

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at Northallerton Town Hall, High Street, Northallerton on Thursday 8 November 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

8 NOVEMBER 2012

Item No	Application Ref/ Officer	Proposal/Site Description
1	12/01402/FUL Mr J Saddington	Demolition of existing residential apartments and commercial/industrial buildings and construction of 82 dwellings, alterations to 9 existing business units to form 9 retail/industrial/business units (A1, A2, B1a, B1c, B8 and D1) and construction of a new retail unit (class A1) with associated access, car parking, landscaping and ancillary works. at 1 Leeming Lane Leeming Bar North Yorkshire for Castlevale Group Ltd. RECOMMENDATION: GRANTED
2	12/01403/LBC Mr J Saddington	Application for listed building consent for demolition of existing residential apartments and commercial/industrial buildings and alterations to 9 existing retail/industrial/business units. at 1 Leeming Lane Leeming Bar North Yorkshire for Castlevale Group Ltd. RECOMMENDATION: GRANTED
3	12/00737/FUL Mr T J Wood	Demolition of 4 buildings and construction of 2 replacement buildings to provide for hatchery and storage barn for pheasant and partridge rearing farm. Retrospective application for improvement works to the existing vehicular access. at The Workshop Stokesley Road Brompton North Yorkshire for Mr G Bird. RECOMMENDATION: REFUSED
4	12/01346/OUT Mr J Saddington	Outline application for the construction of 36 dwellings, public open space, access and landscaping. at Land To The North Of The Willows Willow Bridge Lane Dalton North Yorkshire for West Park Estates Ltd. RECOMMENDATION: REFUSED
5	12/01243/FUL Mr J Saddington	Construction of 34 dwellings with associated car parking/garaging, new school 'drop off' area and formation of a new vehicular access. Alterations and single storey extension to existing dwelling (1 South View). at 1 South View And Land South Of Robin Lane Huby North Yorkshire for Whitfield Homes Ltd. RECOMMENDATION: REFUSED

6	12/01244/FUL Mr J Saddington	Demolition of the existing sports pavilion building and the construction of a new multi-use two storey building and associated vehicular access and car parking. at Sports Ground Robin Lane Huby North Yorkshire for The Playing Fields Association. RECOMMENDATION: REFUSED
7	12/01570/FUL Miss A J Peel	Change of use of a leisure plot to a private gypsy site for one family. at Field East Of Hailstone Moor Bullamoor North Yorkshire for Mr P Lovell. RECOMMENDATION: GRANTED
8	12/01942/FUL Mr J E Howe	Alterations & extensions to existing dwelling & garage. at 31 Harewood Chase Romanby North Yorkshire DL7 8FX for Mr & Mrs D Barber. RECOMMENDATION: GRANTED
9	12/00967/FUL Mr J E Howe	Alterations and single storey extension to existing pub to form a retail unit. Siting of 2 condenser units and 3 air conditioning units. At Kings Head Hotel 40 Market Place Bedale for Tesco Stores Ltd RECOMMENDATION: GRANTED
10	12/00966/LBC Mr J E Howe	Application for listed building consent for internal alterations siting of 2 condensor units, 3 air conditioning units and a single storey extension At Kings Head Hotel 40 Market Place Bedale for Tesco Stores Ltd RECOMMENDATION: GRANTED
11	12/02032/FUL Mrs S Leeming	Lean to extension to existing agricultural livestock building At Westholme Farm Islebeck Lane Islebeck For Mrs Isobel Sanderson RECOMMENDATION: GRANTED

Parish: Aiskew
Ward: Leeming Bar

Committee Date: 08 November 2012
Officer dealing: Mr Jonathan Saddington
Target Date: 17 October 2012

1.

12/01402/FUL

Demolition of existing residential apartments and commercial/industrial buildings and construction of 82 dwellings, alterations to 9 existing business units to form 9 retail/industrial/business units (A1, A2, B1a, B1c, B8 and D1) and construction of a new retail unit (class A1) with associated access, car parking, landscaping and ancillary works as amended by plans received by Hambleton District Council on 29th August 2012 at Leeming Lane, Leeming Bar for Castlevale Group Ltd

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 This application was deferred at Planning Committee on 11th October 2012 in order to allow for: additional design improvements; the submission of further information on drainage and flooding; the submission of streetscene drawings and details of how the public square could be designed and the receipt of outstanding consultation responses and to the District Valuer's report.
- 1.2 Full planning permission is sought for the construction of 82 dwellings, 9 commercial units (Use Class A1, A2, B1, B8 and D1) and a detached retail unit (A1) with associated access, car parking, landscaping and associated works. The proposal will result in a density of approximately 37 dwellings per hectare and will deliver 40% affordable housing across the whole of the application site.
- 1.3 The application site is situated at the centre of Leeming Bar on the southern side of the Northallerton Road at the junction with Leeming Lane. The site covers the former John H Gills' site and Elm Tree Farm (which together form Allocation Site BM4), Fairview Flatts and additional agricultural land to the east.
- 1.4 The John H Gills portion of the application site contains a range of Grade II Listed Buildings which date from the 1840s. The building was originally constructed as an agricultural implement makers and has operated as a similar business since that time. During the 20th century the building was subject to substantial alteration to its fabric, with several extensions being constructed in breezeblock and the replacement asbestos roof.
- 1.5 These buildings are currently occupied by a range of retail, light industrial and office businesses. An agricultural / horticultural machinery sales and repair business and a bicycle shop will remain on site.
- 1.6 The listed buildings will be repaired and reconfigured for occupation by a range of commercial uses including retail (A1 & A2), offices and light industrial (B1) and non-residential institutions (D1). Permission is also sought for the change of use of a small agricultural building, adjacent to the proposed convenience store, which is to be converted to a small studio / workshop (B1). A separate application for Listed Building Consent examines the impact of the proposed alterations upon the character and fabric of the listed buildings.
- 1.7 It is proposed to demolish Fairview Flatts along with the majority of the more recent blockwork buildings within the central area of the site. Following demolition, the proposal seeks planning permission to erect 82 residential dwellings, 32 of which

(40%) are to be affordable dwellings. The development also includes the erection of a small convenience store (279 sqm), the formation of a village green at the eastern boundary of the site and a village square adjacent to the mini-roundabout serving Leeming Lane and Northallerton Road.

