Fernwood Close to the west. An area of mature trees, which are protected by a Preservation Order, lies at the southern part of the site. Other trees covered by the same order are dotted throughout the site. A greenhouse and potting shed lie within the former kitchen garden in the north western corner of the site. The potting shed is to be retained.

1.3 It is proposed to convert the main building into 4 dwelling units. A more modern two storey brick extension is to be removed from the rear elevation and two new two storey extensions constructed on the rear elevation. The coach house is to be converted to form a dwelling unit. A new building of similar form and design is to be constructed to the south of the existing coach house to create a new dwelling unit. A pair of semi detached dwellings is to be constructed on the site of the kitchen garden at the north west corner of the site using the existing potting sheds within the design. Each unit is a 4 bedroom property. The dwellings are to be constructed of brick with clay roof tiles.

1.4 Access to the site is via the 3 existing driveways from Northallerton Road and one new driveway at the southern end of the site for Unit 1. Parking is proposed in 4 different areas. The existing most southerly access is to serve Units 2 and 3 in the main house and the new coach house at Unit 6; the middle access, which has been permanently gated, is to serve the existing coach house at Unit 5 whilst the northerly access is to serve Unit 4 in the main house and Units 7 and 8 at the potting sheds. A total of 23 parking spaces is proposed, including garaging.

1.5 Boundary treatment at the site remains unchanged. It is proposed to remove a total of 4 trees that are currently included within the Preservation Order.

1.6 None of the units are proposed as affordable housing.

2.0 PLANNING HISTORY

2.1 07/01259/OUT - Outline application for change of use of existing office buildings to residential apartments and construction of three dwellings. Application withdrawn 5/7/2007.

2.2 08/00213/FUL & 08/00214/LBC – Applications for planning permission and listed building consent for alterations to existing office and training centre to form 6 dwellings and construction of 3 dwellings. Planning permission and listed building consent granted 23/5/2008.

2.3 12/01351/LBC - Listed building consent for alterations to existing office and training centre to form 5 dwellings and construction of 3 dwellings. Application remains current. Discussions are ongoing regarding the proposed alterations, particularly in respect of restoration and/or replacement of windows within the main building.

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 CP2 - Access
- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP9 - Affordable housing
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Core Strategy Policy CP20 - Design and the reduction of crime
- Development Policies DP1 - Protecting amenity
- Development Policies DP8 - Development Limits
- Development Policies DP15 - Promoting and maintaining affordable housing
- Development Policies DP28 - Conservation
- Development Policies DP32 - General design
- National Planning Policy Framework - published 27 March 2012
- Brompton Village Design Statement (2004)

4.0 CONSULTATIONS

4.1 Parish Council – no objections to either of the above planning applications but Councillors have asked to be informed whether the Section 106 Community monies from this development will stay within the Parish of Brompton. A comment was made by a Councillor as to whether the internal stairway could be made any larger so as to accommodate a chair lift if required at any time in the future.

4.2 NYCC Highway Dept – no objections in principle although further information is required regarding visibility from the newly proposed access and further information regarding manoeuvring for Units 4, 7 and 8 to ensure vehicles can exit in a forward gear.

4.3 Yorkshire Water – comments are awaited as discussions are ongoing with the applicant regarding drainage.

4.4 Brompton Heritage Group – fully supports the application. The site should be developed before it degrades more and the plans treat the building very sympathetically. Concerning the lack of affordable housing we feel this is the right decision for a grade 2 building of this age and significance.

4.5 Environmental Health Officer – no comments

4.6 Site notice/local residents – correspondence has been received from one local resident whose comments are summarised as follows:

1. Consultation – It appears that the applicant has not consulted with the Parish Council or residents and would urge them to do so to explain the reasons behind a number of the key decisions taken to date,

2. Landscaping – the site contains a number of TPOs of significant character and of varying degrees of health, however there is no existing tree survey nor landscaping proposal for the development. We would expect that a development of this scale should be accompanied by a thorough analysis of the landscape improvement works, including a full management proposal for the next 10 years,

3. Boundary Treatment – the proposals indicate no boundary details and we would request clarification of such,

4. New Road Junction – Does the new road provide the appropriate vision splay as it appears from the block plan that it does not

5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of providing residential development in this location; the impact of the alterations and new build on the character and appearance of the existing building and the surrounding area; the effect on the amenity of local residents; affordable housing; the provision of a public open space contribution, requirements for a contribution towards the North Northallerton Link Road; tree matters and highway safety.

5.2 The principle of residential uses in this location is accepted as the NPPF aims to create more sustainable patterns of development by focusing new housing development primarily in locations that are accessible by public transport to jobs, education, shopping, leisure and other services and facilities. The proposal is for the conversion of the existing buildings to 5 units and the construction of 3 new units within the Development Limits of the town, which is defined as a Service Village in the Core Strategy. The site is close to local services such as schools and shops and is considered to be within a sustainable location. It is considered that the proposal is therefore acceptable in principle.

5.3 Not all sites in such locations are suitable for development and consideration must be given to the potential impact of a proposal on features of acknowledged importance such as the character and appearance of the listed building, the amenity of neighbouring residents and highway matters.

5.4 There are extensions proposed to the main house. An unsympathetic brick extension is to be removed from the rear elevation, which will improve the appearance of the building. The proposed replacement extensions are more in keeping with the original design and materials.

5.5 With regard to alterations and extensions carried out on a listed building, it is important to take into account the spaces, layouts and setting of the building. The underlying principle is that any works carried out must either preserve or enhance the character and appearance of the listed building. The proposed potting shed cottages lie within the original kitchen garden area and are set at a much lower height and at a lower ground level and are clearly subordinate in character and appearance to the main house. The proposed building has the character of mews or servant's quarters or other building of secondary importance.

5.6 The external alterations to the main building are minimal. Internal features such as fireplaces, staircases and some radiators are to be retained. At ground and first floor levels partition walls are to be installed to define the separate dwellings. The total amount of alterations is minimal and those proposed respect the overall character and appearance of the building.

5.7 The new cottages have been designed to respect the character and appearance of the existing building. The proposed dwellings are much smaller in overall scale, height and footprint. The materials proposed are of brickwork and pantiles.

5.8 The proposed cottages are positioned over 22m away from residential properties located on Corber Hill and 17m from properties on Fernwood Close. Additional landscaping is proposed along the existing boundary with Fernwood Close and the cottages have been designed to avoid overlooking and an increased sense of enclosure.

5.9 A bat survey has been submitted, which confirms the presence of suitable roosts but no evidence of recent usage. The survey is therefore only valid for one bat season and should be repeated if work does not commence by May 2013.

5.10 A tree report has been submitted with the application, which confirms the removal of a cherry tree to allow the creation of the new access and driveway for Unit 1. A further 3 trees are proposed to be removed, which are self seeded and close to the proposed housing or restricting the growth of another, better specimen. There are no objections to the removal of these trees.

5.11 There are no proposals to alter the existing boundary treatment at the site.

5.12 The site lies within a Service Village and the site is greater than 0.1ha and there is a requirement under Policy CP9 to make provision for affordable housing. The LDF has a target for 40% of the dwellings in the Northallerton hinterland to be affordable. CP9 states that the actual level of provision will be determined through negotiations. In this case a report on viability with supporting documents have been supplied which show that the scheme would not be viable if it provided a unit of affordable housing on site and that a contribution to off-site provision would also not be viable. The details of the viability report have been reviewed by officers of the Council and are considered to provide a reasonable assessment of the costs and revenue generated by the scheme. The details show that the scheme would be unviable if a contribution was made towards the provision of affordable housing.

5.13 Notwithstanding the above remarks about viability for affordable housing the viability study includes a sum as a financial contribution of £4,670.45 towards the provision of public open space in the locality. A legal agreement regarding this payment has not yet been formulated.

5.14 Additional information has been submitted as required by the Highway Authority although their final recommendation is still awaited.

5.15 It is considered that the proposed scheme for residential development is appropriate for this listed building and approval is recommended.

SUMMARY

The development respects the character and appearance of the grade II listed building and is acceptable in terms of layout, design, effect on amenity and highway safety. It is considered that the proposed scheme for residential development is appropriate for this listed building. The development is in accordance with LDF Policies CP4, CP17, DP1, DP28 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. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

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 in accordance with LDF Policies CP16 and DP32.

5.

12/00702/FUL

Revised application for a change of use of land from agricultural land to mixed use agricultural and equestrian, the formation of hardstanding and construction of a stable block and boundary fence as amended by plan received by Hambleton District Council on 7 June 2011.

at Land To The North Of Hagg Farm Sandy Lane Islebeck North Yorkshire for Mr Ian Myatt.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for a change of use of land from agricultural land to mixed use agricultural and equestrian, the formation of hardstanding and construction of a stable block and boundary fence at land to the north of Hagg Farm, Sandy Lane, Islebeck.

1.2 The site is positioned to the south-west of Bagby and sits to the west of the C168 highway linking Sowerby with Dalton. The plot is positioned to the south of a dwelling known as Green Acre, with the application site indicated to the south-eastern corner of the field. Currently the plot provides pasture for livestock and is partitioned with post and rail fencing.

1.3 The proposed stable block would be formed in an inverse 'L' shape and at maximum dimensions would measure approximately 15.4m x 15.5m, with a total height of approximately 3.1m. The structure would be formed of 3 stables, a store/tack room and an open store. Materials for the proposed building would comprise tongued and grooved timber cladding below corrugated roofing sheets.