- 1.8 The proposed residential accommodation will be predominately two storeys in height with some two-and-a-half storey dwellings at key locations. The proposed accommodation will range from two bedroom flats to four bedroom detached houses. The proposed architectural treatment includes: heads and cills to windows, bay windows, chimneys, water tabling and decorative dentil courses. All dwellings have private amenity space in the form of rear gardens, some housetypes are provided with a front garden. All dwellings will be constructed to the “Code for Sustainable Homes” – Level 3.
- 1.9 Boundary treatments consist of a mixture of metal railings to define the public realm whilst a range of full height walls and fences will be used at key corners and vista stops. Low level planting is proposed to the front of properties.
- 1.10 Two vehicular accesses are to be provided into the site. The main access will be off Northallerton Road which will provide access to the residential dwellings as well as commercial floorspace contained within the Listed Building. A separate access is provided off Leeming Lane which will serve the proposed retail unit, the small workshop / studio and six affordable housing units.
- 1.11 Car parking provision for set at 2 spaces per dwelling and 1 spaces or 1.5 spaces for apartments depending upon the size and position of the unit. The proposed commercial floorspace will be served by 53 parking spaces and communal services yards.
- 1.12 As identified above, the majority of the site is allocated for mixed use development by Policy BM4 (Leeming Lane, Leeming Bar) of the adopted Allocations Development Plan Document, subject to: -
 - i) housing (1.25ha) being developed in Phase 2 (2016-2021);
 - ii) development being at a density of approximately 40 dwellings per hectare, resulting in a capacity of around 50 dwellings (of which a target of 40% should be affordable);
 - iii) types and tenure of housing developed meeting the latest evidence on local needs;
 - iv) provision of appropriate sound insulation measures on new dwellings to mitigate the noise impact from RAF Leeming;
 - v) design and layout which enables the creation of a suitable centre for the village and respects the character and setting of the existing Listed Buildings;
 - vi) employment and retail development for A1, A2 and B1 uses being provided;
 - vii) the capacity of the local sewerage and sewerage disposal infrastructure being improved.
 - viii) contributions from the developer towards providing public open space, the footpath and cycleway network, particularly along the Wensleydale Railway route, improvements to the existing sewerage and sewage disposal infrastructure; and
 - ix) contributions from the developer towards the provision of additional school places and local health care facilities as necessary.
- 1.13 The application is supported by a comprehensive package of submission documents including: a Heritage Statement, Landscaping Statement, Flood Risk and Drainage Assessment, Transport Assessment and Travel Plan, Extended Phase 1 Habitat Survey, Bat Survey, Geo-physical Survey and Noise Impact Assessment,

2.0 RELEVANT PLANNING HISTORY

2.1 07/03302/FUL - Alterations and extensions to existing building to form 12 flats and 11 dwellings and construction of 11 new build dwellings and 5 new build flats and creation of a new vehicular access as amended by plans and additional information received by Hambleton District Council on 29 April 2009, 22 July 2009 and 18 August 2009. Refused on 17.11.2009 for the following reasons:-

1. Without any retail, commercial or other mixed-use use component, the proposed development will fail to deliver Hambleton District Council's key objective of facilitating the regeneration of Leeming Bar via the creation of a suitable, sustainable and well designed service centre, contrary to Policy BM4 of the emerging Allocations Development Plan Document and policies CP1, CP3, CP4, CP12, DP5 and DP16 of the adopted Hambleton Local Development Framework.
2. The proposed development fails to deliver any affordable housing without reasoned justification, contrary to Policy CP9 of the adopted Core Strategy which requires 40% affordable housing in housing developments of two or more dwellings within Leeming Bar. Whilst Policy CP9 allows for viability to be taken into account, the provision of affordable housing on this site is only unviable if it is developed in isolation from the adjoining part of site BM4 as defined within the emerging Allocations Development Plan Document.
3. The proposed development fails to deliver any open space, sport and recreation facilities contrary to Policy DP37 of the Development Policies Development Plan Document which requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.
4. The proposed development fails to promote sustainable forms of transport within the locality by contributing to the delivery of a strategic footpath and cycleway network, particularly along the Wensleydale Railway route, as defined within Policy BM4 of the emerging Allocations Development Plan Document, contrary to Policy DP2 of the adopted Hambleton Local Development Framework.
5. Insufficient information has been submitted with the application to enable a full assessment to be undertaken of the proposed development's impact on the character and appearance of the listed building. Consequently, the application fails to demonstrate compliance with the requirements of Planning Policy Statement 15 and policies CP16 and DP28 of the adopted Hambleton Local Development Framework.
6. The proposed site layout is considered to be car dominated and poorly designed. The majority of dwellings have small gardens and suffer from a lack of privacy due to mutual overlooking. Plots 37 to 39 fail to meet the Council's indicative separation distances from existing buildings and will therefore result in an oppressive outlook for the occupiers of these units. Consequently, the proposed development fails to meet the high standards of urban design required by Planning Policy Statement 1 and Policy DP32 of the adopted Hambleton Local Development Framework.
7. The proposed new build element of the scheme oversails an existing water main crossing the site which severely restricts the Water Authority's ability to adequately access and maintain this water main, contrary to Policy DP6 of the Hambleton Local Development Framework.

(Appeal Dismissed on 03.12.2010)

2.2 07/03303/LBC - Application for listed building consent for alterations and extensions to existing building to form 12 flats and 11 dwellings and construction of 11 new build dwellings and 5 new build flats as amended by plans and details received by Hambleton District Council on 29 April 2009, 22 July 2009 and 18 August 2009. Refused on 16.11.2009 for the following reasons:-

1. Insufficient information has been submitted with the application to enable a full assessment to be undertaken of the proposed development's impact on the character and appearance of the listed building. Consequently, the application fails to demonstrate compliance with the requirements of Planning Policy Statement 15 and policies CP16 and DP28 of the adopted Hambleton Local Development Framework.

(Appeal Dismissed on 03.12.2010)

2.3 12/01403/LBC - Application for listed building consent for demolition of existing residential apartments and commercial/industrial buildings and alterations to 9 existing retail/industrial/business units (Pending Consideration)

3.0 RELEVANT PLANNING POLICIES

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

The National Planning Policy Framework – March 2012

3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied

Core Strategy Development Plan Document – Adopted April 2007

- CP1 - Sustainable development
- CP2 – Access
- CP3 – Community Assets
- CP4 - Settlement hierarchy
- CP5 – The scale of new housing
- CP5a – The scale of new housing by sub-area
- CP6 – Distribution of housing
- CP7 – Phasing of housing
- CP8 - Type, size and tenure of housing
- CP9 - Affordable housing
- CP9a – Affordable housing exceptions
- CP10 – The scale of new employment development
- CP10a – The scale of new employment development by sub-area
- CP11 – Distribution of new employment development
- CP12 – Priorities for employment development
- CP15 – Rural regeneration
- 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
- CP20 – Design and reduction of crime
- CP21 – Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure
DP8 – Development Limits
DP9 – Development outside Development Limits
DP12 - Delivering housing on “brownfield land”
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP16 – Specific measures to assist the economy and employment
DP24 – Other retail uses
DP25 – Rural employment
DP28 – Conservation
DP29 – Archaeology
DP30 – Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links
DP43 – Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

BM4 – Leeming Lane, Leeming Bar (1.9ha)

Other Relevant Documents

Hambleton Biodiversity Action Plan
Council Plan
Sustainable Communities Strategy

4.0 CONSULTATIONS

Aiskew & Leeming Bar Parish Council

- 4.1 Wish to see the application refused for the following reasons:-
- 4.2 Sewage – there is a significant on going problem with sewage in Leeming Bar. A considerable amount of properties in various locations within the village are affected on a regular basis and this can happen up to 10 to 12 time per month. The issue is, residents being unable to use toilets, baths, showers and sinks in order to prevent their houses becoming flooded with sewage. Gardens and roads are frequently flooded with raw sewage. This issue has been raised repeatedly by residents and the Parish Council with Yorkshire Water and Environmental Health over a period of at least 8 years. The Parish Council believes that contributing factors to this problem are the design of the sewer network and capacity of the Leeming and Leeming Bar Sewage treatment works. The proposed development could only exacerbate this problem.
- 4.3 Surface Water – Leeming Bar suffers from a very high water table. Gardens and other areas of the village regularly become flooded with surface water this includes part of the development site. The problem of flooding appears to be getting progressively worse as infill is taking place in gardens and Brownfield sites. This

problem has been well publicised. The proposed development could only exacerbate this problem.

- 4.4 Drainage – Whilst no member of the Parish Council is a qualified Civil Engineer, concerns have been raised by a number of items in the Drainage Report as follows:-
- Paragraph 10.5 & 10.6 – apples being compared to oranges. If the same criteria were applied to Fairview Flats as being applied to the proposed development then the existing daily sewage flow rate would be 0.644 l/s which is only 14% of the flow rate from the proposed development.
 - Paragraph 10.9 – with consideration to the points raised above on drainage and sewage it is of concern that there is an intention to discharge into the water course which is in turn a tributary of Bedale Beck. This is environmentally unsound.
 - Table 3480.10 – This table does not acknowledge that some of the areas mentioned currently flood, for example land immediately to the east of the proposed development. How will the gardens be designed to prevent discharge into the new development and existing gardens?
 - Table 3480.12 – This table on one hand acknowledges that there are historical problems in Leeming Bar yet at the same time suggests that residual risks are low. This reasoning is not understood? It would also appear that the premise of the report concerns the risk of flooding on the site of the proposed development as apposed to the potential increase of flooding to existing areas of the village.
- 4.5 LDF – a large percentage of the proposed development is on land which is not included for development in the LDF. This is also Greenfield land. It is also understood that Brownfield sites should be developed before Greenfield sites. Within the Parish of Aiskew and Leeming Bar there are a number of Brownfield Sites which have been allocated within the LDF that still await development proposals. In accordance with the LDF these should be developed before Greenfield Sites.
- 4.6 Housing needs – question the need for a development of this size with 32 affordable properties. Approximately 5 years ago HDC Affordable Housing Officer conducted a survey in the Parish which was well advertised and only one person came forward to express an interest. The Parish Council would like an explanation as to how a 4 bedroom property can be classed as affordable.
- 4.7 Impact on existing properties – a large number of the proposed properties (plot numbers 6, 8, 9, 10, 11, 12, 13, 37, 38, 39, 42, 43, 60, 61, 62, 63, 64, 65 and 66) all either overlook or have the potential to overlook existing properties. A number of the proposed properties are very close to existing property boundaries.
- 4.8 Site layout – question the number of cul-de-sacs as they would appear to be there to facilitate future development of additional Greenfield land. Question why a village green is necessary when Leeming Bar has existing, varied and well maintained public open space. The village square is considered to be in a dangerous location due to the volume of traffic and the number of vehicle related incidents which have occurred on this corner. It is noted that the plans involve demolishing the Fairview Flats which consist of 12 apartments. These will be replaced by only 7 apartments in the new development. It may be considered that such apartments are the most affordable homes.
- 4.9 Infrastructure – using the figures quoted in the Planning Application if full occupancy of this site was to be achieved this would increase the population of Leeming Bar (existing Electoral Roll 773) by an additional 428 people. As well as additional