1.4 The proposed building would be sited on a hardcore surfaced area measuring approximately 11.2m x 11.4m. This hardstanding area would be enclosed by a post and rail fence.

1.5 The applicant's submitted design and access statement advises that the proposed stables would be used for the stabling of privately/family owned horses and the means to transport these horses.

1.6 The site is bound by a mature hedge to the eastern boundary measuring in excess of 2.5m in height. The southern boundary of the site is formed of a post and wire fence extending to a height of approximately 1m in height, and separating the plot to open agricultural land to the south.

2.0 RELEVANT PLANNING HISTORY

2.1 11/00894/FUL - Change of use of land from agricultural land to equestrian, the formation of hardstanding and construction of a stable block and boundary fence as amended by plan received by Hambleton District Council on 7 June 2011; Withdrawn 2011.

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Dalton Parish Council - Wish to see the application refused and comment: 'Dalton Parish Council have concerns regarding safety issues with access to and from this site. With a hardstanding being created, concerns were also voiced regarding surface water - where will the water be dispersed to and will this cause problems for nearby residents?'

4.2 Environmental Health - 'Equestrian land uses generate potentially significant quantities of horse manure and therefore have the potential to generate odour and flies, and if burned, smoke. In order to safeguard the amenity of nearby residential dwellings I would recommend that manure heaps are located as far from the boundary of existing residential dwellings as is practicable. I would also recommend that a condition specifying no burning of horse manure be applied if the application is approved'.

4.3 Internal Drainage Board (IDB) - 'The site lies outside the Swale and Ure Drainage District. However surface water will be discharged to a watercourse. There are no further details. If the watercourse flows into the drainage district byelaw consent will be required and will not normally be issued unless it can be shown that the discharge has been attenuated at 1.4l/s/ha to prevent any increase in flood risk. This would normally be achieved by use of a soakaway designed and constructed in accordance with BRE365'.

4.4 NYCC Highways - Condition recommended regarding the achievement of a visibility splays.

4.5 Neighbours notified and site notice posted; expires 15.06.12 - Comments received from 5 respondents; 3 objecting and 2 supporting the proposal; in summary mainly concerning: location of proposal, highway safety, field flooding issues, security, future siting of caravan at premises, existing work undertaken to site, use of the site, civil matters, impact on visual amenity and neighbour amenity, vehicle movements within the site, future use of the site.

5.0 OBSERVATIONS

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

- Principle:

5.2 The building is positioned outside of the development limits of a sustainable settlement designated within policy CP4 of the Hambleton Local Development Framework (LDF) and therefore it will only be supported where an exceptional case can be made in terms of policies CP1 and CP2 and where, amongst other things, it is necessary to meet the needs of recreation and will help support the rural economy. Policies CP1, CP2 and DP3 seek to ensure that the need to travel is minimised. The site is located by road approximately 1.6 miles from Bagby, 2.2 miles from Sowerby, 2.1 miles from Dalton, the latter two being the nearest sustainable settlements. The applicant resides approximately 6.4 miles away near Topcliffe. It is therefore clear that given that the site is for the private use of the applicant the majority of journeys will be through the use of private transport, thereby conflicting with the objectives of policies CP1, CP2 and DP3. The same concern would arise if the stables were used by a resident of the nearest settlements that would also be likely to be reliant on the car as a means of access.

5.3 Policy CP4(i) does not specify public or private recreation. However, it refers to 'other enterprises' thereby implying that it concerns recreational enterprises. Paragraph 28 of the National Planning Policy Framework (NPPF) sets out that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The policy stances direct attention towards promoting and growing rural business for use by tourists and the wider community. The applicants design and access statement is clear that their facility is intended for private use only and is therefore not a business use or enterprise. Nevertheless, even if the policy did apply to the proposal, it would not meet any rural recreational needs because private recreational use for a small number of people is proposed.

5.4 No indication has been provided to suggest that the applicant will help to support the rural economy for example through the use of vets, blacksmiths, feed stores and farming services. Even if information had been submitted, given the scale of the activities on site it is unlikely that it would lead to the spending of significant sums of money in the locality. In terms of policy CP15 the proposal would constitute a recreational use in a countryside location. However, it would be for a private use and would not meet the main objective of the policy of supporting the social and economic needs of the rural community.

5.5 It is clear from assessing the scheme in the above policy context it would not be in a sustainable location due to the reliance on private transport. There would be no exceptional circumstances to warrant approval, primarily because it is not a business enterprise. It would not meet a recreational need and would make only a small contribution to the rural economy. It would therefore conflict with Local Development Framework policies CP1, CP2, CP4 and DP3.

- Neighbour Amenity:

5.6 The nearest dwellings to the site are Orchard End and Green Acre to the north. Careful consideration needs to be given as to the impact of the proposed building and associated works on the amenities of the occupiers of these and other surrounding properties. In doing so the scheme needs to be considered in terms of the activities that could occur from the site without the need for planning consent. Taking into account the response of the Environmental Health department, the siting of the building, and the proposed scale of activities it is not considered that the proposal would give rise to an adverse impact on neighbour amenity and would therefore accord with policy DP1 of the LDF in this respect.

- Highway Safety and Visual Amenity:

5.7 A request has been made to the applicant in writing on 27 July 2012 that the location plan submitted with the application demonstrate within the 'red line' boundary how the access to the development would be achieved. The applicant considers that there is no direct access to the 'red line' area, that the access is quite clearly shown on other plans and that the scheme would result in no additional vehicle movements to the site, but has forward on 5 August 2012 an updated plan indicating a pedestrian access from the field access to the 'red line' area. NYCC Highways have appraised the scheme that the proposal would use the existing field access to the north-eastern corner and their recommendations require a visibility splay to be achieved in the southerly direction for the safety of vehicles exiting the site.

5.8 The impact on visual amenity is a matter that needs to be considered in conjunction with the highway safety improvements required to achieve the visibility splay in the southerly direction. Considering the structure and associated works in isolation the materials of the building, its scale and positioning are such that no adverse impact would occur to the surrounding landscape due to the screening afforded by mature boundary hedge to the eastern boundary. However the highway safety improvements required assuming the use of the existing access would require the removal and resiting of 30m of the hedgerow from the access southwards, and further trimming beyond this on land outside of the control of the applicant. Removal of the hedgerow would afford uninterrupted views of the structure from the north with a harmful impact on the appearance of the surrounding countryside as a

result. Consequently the scheme would fail to accord with policies DP3 and DP30 of the Hambleton LDF.

- Neighbour Responses:

5.10 The responses received have been taken into account in the preparation of the officer recommendation. To address the issues not already covered above;

- it is not considered that the scheme would exacerbate localised flooding issues provided that a suitably draining soakaway is installed as per the comments of the IDB.

- the applicant has not submitted measures to be introduced in regard to crime prevention nor has evidence been supplied to demonstrate that there is a significant problem in the area,

- the future use of the site, if needing planning permission would be assessed on its own merits at the time of a further application,

- the existing alterations to the site have been noted and this scheme would regularise the unauthorised siting of the existing stables adjacent the eastern boundary.

- the change of use of the land to a mixture of agricultural and equestrian relates to the area within the red line boundary indicated on the submitted location plan received on 1 May 2012 and 5 August 2012.

- civil matters between the applicant and neighbouring properties are not a material consideration in the determination of this application.

- Conclusion:

5.11 Having taken the above into account and due to the failure of the scheme to comply with policies CP1, CP2, CP4, CP15, DP3 and DP30 of the Hambleton LDF, the scheme is recommended for refusal.

6.0 RECOMMENDATION:

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

1. The proposed development is contrary to Local Development Framework Policies CP1, CP2, CP4 and DP3. No exceptional case has been made for the development to be located in an unsustainable location. The site is not located within or adjacent to an existing sustainable settlement, therefore will not improve accessibility to local services and will increase the need for travel, especially by private transport.

2. Clear visibility of 120 metres is not available along the public highway in the southerly direction from a point 2 metres from the carriageway edge measured down the centre line of the access road. The creation of a visibility splay would require the removal of 30 metres of hedgerow and the trimming of a further 90 metres which is considered would have an adverse impact on the visual amenity of the surrounding area contrary to Local Development Framework policies CP16 and DP30.

3. In the absence of the achievement of the visibility splay as is cited in refusal reason 2 the scheme would have an adverse impact on highway safety and is contrary to Local Development Framework policies CP2 and DP3.

6.

12/00893/FUL

Demolition of outbuilding, alterations and extensions to existing pub to form 2 dwellings and 3 flats as amended by plans received by Hambleton District Council on 16 July 2012. at The New Inn 62 - 66 Long Street Easingwold North Yorkshire for Punch Partnerships (PML) Ltd.

1.0 PROPOSAL & SITE DESCRIPTION

1.1 The New Inn is an existing public house that lies on the eastern side of Long Street. The building is a grade II listed building within the Conservation Area.

1.2 The property is made up of 3 sections fronting onto Long Street, the central section being three storeys in height. The sections to either side are two storey. At the northern end is an archway leading from Long Street into the car park at the rear. Vehicular access to the pub is also gained from New Inn Lane off Little Lane.

1.3 The public house use of the building covers the ground floor. The first and second floors comprise a single residential unit occupied in association with the pub use. The building is rendered with painted brickwork and a clay pantiled roof.

1.4 It is proposed to close the pub and change the use of the building to provide two dwellings and three flats. This requires the demolition of a single storey part of the building at the rear and the removal of a detached outbuilding. A two storey extension is proposed on the rear elevation.