loading on sewerage and drainage, already raised above, the Parish Council question the other areas of infrastructure e.g. electricity, medical and emergency services. For example, a rough estimation would suggest an influx of approximately 132 children of primary school age. The existing Aiskew & Leeming Bar School has 50 to 60 pupils and is designed for 90 to 100 pupils. Clearly it would not be able to cope with this pupil increase from the development of Aiskew Abattoir currently under construction.

- 4.10 Access for A684 – the Parish Council question the safety of the access from the A684. Whilst the Parish Council acknowledges that this is within a 30mph limit, recent surveys from HDC Community Safety Partnership indicate that 85% of vehicles exceed this limit, a number by a large margin. Also, overtaking by eastbound traffic is prevalent on this part of the road. This may be confirmed by local Police. It is therefore suggested that the proposed A684 access is inadequate and further traffic calming/speed reducing measures, including but not limited to a roundabout, should be considered on Northallerton Road.
- 4.11 Access from Leeming Lane – The proposed new retail outlet (convenience store) will increase the traffic flow at the Leeming Lane entrance to the site. The Parish Council has already commented on the number of incidents which occur at this junction which becomes very congested at peak times.

NYCC Highways

- 4.12 Comments awaited.

NYCC Education

- 4.13 Based on the current proposal no contribution would be sought against this development. The net capacity of the school is 103. 52 pupils were on roll at May 2012. There is an estimated 21 pupils generated from the proposed housing which leaves of surplus of 34 places.

NYCC Historic Environment Team

- 4.14 The proposed development site lies within an area of potential archaeological significance. The course of Dere Street Roman road runs through the south western part of the application area. An excavation nearby to the west of Leeming Lane in 2006 revealed a number of archaeological features, the close proximity to Dere Street suggest that these could have been parts of a road side settlement. Due to the scale of the proposed development, there is potential for any surviving remains of the Roman period to be disturbed and destroyed by the proposed development.
- 4.15 The potential significance of any surviving archaeological remains in furthering our understanding of the origins and development of Dere Street and the associated Roman occupation of this area makes it important that the potential archaeological impact of this development proposal is assessed.
- 4.16 The Geophysical Survey has not revealed significant evidence for the presumed line of the Roman road within the south-west corner of the site. However this part of the site included a high level of magnetic disturbance which would have the effect of obscuring any potential archaeological features. The survey identified a number of features in the southern part of the site which may reflect archaeological responses, possibly representing roadside settlement associated with the Roman road of Dere Street. Because of the degree of masking by more recent material, and because of the unclear nature of the archaeological anomalies on the southern part of the site, it is recommended in the report that evaluation trenching be carried out.

- 4.17 Support the recommendation as set out within the report, that evaluation trenching be undertaken to clarify the extent, character and significance of any surviving archaeological remains within the application site, and thus to assess the archaeological impact of the proposed development. This advice is in accordance with The National Planning Policy Framework, paragraph 128.

Yorkshire Water

- 4.18 No objections subject to conditions: securing an easement for the water main crossing the site; the development being severed by separate systems of drainage for foul and surface water; no piped discharge of surface water from the application site and surface water from hardstanding being passed through an interceptor.
- 4.19 Foul water should discharge to the 225mm diameter public foul water sewer recorded within the site. The local public sewer network does not have capacity to accept any additional discharge of surface water from the proposed site. It is noted that the submitted Flood Risk Assessment (prepared by iD Civils Design) is satisfactory from Yorkshire Water's viewpoint. The report confirms a surface water discharge to watercourse.
- 4.20 Restrictions on surface water disposal from the site may be imposed by other parties. YWS strongly advises the Council to seek advice from the Environment Agency and/or the Internal Drainage Board with regard to surface water disposal from the site.

The Environment Agency

- 4.21 Comments awaited.

Internal Drainage Board

- 4.22 The proposal seems to favour surface water drainage attenuated by below ground storage with a discharge to Terry House Drain - the watercourse referred to flowing towards Bedale Beck from the Council Depot off Northallerton Road. Terry House Drain is an ordinary watercourse within the Swale and Ure Drainage Board. The Board's Byelaw No 3 applies which requires the Board's consent for any introduction of water into the drainage district. The development will introduce extra loading on Terry House Drain which will increase the flood risk. The Applicant will need to convince the Board that any such risk is acceptable. The run-off calculations are based on IOH 124. The greenfield rate of run-off is prescribed within the drainage district at 1.4l/s/ha for newly paved areas and this will be used in design. Any structure constructed in Terry House Drain will require consent from the Swale and Ure Drainage Board under s23 Land Drainage Act 1991.

HDC Senior Engineer

- 4.23 The Environment Agency's Flood Zone maps show that the proposed development is located wholly in Flood Zone 1. All land in England is categorised in one of three flood zones, flood zone three is an area of high probability of river flooding (greater than or equal to a 1% annual probability), flood zone two medium probability (between a 1% and 0.1% annual probability) and all remaining land is categorised in flood zone one or low probability (less than 0.1% probability of flooding).
- 4.24 The Environment Agency also provides information on land it estimates is susceptible to surface water flooding. The EA's mapping indicates that a small proportion of the proposed development site and farmland to the east is susceptible to surface water flooding at the 0.5% annual probability level.

- 4.25 The site investigation reports indicate that the immediate subsoil is granular in nature however the water table over the development site is relatively shallow so the site would not support an extensive surface water drainage system based on infiltration techniques. So the sustainable surface water drainage option for the development will have to be based on surface water storage and a surface water discharge to watercourse or surface water sewer.
- 4.26 There have been on-going discussions between Parish Council, Residents and Yorkshire Water with involvement also of the District Council in respect of the operation of the public foul sewerage system in the vicinity of the proposed development site. It is recognised as being reactive to rain, with residents and Parish Council reporting an inability to use toilets, baths, showers and sinks during periods of rainfall; this affects properties particularly to the North of the proposed development. There are also instances of surface water flooding affecting the highway network and property to the west of the proposed development site.
- 4.27 Investigation of the drainage and sewerage serving the existing development on the site reveals that both foul and surface water is discharged to the foul sewer. This includes the surface water flows from Fairview flats a relatively modern development and the existing farm buildings and yard areas. The quantity of surface water discharged from these existing properties is sufficient to inundate the public sewerage system on their own. This is potentially one of the components to explaining the reactivity of the public foul sewer network in Leeming Bar to rain and leading to the subsequent residents problems.
- 4.28 The developer's investigations included assessment of the public surface water sewerage systems in the vicinity of the development site; the investigation did not reveal any degree of confirmable connectivity between the existing properties on the proposed development site and the public surface water sewerage system. It did find that the public surface water sewer in Leeming Lane was heavily root infested; this will restrict flows from the north and west of the catchment and be a part cause of the surface water flooding in those areas. This should be followed up by Yorkshire Water.
- 4.29 The fundamental requirements of the development design in respect of flooding are not to increase flood risk elsewhere, ensure that the development is not subject to flood risk and to seek betterment.
- 4.30 The developer's proposal in respect of surface water drainage is to provide almost wholly new surface water drainage to the new development with a dedicated surface water sewer discharge to Terry House Drain. The exception being roof water from part of the existing building which is being retained and where the existing roof water drainage arrangements to the Northallerton Road elevation will be retained.
- 4.31 The design of the on-site surface water drainage will isolate for surface water drainage purposes the development from interaction with the existing public sewerage network and protect neighbouring properties from surface water run-off from the proposed development. The surface water drainage design is based on below ground storage of surface water flows to the 1 in 30 year standard supplemented by above ground storage for surface water up to the 1 in 100 year event. These are the recognised industry standards and are to a standard which would cope with the rainfall events recently and in November 2000.
- 4.32 The proposed outfall for the on-site surface water is Terry House Drain, the proposed rate of discharge in agreement with the Swale and Ure Drainage Board is Greenfield run-off rate (1.4 litres/second/hectare) and for practical purposes this will be between a maximum of 4.5 and 5 litres per second, the technical minimum design capacity of flow attenuation devices currently. The 4.5 – 5 litres/second discharge rate will only

be achieved as the storm event reaches the 1 in 100 year design standard, storm intensities below this level will mean a surface water discharge below these levels.

- 4.33 The redevelopment of the site will see the removal of surface water flows conservatively estimated at 38 litres per second from discharging to the public foul sewer during a 1 in 1 year event (or the heaviest annual storm event on average). The existing foul flows from the existing farm and Fairview flats will also be removed and replaced by foul only discharges to the public foul sewer of 4.4 litres per second from the proposed new development.
- 4.34 There is currently no identifiable surface water discharge from the existing development to watercourse or surface water sewer so the surface water sewer discharge from the proposed development will be a new discharge to Terry House Drain. The public foul sewer does become inundated during certain rainfall conditions. In the vicinity of the development the public foul sewerage network has two Combined sewer Overflows, these are effectively sewer safety valves and allow the discharge of excess flows from the sewerage system to watercourse. One CSO is located to the east of the proposed development site and discharges to Terry House Drain and the second is on Leeming Lane just south of the existing development entrance and this allows excess flows to discharge to Bedale Beck. During inundation of the public foul sewerage network the CSO's should operate to try to alleviate the effects of sewer inundation and the backing up of effluent in the sewerage system on property.
- 4.35 The removal of the surface water discharge to the public foul sewer network should see the inundation of the public sewerage network reduced and hence the operation of the CSO's which discharge to watercourse lessened also, to be replaced by a controlled surface water discharge of up to 4.5 to 5 litres/second.
- 4.36 In summary the proposed development will see the rationalisation of the drainage arrangements on the development site. Separate systems of drainage will be provided for foul and surface water effluent discharge to appropriate receptors. Based on the site investigations this will result in the removal of significant surface water discharges from the public foul sewerage network, replaced by a single controlled surface water discharge to Terry House Drain with on-site attenuation and foul only discharges to the public foul sewerage system.