1.5 The dwellings are to be provided at either end of the building using the two storey sections. One of the dwellings has 3 bedrooms, the other is two bed roomed. The flats are to be provided within the central three storey section and the scheme includes a one bedroom flat and 2 no. two bed roomed flats.

1.6 A total of 10 parking spaces are proposed within the existing rear car parking area. Access to the site is to be from New Inn Lane as existing. It is proposed to install a bollard at the rear of the archway to prevent vehicular access to and from Long Street but retain pedestrian access.

2.0 PLANNING HISTORY

2.1 None relevant

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP3 - Community Assets

Core Strategy Policy CP4 - Settlement hierarchy

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

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP19 - Recreational facilities and amenity open space

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies 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 DP37 - Open space, sport and recreation
Supplementary Planning Document - Open Space, Sport and Recreation
Adopted 22 February 2011
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Town Council – wish to see approved subject to the proposed bollard not being part of the planning application. The Council wish to see the vehicular access under the archway from Long Street to New Inn Yard retained.

4.2 NYCC Highways Dept – The Highway Authority has no objections in principle to the scheme and as such a condition is recommended below to secure the parking facilities as well as a bollard that will prevent vehicular access onto Long Street. The Highway Authority considers that the installation of the bollard is appropriate for the following reasons

(i) It will prevent vehicles exiting the site across the footpath of Long Street. Visibility between pedestrians and vehicles is poor at this location and this situation may be made worse if a vehicle had to reverse if to avoid a vehicle already exiting the site from this access.

(ii) The access from Long Street is quite narrow and offers little room to manoeuvre at the first turn from Long Street to the parking areas. Larger vehicles will find this more difficult and there is a concern that there could be damage to the adjacent buildings if the manoeuvre is poorly judged.

4.3 Yorkshire Water – condition recommended

4.4 Environmental Health Officer – The proposed development is in close proximity to a road, Long Street, and will be exposed to high levels of road traffic noise. I am recommending development shall not begin until a scheme for protecting the proposed dwelling from noise from road traffic noise has been submitted in writing and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the proposed dwellings are occupied. Further to this, I am recommending the provision of waste storage be conditioned as part of the proposed development.

4.5 CAMRA – no comments received (expiry date for representations 18/5/2012)

4.6 Site notice/local residents – the following comments have been received from residents of 7 properties in the town:

1. it has been obvious for many years that the pub has been a failing business and a change of use is long overdue;
2. express a concern regarding the proposed bollard, which would stop vehicles accessing Long Street from Woodyard Court/New Inn Yard, via the arch. It would seem that the proposal of the bollard to block our vehicle access would not be compatible with our land registry documentation;
3. there are points on both the access routes described above, which are very narrow and which only allow one vehicle to pass in one direction. Both access routes are therefore susceptible to being blocked;
4. the exit through New Inn Lane onto Long Street is in a very poor state and is not really suitable for vehicles;
5. better for it to remain a more commercial property and at least still bring trade to Easingwold;
6. no objection to the change in use for this establishment as for several years now it has been poorly run and a noise nuisance for its neighbours;
7. 5 dwellings and attendant car parking is a little bit excessive. This could prove problematical with visiting vehicles having no set parking which may lead to congestion in the present pub car-park and the approach on New Inn Lane;
8. Increased traffic would increase the degradation of the part of the lane between the car-park and the paved part of New Inn Lane which is already in a pretty awful state;

9. The plans indicate the placing of a bollard blocking access to the present car park from Long Street. This rather ignores the fact that according to our deeds the occupants of the 3 houses in Woodyard Court, at least, have right of access by 'foot or carriage' through the arch of the New Inn. Other dwellings may have the same access rights;

10. I support the application which will be of great improvement to the locality. However, para 4.2 of The Design & Access statement with regards to the archway access is quite erroneous in stating "but it is noted that members of the public do occasionally use it". This access is regularly in use, parents taking children to school each day, residents from the West side of Easingwold walking to the Market Place & avoiding the narrow footpaths in Little Lane. This access must be maintained for public use & should be a condition of any planning approval;

11. The New Inn property is a viable commercial property with applicable commercial interest, as originally valued and advertised in spring 2011 for £325,000, by Barry Crux (see your ref HML/11/01593/preapplication). As a commercial property there are opportunities to generate employment and business to rejuvenate Long Street to enhance the now limited growth in the market town.

5.0 OBSERVATIONS

5.1 The issues to be considered include the loss of the existing public house; the principle of an additional residential use in this location; the effect on the character and appearance of the listed building and the surrounding Conservation Area; the impact on residential amenity; highway matters and the provision of public open space.

5.2 LDF Policy DP5 allows the loss of a facility such as a public house only in certain circumstances. Information has been submitted with the application to explain the lack of viability of the existing business. The pub lies outside the Market Place where there are 3 other pubs; it is claimed that passing trade has reduced as a result of Easingwold bypass and the current economic climate for such a business is poor. There are clearly alternative facilities in the town, including another public house on Long Street and there is little community support for its retention. It is considered that in this instance the loss of the public house facility is not in conflict with Policy DP5.

5.3 The principle of additional dwellings in this location is accepted as the NPPF aims to create more sustainable patterns of development by focusing new housing development primarily in locations that are accessible by public transport to jobs, education, shopping, leisure and other services and facilities. The proposal is for the conversion of the building to 5 units (4 more than exists within the building) within the Development Limits of the town, which is defined as a Service Centre in the Core Strategy. The site is in the centre of the town and local services such as schools and shops and is considered to be within a sustainable location. It is considered that the proposal is therefore acceptable in principle.

5.4 Not all sites in such locations are suitable for development and consideration must be given to the potential impact of a proposal on features of acknowledged importance such as the character and appearance of the listed building, the amenity of neighbouring residents and highway matters.

5.5 The proposed external alterations are negligible on the front elevation and which include the making good of rendered areas and the removal of existing signage. Alterations to the rear elevation include the removal of single storey more recently constructed extension and its replacement with a two storey extension to provide an internal staircase to serve the flats. The proposed extension is small scale and reflects the design of the original building.

5.6 Alterations to the elevation include the replacement of modern windows with traditional timber sliding sashes. These details are acceptable.

5.7 Policy DP37 of the LDF requires the provision of public open space with all new residential development. No provision has been included within the application. The applicant has submitted a unilateral undertaking confirming that a contribution towards off site provision will be forthcoming should permission be granted. A sum of £7718.20 would be required for the development as proposed and has been agreed with the applicant.

5.8 The submitted bat report concludes that there is no evidence of bats nor is the building a potential roost.

5.9 There is existing vehicular access through the archway, which is also well used as a pedestrian route. The initial proposal included the provision of a bollard to prevent vehicular use but allow pedestrian use. Several local residents and the Town Council have objected to this specific measure arguing that there are rights of vehicular access that would be restricted by a bollard. The rights of way are not a matter that will affect the determination of the planning application and if bollards were to be erected civil action would need to be taken if appropriate by those parties affected. The applicant is quite clear that there are no rights of way via the archway either on foot or by vehicle except for a right of way on foot in favour of number 60. It would appear however that over time a pedestrian route has been established. The Highways Authority feels strongly that a bollard is required for reasons of safety and therefore a condition is recommended to that effect. Should the applicants find that there are users with a right of way they will agree to a drop down bollard with keys provided for any entitled user.

5.10 The proposed development is acceptable and it is recommended that the application be approved.

SUMMARY

The proposed development is in a sustainable location and will protect the character and appearance of the surrounding streetscene with no adverse impact on adjacent residential amenity or highway safety. The proposal is in accordance with the Policies within 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. 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 site shall be developed with separate systems of drainage for foul and surface water on and off site.
4. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works have been submitted to and approved by the Local Planning Authority.
5. Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
6. No dwelling shall be occupied until the related parking facilities and bins storage spaces have been constructed in accordance with the approved drawing no. 11/417/2 (to include the bollard indicated on this drawing). Once created these parking areas and the bollard shall be maintained clear of any

obstruction and retained for their intended purpose at all times. The bin storage spaces shall be maintained and available for their intended purpose.

7. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 11/417/1, 11/417/2A, 11/417/3, 11/417/4A, 11/417/5 received by Hambleton District Council on 24 April and 16 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. 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 the interest of satisfactory and sustainable drainage in accordance with LDF Policies.
4. To ensure that the development can be properly drained in accordance with LDF Policies.
5. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal in accordance with LDF Policies.
6. In accordance with LDF Policies and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
7. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

7.

12/00894/LBC

**Application for listed building consent for demolition of outbuilding, alterations and extensions to existing pub to form 2 dwellings and 3 flats as amended by plans received by Hambleton District Council on 16 July 2012.
at The New Inn 62 - 66 Long Street Easingwold North Yorkshire
for Punch Partnerships (PML) Ltd.**

1.0 PROPOSAL & SITE DESCRIPTION

1.1 The New Inn is an existing public house that lies on the eastern side of Long Street. The building is a grade II listed building within the Conservation Area.

1.2 The property is made up of 3 sections fronting onto Long Street, the central section being three storeys in height. The sections to either side are two storey. At the northern end is an archway leading from Long Street into the car park at the rear. Vehicular access to the pub is also gained from New Inn Lane off Little Lane.

1.3 The public house use of the building covers the ground floor. The first and second floors comprise a single residential unit occupied in association with the pub use. The building is rendered with painted brickwork and a clay pantiled roof.