Police Architectural Liaison Officer

- 4.37 Recommendation 1 - It is unusual to have an application of combining commercial, retail and domestic. Recommend that boundary fencing separating the domestic from the rest is substantial, not only for security but also for noise nuisance. Note that the access into the 'Commercial' part of the scheme is through the housing estate. From a security viewpoint this is a bonus - criminals wanting access into this site would also have to drive through the estate and can therefore be seen.
- 4.38 Recommendation 2 - that the Public Open Space be left just as a grassed area without any play equipment, seating or Pods etc. Whilst such equipment serves a purpose during the daytime it can be a source of youths gathering during the evening and night and creating anti-social behaviour and noise to nearby residents. Directly opposite this site is an existing play ground where children can play and therefore any further play equipment on this site should be opposed.
- 4.39 This site is quite dense with there being approx. 85 houses and 104 car parking spaces giving a 1.2 ratio of houses to car parking spaces. In addition there would be 454 people living on this relatively small site. The location of this site is relatively remote in that to travel to Northallerton, Bedale or Leyburn would require transport. I would ask what provision has been made for overspill parking. Parking on nearby roads is somewhat restricted.

- 4.40 The whole site should be protected by 1.8m high close boarded fencing around its perimeter.
- 4.41 Recommendation 3 - Whilst there are some houses that have in-curtilage parking at the front of the houses, which is good, there are a number of houses that have the parking at the side of the house. The owners cannot view their vehicles from regularly inhabited ground floor rooms and so in these cases I would recommend that a ground floor window be added into the gable end of those houses, or flats.
- 4.42 A householder not being able to see their vehicles, especially after a few vehicle crimes can cause the fear of crime in people. Fear of crime is a Material Planning Consideration.
- 4.43 The rear gardens should be secured with 1.8m high lockable gates at the sides of houses and the gates should be situated as near to the front of the building line as possible.
- 4.44 Utility meters need to be as close the front of the houses as possible, if not at the front.
- 4.45 In the communal flats give some thought about where the communal post is to be situated and a foyer needs to be designed large enough to accommodate it. Is the post box through the wall type, or is it to a communal box in the foyer? If there is to be an internal letterbox then there must be an 'air-lock' system of access with a second door being controlled as well.
- 4.46 There will need to be access control for flats with 4 or more dwellings in them. Ten or more flats will require access control with audio visual verification.
- 4.47 Recommendation 4 - That the domestic housing attained Secured By Design certification and not just adhere to the principles of Secured by Design which experience has shown is vastly different.
- 4.48 Recommendation 5 - The entry point for the retail shown just off Leeming Lane/Northallerton Rd should remain gated where a lockable gate can be secured at night. This is to deter criminals from entering the hidden courtyard where they can work unseen to commit crime. It also prevents local children / youths from gathering in this yard during the evening and at night.
- 4.49 Similarly the other courtyard marked as the 'Service Yard' where entry is gained via the housing estate should also be locked and gated at night.
- 4.50 If both of these yards are not secured at night not only does it pose a security risk but these yards could also be used for unauthorised overspill parking from the housing estate, which will cause conflict and also an additional security risk of isolated vehicles being broken into.
- 4.51 Recommendation 6 - The 'Focal Open Space' / 'Village Square' by the 'New Retail Outlet' is at present fenced off. Is this to be kept that way or is it intended to be used for something else in the future? If it is not to be fenced off what provision is there to prevent vehicles from parking on there? Recommend that some measure be taken to prevent the parking of vehicles on the 'Village Square.'
- 4.52 Recommendation 7 - The gap between the two buildings of the 'New Retail Outlet' should be permanently closed, either with fencing or extending the building from one to another. The gap is a security risk whereby criminals can have quick and easy entry and escape from the New Retail Outlet either at night or shop lifting during the

day. If this gap was closed then any access would have to be via the entry road and around the end of the building, where anyone entering this yard can be seen.

- 4.53 The whole site should be lit to BS 5489.
- 4.54 Recommendation 8 - That the Retail and Commercial buildings attain Secured By design certification.

Network Rail

- 4.55 No observations to make, however, it should be noted that the railway at this location is leased to and operated by The Wensleydale Railway who should be consulted on this proposal as they may have comments which relate to the developments effects on their day to day operation of the line. Day to day railway safety management arrangements are to be made directly with the Operator.

HDC – Economic Development Officer

- 4.56 Generally support this scheme for the following reasons: It regenerates an area and will provide a fresh identity to it. The affordable homes will potentially house workers for the thriving Leeming Bar Industrial Estate. Local shops will be a positive addition providing services to residents and businesses. With the additional local development in Bedale and Northallerton, this scheme will ensure that Leeming Bar remains an attractive place to live and work and offers prospects for the future. Although it is hoped and expected that people who live here will work locally and therefore reduce the need for public transport, Leeming Bar is still a rural area and the majority of people living in the area are dependent on private cars for transport. Therefore, it is imperative that sufficient parking is provided to ensure that the development is not over crowded and remains attractive for the residents

HDC – Environmental Health Officer

- 4.57 Has requested further information in relation to the noise impact on the proposed dwellings from Leeming Lane/Northallerton Road and the proposed commercial element of the scheme.

English Heritage

- 4.58 Comments made in relation to application ref: 12/01403/LBC – “this application should be determined in accordance with national and local policy guidance and on the basis of the Council’s own conservation advice.”