1.4 It is proposed to close the pub and change the use of the building to provide two dwellings and three flats. This requires the demolition of a single storey part of the building at the rear and the removal of a detached outbuilding. A two storey extension is proposed on the rear elevation.

1.5 The dwellings are to be provided at either end of the building using the two storey sections. One of the dwellings has 3 bedrooms, the other is two bed roomed. The flats are to be provided within the central three storey section and the scheme includes a one bedroom flat and 2 no. two bed roomed flats.

2.0 PLANNING HISTORY

2.1 A planning application is also to be considered under reference 12/00893/FUL.

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 DP28 - Conservation

Development Policies DP32 - General design

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Town Council – wish to see approved subject to the proposed bollard not being part of the planning application. The Council wish to see the vehicular access under the archway from Long Street to New Inn Yard retained.

4.2 Site notice/local residents – the following comments have been received from residents of 7 properties in the town:

1. it has been obvious for many years that the pub has been a failing business and a change of use is long overdue;

2. express a concern regarding the proposed bollard, which would stop vehicles accessing Long Street from Woodyard Court/New Inn Yard, via the arch. It would seem that the proposal of the bollard to block our vehicle access would not be compatible with our land registry documentation;
3. there are points on both the access routes described above, which are very narrow and which only allow one vehicle to pass in one direction. Both access routes are therefore susceptible to being blocked;
4. the exit through New Inn Lane onto Long Street is in a very poor state and is not really suitable for vehicles;
5. better for it to remain a more commercial property and at least still bring trade to Easingwold;
6. no objection to the change in use for this establishment as for several years now it has been poorly run and a noise nuisance for its neighbours;
7. 5 dwellings and attendant car parking is a little bit excessive. This could prove problematical with visiting vehicles having no set parking which may lead to congestion in the present pub car-park and the approach on New Inn Lane;
8. Increased traffic would increase the degradation of the part of the lane between the car-park and the paved part of New Inn Lane which is already in a pretty awful state;
9. The plans indicate the placing of a bollard blocking access to the present car park from Long Street. This rather ignores the fact that according to our deeds the occupants of the 3 houses in Woodyard Court, at least, have right of access by 'foot or carriage' through the arch of the New Inn. Other dwellings may have the same access rights;
10. I support the application which will be of great improvement to the locality. However, para 4.2 of The Design & Access statement with regards to the archway access is quite erroneous in stating "but it is noted that members of the public do occasionally use it". This access is regularly in use, parents taking children to school each day, residents from the West side of Easingwold walking to the Market Place & avoiding the narrow footpaths in Little Lane. This access must be maintained for public use & should be a condition of any planning approval;
11. The New Inn property is a viable commercial property with applicable commercial interest, as originally valued and advertised in spring 2011 for £325,000, by Barry Crux (see your ref HML/11/01593/preapplication). As a commercial property there are opportunities to generate employment and business to rejuvenate Long Street to enhance the now limited growth in the market town.

5.0 OBSERVATIONS

5.1 The issues to be considered include the effect on the historic fabric, character and appearance of the listed building.

5.2 The proposed external alterations on the front elevation are negligible. These include the making good of rendered areas and the removal of existing signage. The proposed development does not therefore harm the principal elevation of the building and is acceptable in this respect.

5.3 Alterations to the rear elevation include the removal of single storey more recently constructed extension and its replacement with a two storey extension to provide an internal staircase to serve the flats. The proposed extension is small scale and reflects the design of the original building. A set of mounting steps attached to the existing extension are to be repositioned on the rear elevation of the main part of the building.

5.4 Alterations to the rear elevation include the replacement of modern windows with traditional timber sliding sashes, which are an improvement on the existing windows that are currently in place.

5.5 The existing building has been altered significantly over time but some features of importance remain such as chimney breasts, fireplaces and windows on the front elevation. Internal alterations include the reintroduction of some previously removed walls at ground floor level and therefore results in an improvement to the character and appearance of the existing building. No features of importance are to be lost as a result of the proposed scheme.

5.6 The proposed development is acceptable and it is recommended that the application be approved.

SUMMARY

The proposed development will provide a new use and maintain the character and appearance of the Listed Building without significant loss of historic fabric. The proposal 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. 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 permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 11/417/1, 11/417/2A, 11/417/3, 11/417/4A, 11/417/5 received by Hambleton District Council on 24 April and 16 July 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. 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 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.

8.

12/00789/FUL

Construction of an agricultural workers dwelling, detached domestic garage, 4 agricultural buildings and a new vehicular access as per amended plans received by Hambleton District Council on 19th July 2012 at Land to the West of Fencote House, Hergill Lane, Little Fencote, North Yorkshire for Messrs HJ, RM & SJ Smith

1.0 PROPOSAL & SITE DESCRIPTION

- 1.1 Full planning permission is sought to relocate an existing farm business from Fairfield Farm, Leeming Bar to Hergill Lane, Little Fencote. Following relocation, it is proposed to increase the business from 26 suckler cows with followers to 60 cows with followers. In addition to the suckler herd, approximately 300 breeding sheep are over-wintered between October and March.
- 1.2 In order to accommodate the expanded farm business, it is proposed to construct a fold yard, a calving shed, a storage building, a round bale silage storage area and a straw shed and a new agricultural workers dwelling with detached garage.
- 1.3 The proposed fold yard measures 18.0m wide x 33.6m long x 7.9m in height. This building will house the suckler herd and will be divided up into pens using metal railings with gates. The building is constructed of concrete panels up to 2.1m in height, after which it is to be clad in timber 'Yorkshire Boarding'. The roof will be clad in fibre cement sheets.
- 1.4 The proposed calving shed measures 12.0m wide x 19.2m long x 5.6m in height. This building will be divided up into pens using concrete panels with gates and will be used for calving and the rearing of the young calves with their mother for the first couple of months, or until they are old enough to join the suckler herd in the Fold Yard. The building is constructed of concrete panels up to 2.1m in height, after which it is to be clad in fibre cement sheets. The roof will be clad in fibre cement sheets.
- 1.5 The proposed storage building is 9.0m wide x 19.2m long x 5.6m in height. This building will be used for the general storage of farm produce. The building is constructed of concrete panels up to 2.1m in height, after which it is to be clad in fibre cement sheets. The roof will be clad in fibre cement sheets.
- 1.6 The straw shed measures 17.5m wide x 33.6m long x 7.9m in height. This building is open sided and will be used to store round bales of hay for feeding and straw for bedding. The building will be clad at high level with timber 'Yorkshire Boarding'. The roof will be clad with fibre cement sheets.
- 1.7 The silage store is an open area approximately 13.0m wide x 18.0m long and will be used for the storage of dry round bales of silage, which will be used as feed for the herd. The bales are to be stored on a stone or gravel base.
- 1.8 The proposed agricultural workers dwelling is rectangular in shape, with a single storey wing projecting 3.8m from the east-facing side elevation and single storey sunroom projecting 3.6m from the rear elevation. The main body of the dwelling measures approximately 10.5m wide x 8.1m deep x 8.4m in height. The proposed dwelling has a total gross floor area of 216.69 sqm. The proposed dwelling would be

constructed using clay pantiles, traditional facing brickwork and double glazed upvc windows.

- 1.9 The dwelling provides 4no bedrooms, a bathroom and an en-suite bathroom at first floor level and a lounge, dining room, kitchen, sunroom, farm office, utility room and shower room with W.C on the ground floor. The proposal also provides a porch to the front entrance door and a double garage detached from the dwelling, which provides storage for lawnmowers, gardening equipment, etc. The proposed garage is sited to the north of the dwelling has a footprint of 55.55 sqm with a height to eaves of 2.63m and a ridge height of 4.93m.
- 1.10 As originally submitted, the site layout plan showed the fold yard, calving shed, store, silage store and straw shed running the length of the mutual boundary with Fencote House and at 90 degrees to Hergill Lane for a distance of approximately 93m. Following concerns about loss of amenity expressed by the owner/occupiers of Fencote House, the site layout was amended to show a more compact layout running along Hergill Lane for a distance of approximately 90m thus reducing the impact on Fencote House. Following the Planning Committee's site visit on 16th July 2012, the Applicant submitted a further amended plan to reduce the length of development along Hergill Lane from approximately 90m to approximately 72m by moving the straw shed and silage store closer to the mutual boundary with Fencote House.
- 1.11 The existing trees in the hedgerow on Hergill Lane will be retained and a small section of the existing hedge removed to allow for the new access to the development. Proposed shelterbelt planting along the western and southern boundaries of the site and hedgerows are proposed to help assimilate the development into the landscape.
- 1.12 The site lies approximately 1.2km east of the A1 on the western edge of the settlement of Little Fencote. Great Fencote and Kirby Fleetham are approximately 0.3km and 1.2km to the north respectively. The hamlet of Scruton lies approximately 1.6km to the south east.
- 1.13 The site is on Hergill Lane which leads into Little Fencote from Low Street. The site currently has two agricultural barns that are accessed directly off Hergill Lane. The site is at approximately 40m AOD and is characterised by localised hollows often associated with wetland areas and copses. Carr Hill to the east rises to a trig point at 76 AOD with the A1 running to the west.