HDC – Conservation Officer

- 4.59 Comments awaited.

Natural England

- 4.60 Have not assessed the survey for badgers, barn owls and breeding birds, water voles, widespread reptiles or white-clawed crayfish. These are all species protected by domestic legislation and the Council should use Natural England’s standing advice to assess the impact on these species.
- 4.61 Using table 6.1 of the Bat Mitigation Guidelines, Natural England determined that the scale of impact is low, however mitigation has not been provided which is appropriate and proportionate to the scale of impact, that is, like for like in terms of roost size, aspect, temperature etc, considering whether it includes appropriate landscaping, maintenance of commuting routes, foraging areas and management of lighting etc to

prevent indirect impacts upon bats. Mitigation should be provided in accordance with the Bat Mitigation Guidelines.

Publicity

- 4.62 The application was advertised within local press, by site notice and directly to the neighbouring residents. The consultation period expired on 29th August 2012. Eleven individuals have objected whilst two people have written in support of the application, which are summarised as follows: -

Objections

1. Concerned about the close proximity to 19 & 21 Leeming Lane.
2. Would like a 10m wide planting belt between existing and proposed dwellings.
3. Existing properties will be devalued.
4. Concerned about pedestrian safety.
5. Impact on already stretched local services – schools, doctors etc.
6. Question the need for more housing in Leeming Bar.
7. Farm shop and proposed quick shop in Aiskew are sufficient to serve needs.
8. Loss of good quality agricultural land.
9. Permission to build on such a scale without prior major investment in the sewerage system would be highly irresponsible.
10. Should not build on greenfield land.
11. Leeming Bar crossroads is already a very dangerous which will be made worse by this development.
12. 82 dwellings is too many to retain the ambience and character of Leeming Bar.
13. It will create a brick and tarmac development that will not enhance the area.
14. Inadequate access – the A684 is extremely busy and is now directly connected to the new motorway. Furthermore, the cross roads at Leeming Bar constitutes an additional hazard to both motorists and pedestrians, especially at peak hours. The proposed development would considerably extend pressure on the road system and increase the risk of serious accident.
15. Failure to acknowledge the presence of a Roman road to the rear of the present bungalows on Leeming Lane. This road is of considerable archaeological interest and historical significance to the village.
16. There is an ongoing problem with sewage in Leeming Bar. There has been a lot of development in the village since they were installed and the pipes can no longer cope with the volume of waste. When heavy rain occurs, Ashlands Drive and Northallerton Road flood with sewage, the A684 outside the Simply Dutch also floods with sewage. How will feeding waste from this development into the system further down Northallerton Road do anything but cause further back ups and even more flooding? Until this is resolved by installing a new pipeline all the way to the sewage works, there should be no development.
17. Noise – the site lies within the RAF Leeming Noise Restriction Area.
18. There will need to be some sort of access to the fields or are combine harvesters going to travel through the housing estate?
19. Concerned about lack of leisure facilities in the village – where will youths go?
20. The village square is in a dangerous location and should be reconsidered.
21. A village shop is not sustainable.
22. Object to the proximity and layout of plot 43 in relation to 7 Leeming Lane.
23. Farmland should not be used for building when brown field sites are available within a reasonable distance.
24. Without a road by-pass of Leeming Bar the present roads will not cope with the amount of extra vehicles entering and leaving the A684.
25. There is nothing wrong with the two blocks of flats, so why demolish them?
26. Why should people be subjected to living in the middle of a building site for about 3 years, suffering the associated noise and dirt and upset?
27. Concerned about the impact of surface water discharging into Terry House Drain – will exacerbate existing flooding problems.

28. Holding tanks may help if it rains for 30 mins but they would be totally useless during a prolonged period of rain.

Supporting Comments

29. Support the demolition of Fairview Flats – poor state of repair, eyesore and attract anti-social problems.
30. The village does look quite industrial/commercial, and quite run down. The new plans for a total revamp of what is the heart of the village look exemplary, and I would think that the village as a whole would support these changes.
31. The proposed development will have an extremely positive effect for the twelve families at Fairview Flats and for the village itself as a whole.
32. Leeming Bar will look much nicer for the sensitive development of the area around the flats/John Gill's premises/Farm outbuildings etc.

5.0 OBSERVATIONS

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

- a) Principle & Phasing of Development
- b) Design & Density
- c) Protecting Amenity
- d) Noise
- e) Sustainable Construction
- f) Drainage & Flood Risk
- g) Highway Safety & Car Parking
- h) Ecology
- i) Cultural Heritage
- j) Infrastructure
- k) Public Open Space
- l) Affordable Housing & Viability

Principle & Phasing of Development

- 5.2 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton. Following this the Allocations DPD identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 5.3 As identified within paragraph 1.11 of this report, the majority of the application site is allocated for mixed use development within the adopted Allocations DPD under Policy BM4 (Leeming Lane, Leeming Bar). Allocation BM4 is comprised of the former John H Gills' site and Elm Tree Farm (1.9ha), whilst the remainder of the 3.2 ha site consists of Fairview Flats (0.2ha) and additional agricultural land to the east (1.1ha).
- 5.4 Assessing the scheme against allocation BM4, the site will provide a truly mixed use development. Housing will be provided within the central and southern part of the allocation with commercial uses to the north which also make effective use of the Listed Buildings.
- 5.5 With regards to Fairview Flats, this part of the application site lies within the settlement limits of Leeming Bar and comprises brownfield land which is to be redeveloped for modern residential dwellings which include a mix of affordable dwellings and is therefore acceptable in principle.
- 5.6 The remaining parcel of land lies outside, but adjacent to the settlement limits of Leeming Bar, comprises open countryside. Policy CP9A (Affordable Housing

Exceptions) and Policy DP9 (Development outside Development Limits) are therefore relevant considerations.