2.0 RELEVANT PLANNING HISTORY

- 2.1 An application for the formation of a Truck Stop Service Area comprising: HGV/LGV re-fuelling, fuel bunkering/tank farm and associated forecourt shop including overnight and rest-stop parking and driver welfare facilities was submitted to the Council on 26 March 2010. The proposal involves the relocation of an existing service area from Londonderry to Fairfield Farm, Leeming Bar (ref: 10/00624/FUL).
- 2.2 The Secretary of State directed, under his powers in the Town and Country Planning Act 1990, that the application be referred to him instead of being dealt with by the Council. This is commonly referred to as the application being "called-in".
- 2.3 To consider all the relevant aspects of the proposed development, the Secretary of State decided to hold a public inquiry. The public inquiry was conjoined with an already programmed public inquiry into several applications for new motorway service areas (MSA) along the A1 corridor, which includes a proposal for the Motel Leeming site (ref: 09/01202/OUT). The decision is expected to be announced on 14th August 2012.

3.0 RELEVANT PLANNING POLICIES

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

The National Planning Policy Framework – 27 March 2012

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Core Strategy Policy CP19 - Recreational facilities and amenity open space

Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
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
Development Policies DP37 - Open space, sport and recreation

4.0 CONSULTATIONS

Parish Council

- 4.1 Wish to see the application approved. The Parish Council supports the principle of encouraging traditional family businesses. However, there are some concerns about the proposal:

- 1) The existing sewers in Little Fencote are already struggling to cope. Will this proposal increase the problem?
- 2) Little Fencote is a very rural location with no street lighting. Will this proposal lead to security lighting affecting the village?
- 3) Councillors note that it is proposed to fell an established tree to make the access safer. Is it necessary to fell the tree or could it be pruned to improve visibility?

- 4.2 The proposal should be tied to agricultural use.

NYCC Highways

- 4.2 No objections subject to conditions covering: the discharge of surface water; access construction details; prevention of mud on highway and on-site parking and storage during construction.

HDC Environmental Health Officer

- 4.3 No objections but recommend that the occupancy of the proposed dwelling is tied to the farm by condition.

Environment Agency

- 4.4 No objection to the proposed development and make the following comments:

- 4.5 The site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.
- 4.6 The foul drainage system should be sited so as not to cause pollution of any watercourse, well, borehole, spring or groundwater.
- 4.7 The sewerage undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.
- 4.8 Any new, substantially enlarged or substantially altered eligible agricultural facility must comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil (SSAFO)) Regulations 2010.
- 4.9 Farm wastes must be stored in and disposed of in accordance with the Defra's publication '*Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers*'.

Yorkshire Water

- 4.10 The drainage details submitted on drawing 122:11/01 (revision A) dated November 2011 that has been prepared by KJW Architectural Services are not acceptable to Yorkshire Water as currently shown. The following points should be addressed:
 - i) The submitted drawing shows surface water draining to the foul water sewer - contrary to our request, and the details submitted on the application form i.e. Soak away.
 - ii) The submitted drawing should show foul and surface water drainage proposals.

Publicity

- 4.11 Neighbours have been consulted in writing and a site notices have been erected. The period for replies expires on 14th August 2012. To date, 2 representations of support have been received and are summarised as follows:-
 - 1) We are an agricultural, rural community, and the presence of a farm would be entirely in keeping with the area.
 - 2) The existence of a property in Little Fencote would have benefits to the overall security of residents as it would generate an additional day-time presence in an area that has seen two attempted break-ins in the last six months.
 - 3) It is better if the stockman is living close at hand 24 hours a day to see to the welfare of livestock.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in the determination of this application relate to: the principle of the development; landscape and visual impact; design; sustainable construction; protecting amenity; public open space; drainage and highway impacts.

Principle of the Development

- 5.2 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
- 5.3 Paragraph 28 of the NPPFF 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.”

- 5.4 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.”
- 5.5 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.
- 5.6 As identified within paragraph 1.1 of this report, the proposed development involves the relocation of existing farm activities at Fairfield Farm, Leeming Bar to Hergill Lane, Little Fencote. The existing farm was established in 1908 as a 112.18 acre farmstead with a dairy herd. However, during the past 10 years the farm has been reduced to 75.77 acres, with no dairy herd due to various developments including: the acquisition of 13 acres in 2003 and 9.5 acres in 2011 by Hambleton District Council to provide employment land on the Leeming Bar Industrial Estate and 13.91 acres being compulsory purchased by the Highways Agency for the widening and upgrading of the A1 trunk road to motorway status.
- 5.7 Exelby Services (Truck Stop) is seeking to relocate to 17.5 acres of land at Fairfield Farm due to difficulties accessing its current Londonderry site from the reconfigured A1. This proposal involves the loss of two substantial farm buildings but the farmhouse and its associated outbuildings would be retained and are shown outside of the application site. However, the farmhouse and its outbuildings are included within the option agreement and will no longer be available to the Smith family should planning permission be granted for the Truck Stop.
- 5.8 The planning application to relocate Exelby Services, along with other Motorway Service Area applications, was “called in” by the Secretary of State for a Public Inquiry. As detailed within Section Two of this report, the Inquiry has closed and a decision is due to be announced on 14th August 2012. Should the Secretary of State grant planning permission for the relocation of the Exelby Services to Fairfield Farm, the farmhouse and farm buildings must be vacated by Autumn 2012. Consequently, the Applicant has emphasised the need to progress quickly in order to continue the existing farm business and provide the family with a home.
- 5.9 It has recently been announced that work on the Bedale by-pass will go ahead with immediate effect. This will result in the loss of a further 12 acres of land, reducing the land attached to Fairfield Farm down to 46.27 acres. The by-pass will dissect the remaining 46.27 acres of land without providing a crossover point or underpass, rendering 17.02 acres to the south of the road relatively inaccessible. The Applicant states that the remaining 29 acres of farmland at Fairfield Farm is no longer able to provide a viable farming unit, hence the need to relocate.
- 5.10 The farm business has purchased 96 acres of agricultural land approximately 2 miles away at Hergill Lane, Little Fencote, with a view to relocating the farm business from Fairfield Farm.
- 5.11 An Agricultural Appraisal has been submitted in support of the planning application. The Appraisal concludes that there is a genuine functional and financial requirement for a new farmstead together with a residential property at Little Fencote.

- 5.12 The suckler herd comprises 26 Continental Cross Cows which are served by Limousin and Charolais bulls. The suckler cows calve all year round. The intention of the business is to continue to invest in livestock and increase the number of suckler cows on the holding to approximately 60 cows.
- 5.13 The cows and calves are turned out to grass in the spring and brought back inside to be housed during the autumn and winter months, when the calves are weaned. The progeny are kept on the holding and sold as store cattle at approximately 450kg through local auction marts.
- 5.14 Approximately 30 acres of first cut silage are taken each year. A second cut of silage is then taken from 30 acres and a third cut of silage from 30 acres. The aftermath is then grazed.
- 5.15 During the winter months 300 sheep are grazed on the land. Whilst the sheep are on the holding they are the responsibility of Mr Smith, one of the partners. Although the sheep are not in the ownership of the Applicant, Mr Smith carries out the day to day management of the sheep stockmanship required for a large number of breeding sheep. Duties include: worming and foot trimming.
- 5.16 The Agricultural Appraisal calculates that the existing farm business generates 0.64 labour units whereas the relocated and expanded farm business would generate 1.12 labour units.
- 5.17 The Applicant contends that had the Highways Agency not compulsorily purchased part of the farm, the farm business would still be milking 40 cows and rearing the followers. This would be the equivalent to approximately 1.5 full time workers.
- 5.18 The Agricultural Appraisal concludes that relocation and expansion of the existing business is necessary from both a functional perspective and to ensure the continued financial viability of the farm business.
- 5.19 The provision of residential accommodation in the countryside is strictly controlled by Policies CP1, CP2 and CP4 of the Local Development Framework Core Strategy and the advice contained within the NPPF.
- 5.20 Paragraph 55 of the NPPF requires isolated new homes in the countryside to be allowed only in special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 5.21 Policy CP4 requires that any residential development outside Development Limits will only be permitted in exceptional circumstances when it is necessary to meet the needs of an enterprise with an essential requirement to locate in the countryside and will help to support a sustainable rural economy.
- 5.22 In the particular case with the proposed number of suckler cows on the holding together with young stock, it is essential that specialist workers are resident and within sight and sound of the new buildings, to attend to any out of hours emergencies which may occur. Residential accommodation would usually be provided in the form of a temporary dwelling in the first instance and a permanent dwelling would follow after the business has become financially viable. However, the circumstances relating to this application do not warrant a straight forward application of the functional and financial tests. The Smith family have been farming at Fairfield Farm since 1908 but are unable to continue running a viable farm business at Fairfield Farm due to the constraints outline above. Relocation of the farm buildings is supported and, equally, relocation of the farmhouse is supported in order to ensure the effective continuation of the farm business from both a functional and financial perspective.
- 5.23 It is clear that the loss of the farmhouse⁴⁷ and the farm buildings at Fairfield Farm, as a result of the Truck Stop development, would render the farm business unworkable.

Consequently, at this stage, Officers have chosen not to instruct an Agricultural Consultant to investigate the financial viability of continuing the farm business at Fairfield Farm. On this basis, the proposed agricultural buildings are considered to facilitate sustainable 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. However, should Secretary of State dismiss the appeal for the new Exelby Truck Stop then further investigation into the financial viability and the practical aspects of running the farm business from Fairfield Farm would need to be undertaken. The Planning Committee will be verbally informed of the outcome of the appeal during the meeting.

Landscape & Visual Impact

- 5.24 Policy DP30 of the Development Policies DPD states that “the openness, intrinsic character and quality of the District’s landscape will be respected and where possible enhanced...Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views. The design of buildings, and the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape...Where possible opportunities should be taken to add appropriate character and distinctiveness through the contribution of new landscape features...”
- 5.25 A Visual Landscape Assessment produced by Leeming Associates has been submitted with the application. The Assessment concludes that the development is consistent with the local character of the area and overall will result in a limited negative visual impact.
- 5.26 Only properties to the south west of the site will experience visual impact from the development. None of the properties on Hergill Lane to the east of the site have direct views of the site. This is due to the orientation of the dwellings, screening by existing barns and outbuildings to the rear of Fencote Farmhouse, existing hedgerows and mature trees.
- 5.27 Six properties on Low Street have potential views north-east towards the site. Three of these properties have been assessed as having ‘medium negative visual impact’, namely: Stud Farm, Oaktree House and One Garth. These properties will experience a change in views from the existing barns and agricultural fields to a view of the new dwelling and barns. These elements are not uncharacteristic in this landscape and therefore the impact does not constitute a significant change. Once established the proposed mitigating planting will assimilate the agricultural buildings into the landscape and help to reduce the negative impact of the development on these three properties to ‘minor negative visual impact’.
- 5.28 In terms of new landscaping, a native hedgerow will be planted around the boundary of the proposed agricultural workers dwelling and other buildings along with a timber post and rail fence. The hedgerow will include intermittent standard native trees in keeping with the character of the existing hedgerows in the local area and provide from views from the west and south south-west.
- 5.29 A belt of native tree and shrub planting a minimum of 5 metres wide would reinforce the existing hedgerow and field patterns on the south-west edge of Little Fencote.
- 5.30 The overall visual impact of the development on Public Rights of Way is limited. There is only one short footpath, PRoW 10.84/11/1 that experiences ‘medium negative visual impact’ in close proximity to the site. This PRoW cannot be successfully mitigated however the agricultural buildings and farm house are not incongruous elements in the landscape and are in keeping with the character and land use of the local area. No other footpath will be significantly affected visually by the development.

- 5.31 In light of the above considerations and proposed mitigation, the proposed development is considered to comply with Policy DP30 of the Development Policies DPD.

Design

- 5.32 The proposed development is considered to be of good design in accordance with the principles of the National Planning Policy Framework (NPPF) and the requirements of Policy DP32 of the Development Policies DPD.
- 5.33 The proposed farm buildings are common to other large scale buildings seen throughout the District and therefore will not look out of place in their setting. Furthermore, the careful choice of colour and non-reflective materials in the finish of the buildings roof and facades will help reduce their immediate presence within the landscape. As identified above, visual impacts will be further mitigated by the landscaping proposals.
- 5.34 The proposed farm house is of traditional form and incorporates facing brickwork walls and a clay pantile roof finished with stone water tabling to the verge and brick dentils to the eaves. The dwelling also incorporates Georgian sliding sash style windows and bay windows to the main elevation, with stone window cills and facing brick soldier arches to the heads of the openings. The design is sympathetic to the character of Little Fencote and the surrounding countryside.
- 5.35 In addition, the scale of the proposed dwelling is considered to be commensurate to the needs of the farm business and is similar in size to the existing farmhouse at Fairfield Farm.

Sustainable Construction

- 5.36 Policy DP34 requires all developments above 1000 sq m or 10 units or more to show that they have addressed sustainable energy issues, by reference to accredited assessment schemes and in the case of commercial developments must undertake an energy assessment and consider the feasibility of incorporating CHP schemes. Additionally there is a requirement that at least 10% of their energy requirements are from onsite renewable energy generation or otherwise demonstrate similar energy savings through design measures.
- 5.37 The Applicant proposes to install solar and photovoltaic panels on the roof of the farm buildings, in order to provide a minimum of 10% renewable energy, which would be used for lighting and power in the farm buildings. It is the Applicant's intention to transfer some of the energy created by the solar and photovoltaic panels to the dwelling, for lighting and power, with any excess energy fed back into the national grid. Other sustainable proposals include the capture of rainwater from the roof of the dwelling into an underground grey water storage facility for toilet flushing and garden use. It also proposes the use of low energy sodium lighting throughout the dwelling and buildings.
- 5.38 Notwithstanding the above, no definitive proposals are contained within the application. Consequently, it is recommended that a suitably worded condition be applied in order to secure a scheme for suitable design improvements to the buildings and/or on-site renewable energy generation.

Protecting Amenity

- 5.39 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.
- 5.40 Although there are other dwellings in the immediate vicinity, the area of activity is away from these dwellings and shielded from it by the buildings themselves to

prevent noise and disturbance to them. As the farming operation will involve the rearing of suckler cows using a straw based system within the rearing shed there will be no adverse impact on neighbours by way of odour. The Council's Environmental Health Officer has assessed the likely impact of the development upon neighbouring occupiers and has raised no objections.

- 5.41 It is recommended that a condition is imposed to secure an external lighting scheme in order to protect the amenity of near neighbours.

Public Open Space, Sport & Recreation

- 5.42 New housing developments place increased demand on existing open space, sport and recreation facilities and Policy DP37 of the Development Policies DPD requires developers to include the required amount of formal and informal open space within their developments. In instances where it is not appropriate to provide the required standard on site it is expected that a developer contribution will be made to provide new open space or enhance existing open space in the area.
- 5.43 The Supplementary Planning Document (SPD), adopted in February 2011, includes detailed guidance on the implementation of the standards and specifies the payment of £4,455.08 for the proposed development of a four bedroom dwelling. The Applicant has agreed to pay this sum and a legal agreement is currently being prepared.

Drainage

- 5.44 Yorkshire Water has no objection in principle to the proposed means of drainage via separate systems of drainage on-site and off-site, as shown on drawing 122:11/01 Rev.C. This drawing will form part of the approved plans condition. Yorkshire Water is satisfied with the amount of domestic foul water to be discharged to the public foul water sewer, whilst the surface water is proposed to be drained to a watercourse.

Highways

- 5.45 No objections have been received from the Local Highway Authority with regards to highway safety or degradation of the highway itself. It is considered that the local road network will be able to cope with the likely increase in vehicle movements.
- 5.46 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be granted for the application as amended.

6.0 SUMMARY

- 6.1 Subject to the final comment of Yorkshire Water, the principle of the proposed development is considered to be acceptable as are the site specific issues including: landscape and visual impact; design; sustainable construction; protecting amenity; public open space, sport and recreation; drainage and highway impacts. The proposal therefore accords with the aims and policies of the Hambleton Local Development Framework
- 6.2 Notwithstanding the above recommendation, should the appeal in relation to the relocation of Exelby Services be dismissed, it is further recommended that the application be deferred in order to allow for investigation concerning the viability of continuing the existing farm business at Fairfield Farm.

7.0 RECOMMENDATION

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: 112:11/01 Rev.D; 112:11/02 Rev.D; 112:11/03 Rev.C; 112:11/04 Rev.C; 112:11/05 Rev.C and 112:11/06 Rev.B received by Hambleton District Council on 19th July 2012 unless otherwise agreed in writing by the Local Planning Authority.

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

3. **Agricultural Worker Occupancy Restriction**

The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

Reason: The dwelling is in an area where the Local Planning Authority considers that new residential development should be restricted to that which is essential in the interests of agriculture or forestry in accordance with Hambleton Local Development Framework Core Strategy Policy CP4.

4. **Agricultural buildings to be completed prior to first occupation of the agricultural workers dwelling**

Prior to first occupation of the agricultural workers dwelling hereby approved a fold yard, a calving shed, a storage building, a round bale silage storage area and a straw shed also approved shall be fully constructed and made available for use.

Reason: The dwelling is in an area where the Local Planning Authority considers that new residential development should be restricted to that which is essential in the interests of agriculture or forestry in accordance with Hambleton Local Development Framework Core Strategy Policy CP4.

5. **Materials**

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

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

6. **Boundary Treatment**

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

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

7. Boundary Treatment Construction

No dwelling shall be occupied until the boundary walls, fences, hedgerows and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 6 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

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

8. Lighting Scheme

No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority. Thereafter, the lighting scheme shall be maintained in accordance with the approved details.

Reason: To protect the amenity of the neighbouring residents in accordance with Policies CP1 and DP1 of the Hambleton Local Development Framework.

9. Landscaping

No part of the development hereby approved shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the buildings, whichever is the sooner, unless the planting scheme contained within Leeming Associates Visual Landscape Assessment dated 25 July 2012 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.

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

10. Sustainable Construction

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

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

11. Private Access / Verge Crossings – Construction Requirements

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- (i) The details of the access shall have been approved in writing by the Local Planning Authority.
- (ii) The crossing of the highway verge shall be constructed in accordance with the approved details and/or Standard Detail number E1.
- (iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway.
- (vi) The final surfacing of any private access and parking area within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing public highway.

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

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

12. Precautions to prevent mud on the highway

There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. 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.

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

13. On-site parking, on-site storage and construction traffic during development

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

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

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

9.

12/01200/FUL

Flood alleviation measures involving widening of existing channel to increase storage area adjacent to culvert inlet as per amended plans received by Hambleton District Council on 6th August 2012.

at Turker Beck Flood Alleviation Area Bullamoor Road Northallerton North Yorkshire for The Environment Agency.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is a field edge abutting back gardens to dwellings at 83 -103 (odds) Turker Lane, and 1-7 (odds) Thorntree Road on the north east edge of Northallerton. A beck crosses the land from east to west and at a point approximately 10 metres from the field edge, enters a screened culvert. The culvert base lies approximately 2.5 metres below general ground level and is protected by post and rail fencing with informal steps for access down the bank.

1.2 A public right of way follows the beck, and is accessed by a paved path between nos 87 and 89 Turker Lane. The overall access width is 3.5 metres, with half the width occupied by mature shrub planting. The gardens to neighbouring dwellings are bounded with a mixture of hedges and fencing of various types.

1.3 The proposal is to form a flood storage area by means of re-grading the land to north and south of the existing culvert, and eastwards along the beck, in an approximate trefoil shape. Overall extension North to South is about 200 metres. The overall extension eastwards is about 125 metres. The sections provided show excavation graded mainly at 1 in 3, and 1 in 10 along the northwards extent, where the steeper slope is on the west side. The maximum depth is shown as 2.3 metres, for a 1 in 200 storm event. There is a small rise in the neighbouring ground level on the west boundary (to provide a freeboard 'wash' barrier). The flood storage area is intended to be grassed and seeded with wild flowers mix. New landscape planting is indicated alongside the beck and to the rear of houses.

1.3 The public footpath which runs east - west from Turker Lane towards Harrogate House is diverted around the south edge of the flood storage area, bounded by 'birdsmouth' fencing on each side.

1.4 Construction access is proposed via a new track northwards from Bullamoor Road, alongside an existing farm track which is also a Public Right of Way. There is a storage compound to the east of the proposed works, on the south side of the beck.

1.5 As amended the access tracks from Bullamoor is to be removed on completion of the development and a permanent access for maintenance will be provided along the route of the existing footpath from Turker Lane. The access would have a removable bollard and a locked vehicular gate with provision for pedestrian access. Details have been requested of the design of the gate, position of the bollard and the surfacing of the access which currently is partly tarmac and partly shrub planting.

2.0 RELEVANT PLANNING HISTORY

2.1 05/01036/CCC Construction of a flood storage area. Granted 28 September 2005.

2.2 Together with the associated scheme at Sun Beck, ref 12/001201/FUL, the proposal follows consideration of a range of options to alleviate flooding in Northallerton, that have been the subject of public consultations.

2.3 Connected improvements are also proposed to trash screens in Bullamoor Park, which are not the subject of a planning application.

2.4 Together the works are intended to " protect 259 residential properties, 32 commercial properties and a hospital against flooding during a flood event with a return period of 200 years (i.e. an event with a 0.5% chance of occurring in any given year)" (Environmental report accompanying this application).

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 DP31 - Protecting natural resources: biodiversity/nature conservation

Development Policies DP28 - Conservation

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

4.0 CONSULTATIONS

4.1 Parish Council - (expiry 10.7.2012) - no response received.

4.2 Ramblers - No objections, including the footpath diversion.

4.3 Yorkshire Water - (expiry 10.7.2012) - no response received

4.4 Environment Agency - applicant but consultation response is "No objection"

4.5 NYCC Highways - (expiry 10.7.2012) - reply on details of the amended access arrangements are expected to be received before the Committee meeting.

4.6 NYCC Archaeology - moderate potential for archaeological remains. Geophysical surveys 2004 and 2005 in vicinity of Turker Beck identified medieval and post-medieval agriculture, including ridge and furrow, ditched boundaries and double ditched trackway. Therefore the NYCC Archaeology section support the proposal of Environment Agency that an archaeological evaluation should be undertaken to clarify extent of any surviving archaeological remains (pre determination).

4.7 NYCC Police Architectural Liaison -

Comments that good visibility exists across the field for footpath users, giving a certain amount of protection to rear gardens.

Concludes that: "the proposed footpath gives only a marginal increase in crime risk over that of the existing footpath, with both giving easy access to the rear gardens".

If thought necessary additional security could be provided by means of: close boarded fencing, removing the works further into the field (thus increasing the distance between the rear gardens and the footpath diversion. Also providing full fencing along the line of the footpath; a survey of neighbours could establish whether this fencing would be considered desirable. The location of the access is relatively obscure which is helpful for security and too much publicity to potential for crime could be counterproductive.

4.7 Neighbours and site notice (scheme as submitted)

1. Comment - The scheme should not cause the existing water table to be raised. Area behind 89 to 103 is often under water. Standing water in flower beds after heavy rain. Footpath diversion should be landscaped to avoid nuisance from users – eg fencing, small bushes and a dog waste bin (away from houses).

2. Query raised by business in the town regarding the impact on premises affected by flooding from Willowbeck – impact of the proposal on these areas (Homebase/Halfords and Finkills Way).

3. Comment - Recent high rainfall has not resulted in water beyond the lip of existing culvert suggesting current run-off from agricultural land can be managed in the existing infrastructure. Suggest that reservoir/pond not needed in this location and funding would be

better uses improving substandard pipe work or culverts elsewhere in the town to permit faster drainage. Trees felled earlier this year which could have been left, and would have helped utilised water levels available in the catchment.

4. Strongly object - blot on an otherwise peaceful location and devaluation of properties. Wrong area, as will be pointed out later (difficulty making comments online).

5. Support for flood risk to be taken seriously but this is the wrong location, too close to property. Site would be a magnet to children. Fencing will be breached and there is potential for vandalism and anti social behaviour. It will be a major attraction for vermin. As a scar on the landscape it will devalue the properties in the area and will campaign to reduce council tax.

6. Query – how will people be kept to the path. What facilities for dog walkers. Why does footpath have to come towards the Bullamoor road end, rather than the other way. Concern about vandalism to fences. Increase in noise and possible vandalism – will there be a reduction in community charge. Flood defences are important to the town but feel that investment in the towns drains and cleaning on a regular basis would stop any problems happening.

4.8 Any revised/additional comments following amendments will be provided on an update list.

5.0 OBSERVATIONS

5.1 In accordance with Local Development Framework Policy CP21 and DP43 the principle of mitigation and flood relief measures to reduce the risk of flooding of existing development is acceptable, subject to other relevant policies of the local plan.

5.2 Issues to be considered therefore will be landscape impact (CP17 DP30), and amenity of neighbouring occupiers (CP1 and DP1), historic environment and archaeology (CP16 DP28) wildlife impact (CP16 DP31) together with any security, safety and highway safety concerns.

Landscape

5.3 The main works to create the flood storage area will create a broad depression in the field. Whilst it is an artificial feature, it is mitigated by mainly gentle grading, and once grassed and seeded, the storage area itself will be a green hollow within the cropped field (as applicable) and will not be obvious in the wider landscape and from more distant viewpoints. The indicative landscape works include fresh planting of trees (sycamore, willow, silver birch, mountain ash and cherry are suggested) along the beck, retention and reinstatement of hedges as required and a block of shrub planting between houses and storage area (including thorny shrubs alongside footpath to deter antisocial behaviour). Overall therefore there will not be significant harm to the existing character of the countryside surroundings.

Heritage

5.4 Previous desk based and geophysical surveys are reported in the Environmental Survey submitted with the application and the applicants have expressed the intention of undertaking further geophysical survey of the working area prior to decision making (planned for when the field is harvested this year) and will inform a decision as to whether the development can be accepted in its present form and identifying and mitigation options for minimising avoiding damage to and/or recording any archaeological remains.

Wildlife

5.5 The applicants refer to pre-existing surveys updated September 2011, showing no evidence of water vole or otters and no scope for bats at Turker Beck. On this basis there does not appear to be harm to protected species or nature conservation overall.

Footpath Access

5.6 The proposed diverted footpath will follow the land form round the edge of the resulting depression and will be a natural, and safe, route in the resulting landscape.

Highway safety

5.7 There is a substantial area within the field for off road parking and storage during construction. The environmental survey submitted identifies 50 lorry movements (ie 25 vehicles visiting the site) each day for 72 days, to remove excavated material, in addition to 15 staff or other vehicles. Mitigation measures are planned such as lorry routing, installation of traffic warning signs and provision of passing places. The views of the Highway Authority are awaited however if acceptable, condition requiring details of this or a similar scheme will help control traffic to and from the site during the construction period.

Security issues

5.8 The scheme provides for strategic planting that will help channel potential trespassers away from the rear boundaries of adjacent properties. Particularly noting that thorny species are intended to protect entry to potentially vulnerable areas, this is likely to help minimise risk to security. Removing the storage zone (and therefore the potential footpath diversion) further into the field would increase the distance from vulnerable areas but is noted (verbally) by the applicants to be unlikely to be feasible due to the added depth necessary to achieve the required falls. A note on this point has been requested. Taking into account that overall the police guidance security risks from the scheme are little more than at present, to require an amendment on this basis would not be justified.

Neighbour comments

5.9 Comments have expressed concerned about the positioning of the footpath closer to residential property.

The proposal intends planting to help channel foot traffic away from property and along the line of the proposed footpath, including thorny species as required. The submitted details indicate that detailed choices will be made in conjunction with residents. Taking into account that footpath is likely to continue to benefit from casual monitoring through good visibility and regular use, it is not considered that harm will result from the repositioning of the footpath route.

5.10 The Environment Agency have set out that they consider the proposal beneficial to reducing the incidence of flooding in the town, and in addition to attenuating the flow of water from land to the east that necessary repairs/maintenance to culverts will be undertaken. Additional tree planting is proposed that will help take up water.

5.11 The impact on the landscape is limited to the immediate surroundings, and as discussed above will be mitigated by grading. There will be limited view from adjacent properties of the development when complete, particularly when planned planting is in place.

5.12 The scheme alters the alignment of the existing footpath from Turker Lane no change is made to the footpath from Bullamoor Road.

Conclusion

The development provides for flood protection and mitigation without significant harm to the open character of the rural surroundings or the amenities of neighbouring occupiers and is able to comply with the above policies. Approval is therefore recommended, subject to outstanding consultations, and the completion of the proposed geophysical survey of the land.

SUMMARY

The development provides for flood alleviation without significant harm to the open character of the rural surroundings or 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 B1756400/DE10/R/02a/0003 rev 1 and B1756400/DE10/R/02a/0004 rev O received by Hambleton District Council on 8 June 2012 and 6 August 2012 unless otherwise agreed in writing by the Local Planning Authority.
3. The existing Public Right of Way shall be protected and kept clear of any obstruction until such time as any temporary alternative route has been provided.
4. No development shall take place until the Public Right of Way diversion has been confirmed.
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.
6. No development shall take place until there is put in place a scheme for the management of traffic for the duration of construction works. The traffic thereafter to be managed in accordance with the agreed scheme.
7. (other highway conditions as specified by the Highway Authority)
8. (any archaeological conditions pending results of geophysical survey)

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 maintain the public right of way.
4. To maintain the public right of way.
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 DP32..
6. In the interests of highway safety in accordance with Local Development Framework policy CP1.

10.

12/01201/FUL

**Flood alleviation measures including excavation of a new channel to create increased water storage area adjacent to existing culvert inlet as per amended plans received by Hambleton District Council on 6th August 2012.
at Sun Beck Flood Alleviation Area Scholla Lane Northallerton North Yorkshire
for The Environment Agency.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is a field edge abutting back gardens to dwellings at Bramblefields nos - 5 to 32 (not continuous) on the eastern edge of Northallerton. A beck crosses the land from east to west to the north of the main area of works and is presently culverted to run southwards close to the garden boundaries before exiting into Bramblefields. There is a hedge along the north side of the beck. The gardens are bounded with mainly hedging.

1.2 The proposal is to divert the beck approximately 35 metres short of the existing inlet and make an excavation to form a flood storage area parallel with the existing culvert, approximately 12 metres from the garden boundaries. The flood storage area is an approximate rectangular shape dimensions 130 (overall) x 12 (average) metres. The north and south ends are gently curved. It discharges into the culvert at Bramblefields via a new inlet structure at the south end. The sections provided show a shallow excavation, with an average depth shown as 1.5 metres, for a 1 in 200 storm event. The flood storage area is intended to be seeded with a grass and wild flowers mix.

Access

1.3 Construction process - access is via a new track from Scholla Lane. A storage and turning area is provided at the roadside end. As amended, the construction track is removed following the development.

1.4 As amended, access for maintenance is provided by a short length of track into the site from Bramblefields, and running for approximately 12 metres parallel with the boundary of no 32, and with a turning head. Lockable gates are shown to be installed at the end of Bramblefield. Details have been requested of the proposed gates and any boundary treatments

2.0 RELEVANT PLANNING HISTORY

2.1 05/01037/CCC Construction of a flood storage area. (no information on determination).

2.2 Together with the associated scheme at Sun Beck, ref 12/001200/FUL, the proposal follows consideration of a range of options to alleviate flooding in Northallerton, that have been the subject of public consultations.

2.3 Connected improvements are also proposed to trash screens in Bullamoor Park, which are not the subject of a planning application.

2.4 Together the works are intended to "protect 259 residential properties, 32 commercial properties and a hospital against flooding during a flood event with a return period of 200 years (i.e. an event with a 0.5% chance of occurring in any given year)" (from Environmental report accompanying this application).

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
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP28 - Conservation

4.0 CONSULTATIONS

4.1 Parish Council - (expiry 10.7.2012) - no response received

4.2 Yorkshire Water - (expiry 10.7.2012) - advise no comments required.

4.3 Environment Agency - No objection

4.4 NYCC Highways - (expiry 10.7.2012). - Comments on the amended access arrangements are expected prior to the Committee meeting.

4.5 NYCC Archaeology - moderate potential for archaeological remains. Geophysical surveys 2004 and 2005 in vicinity of Sun Beck identified medieval and post-medieval agriculture, including ridge and furrow, ditched boundaries and double ditched trackway. Therefore support proposal of EA that an archaeological evaluation should be undertaken to clarify extent of any surviving archaeological remains (pre determination).

4.5 NYCC Police Architectural Liaison - concerned that (track) from Scholla Lane would run along the rear of houses of Bankhead Road. Recommend that the (track) run along the eastern edge of the flood storage area not the western side, at the rear of the houses. A parking area of Scholla Lane would aid criminals with parking and ready access to houses at night time. Suggest rear of houses be protected by the planting of thorny bushes, kept to approximately 1 m high.

4.6 Neighbours and site notice (as submitted)

1. (Smiths Gore for Church Commissioners - land owners). Have strongly suggested to EA that the access from Bramblefields be used, rather than a new access road from Scholla Lane. As proposed the access road is unnecessary. It will remove arable land from production. Changing the landscape and removing habitat goes beyond stated aim to ensure that the scheme fits with the local landscape character and avoid adverse impacts on protected species and habitats. It will encourage use as a dog walking route. If the route was temporary, this would overcome the objection, provided that maintenance and inspection is off Bramblefield.

2. Query raised by business in the town regarding the impact on premises affected by flooding from Willowbeck – impact of the proposal on these areas (Homebase/Halfords and Finkills Way).

3. (Neighbour) - Concerns about:

i Security - existing problems with young people using garden as a short cut from Scholla Lane. Repeatedly broken fences and damaged plants, mended and replaced numerous times.

ii. Devaluation to property

iii Changes in the field will be a magnet to children - there is already problems with children using the open field as a play area.

iv. Seeks recompense for structural damage.

iv. Not able to remove all the planting now in.

4. Any revised/additional comments following amendments will be provided on an update list.

5.0 OBSERVATIONS

5.1 In accordance with Local Development Framework Policy CP21 and DP43 the principle of mitigation and flood relief measures to reduce the risk of flooding of existing development is acceptable, subject to other relevant policies of the local plan.

5.2 Issues to be considered therefore will be landscape impact (CP17 DP30), and amenity of neighbouring occupiers (CP1 and DP1), historic environment and archaeology (CP16 DP28) wildlife impact (CP16 DP31) together with any security, safety and highway safety concerns.

Landscape

5.3 The main works to create the flood storage area will create a depression in the field. Whilst it is an artificial feature it is relatively shallow, and mitigated by grading, and once grassed and seeded, the storage area itself will be a long hollow at the back of the houses and will not be obvious in the wider landscape and from more distant viewpoints. The indicative landscape works show new hedgerow along the line of the existing beck, and two new trees (silver birch and ash) will help naturalise the surroundings once the works are complete.

5.4 As amended the construction track is removed and will not have any effect on the landscape in the longer term. Overall, it is considered that the effect on the wider landscape will be small.

Heritage

5.5 Previous desk based and geophysical surveys are reported in the submitted Environmental Survey and the applicants have expressed the intention of undertaking further geophysical survey of the working area prior to decision making. It is (verbally) reported that the unfortunate weather has delayed this process but once the field is harvested, this will commence. The results will then inform a decision as to whether the development can be accepted in its present form and identifying any mitigation options for minimising avoiding damage to and/or recording any archaeological remains.

Wildlife

5.6 The applicants refer to pre-existing surveys updated September 2011. Sun Beck is not considered suitable for water vole and there were no signs of otters. One mature ash approximately 17 metres north of Sun Beck has features that could be used by bats, but is not intended to be disturbed by the works. There does not appear therefore to be concerns about protected wildlife that would preclude approval.

Access and Highway safety

5.7 There is a substantial area within the field for off road parking. The environmental survey submitted identifies that 25 return lorry movements to Sun Beck each day (50 one-way movements), for seven working days and a scheme to manage traffic including lorry routing, installation of traffic warning signs and provision of passing places, is proposed. The views of the Highway Authority are awaited, however if acceptable, a condition requiring details of this or a similar scheme will help manage traffic to and from the site during the construction period.

Security issues

5.8 The removal of the construction track following development will reduce any apparent invitation to trespass across the backs of the houses from Scholla Lane. Details have been requested of proposed security measures for houses in direct proximity to the permanent access from Bramblefields.

Neighbour comments

5.9 Issues with the main landowner appear to have resulted in the amended proposal to remove the construction track following development, and it is presumed this concern is resolved.

5.10 The Environment Agency have set out that they consider the proposal beneficial to reducing the incidence of flooding in the town and in addition to attenuating the flow of water from land to the east that necessary repairs/maintenance to culverts will be undertaken.

5.11 Neighbour concerns about security - response from the neighbour following the new proposals are awaited.

Conclusion

The development provides for flood protection and mitigation without significant harm to the open character of the rural surroundings or the amenities of neighbouring occupiers and is able to comply with the above policies and approval is recommended, subject to outstanding consultations, and the completion of the proposed geophysical survey of the land.

SUMMARY

The development provides for flood alleviation without significant harm to the open character of the rural surroundings or 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 and B1756400/DE10/R/02a/00013 rev 1 and B1756400/DE10/R/02a/00014 rev O received by Hambleton District Council on 8 June 2012 and 6 August 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. No development shall take place until there is put in place a scheme for the management of traffic for the duration of construction works. The traffic thereafter to be managed in accordance with the agreed scheme.
5. (other highway conditions as specified by the Highway Authority)
6. (any archaeological conditions pending results of geophysical survey)

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. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
4. In the interests of highway safety in accordance with Local Development Framework policy CP1.