- 5.7 The development proposal seeks permission for 82 dwellings of which 32 units are to be affordable, and therefore the scheme as a whole will deliver 40% affordable housing. The “Affordable Housing Exceptions” policy supports the development of 100% affordable housing schemes on sites outside, but adjacent to, the settlement limits of Service Centres and Villages where there is a local need. If this policy were to be rigidly applied to the greenfield element of the application site, the overall site would have to deliver in excess of 40% affordable housing.
- 5.8 In relation to the allocated part of the site, Policy BM4 sets a target of 40% affordable housing, which will be delivered across the whole site. The Applicant presents that delivery of 40% affordable housing across the site would not be viable without the inclusion of greenfield land given market conditions, as evidenced by a recent appeal decision relating to the allocated part of the site. The Applicant’s viewpoint is supported by a “Viability Appraisal” which is being scrutinised by the District Valuer whose findings are awaited. Nonetheless, the appeal decisions referenced by the Applicant do add significant weight to the decision making process.
- 5.9 Two appeals (planning ref: 2127485 and Listed Building ref: 2127519) were dismissed on 3 December 2010 on the John H Gill and Son site, 1 Leeming Bar. The proposal sought permission for the conversion of existing buildings to form 12 flats and 11 dwellings and the construction of 11 new build dwellings and 5 new build flats (39 properties in total) with no affordable housing to be provided. The appeal site related to a 0.67 hectare site, with the BM4 mixed use allocation extending to 1.9 hectares, of which 1.25 hectares was to be developed for housing. The issue of viability and the delivery of affordable housing was a significant issue considered as part of the appeal.
- 5.10 Paragraph 20 of the Inspector’s decision letter states that it is “common ground” the appeal proposal was not viable, even if the Council waived the requirement for affordable housing.
- 5.11 The Inspector also gave specific consideration to the comprehensive redevelopment of the site including the commercial element of the allocation. A scheme layout was prepared by a consultant architect for the Council which would provide 59 dwellings, 256 sqm of retail and 256 sqm of commercial floorspace (new build and conversion). The Inspector concluded that a mixed use scheme could be financially viable whilst then concluding at paragraph 28 that there is no reasonable prospect in the foreseeable future of a scheme for the BM4 site meeting the aspirations of the Council in relation to the provision of 40% affordable housing and contributing to the other community facilities that are sought in the policy, i.e. “developing the heart” to Leeming Bar.
- 5.12 In light of the Inspector’s findings, the Applicant has submitted a comprehensive scheme that includes additional greenfield land and the Elm Tree Farm element of the allocation site in an effort to deliver 40% affordable housing across the whole site and deliver the wider community benefits required by allocation BM4.
- 5.13 The scheme will not deliver 100% affordable housing on the greenfield element of the site but it will facilitate the delivery of 32 affordable dwellings, which the Applicant argues would not otherwise be possible. Whilst the proposal does not therefore strictly comply with Core Strategy Policy CP9A it does deliver the aspirations for this particular site. Deliverability is a material consideration which could outweigh the conflict with Policy CP9A.
- 5.14 The previous appeal decision concludes the development of only the allocated site could not viably deliver any affordable housing particularly as there are abnormal

costs associated with the ground conditions of the site and the additional costs of converting the Listed Building. The inclusion of additional greenfield land improves the viability of the scheme to facilitate the delivery of the target level of affordable housing set out in Policy BM4, as well as 40% on the brownfield unallocated element of the site and the additional greenfield area along with commercial floorspace. The Applicant argues that without this land, it would not be viable to deliver any affordable housing. The proposal accords with the general provisions of Core Strategy Policy CP4 in that it will deliver a housing development that is of an appropriate nature and scale and assist in improving the overall sustainability of the settlement.

- 5.15 The Applicants have devised a scheme that will deliver allocation BM4's main objective of "developing a heart" to Leeming Bar and creating "an improved centre". The development will create a vibrant mixed use development incorporating housing, retail and office development and public realm. The proposed application will unlock the site's potential and secure a viable use for the Listed Buildings in addition to delivering 32 affordable dwellings.
- 5.16 The site is allocated for development within Phase 2 (2016-2021); however a strong case exists for bringing the site forward within Phase 1 (up to 2016) in order to secure the implementation of the development. The proposed development represents a complex picture of multiple landowners and developers which have agreed to work together in the interests of delivering a scheme that will benefit the wider community. This development is deliverable now but there are no guarantees that the site will be deliverable in the future. The Inspector's decision gave a clear steer that viability is extremely tight and that only an imaginative and cooperative solution would achieve the requirements of BM4. Therefore, early release of this site is supported in the interests of deliverability.
- 5.17 In terms of housing mix, The Housing Needs Study 2004 updated by the Housing Market Demand Study 2008 indicated that there was demand for all types of housing in the Bedale Sub-Area. However, in the Bedale Sub Area villages, a high demand was identified for one and four bedroom homes, and also flats.
- 5.18 The application makes provision for 6no two-bed apartments, 31no two-bed dwellings, 31no three-bed dwellings and 14no four-bedroom dwellings in a range of terrace, semi-detached and detached styles. Consequently, the proposed development addressed the housing need for a range of 2, 3 and 4 bedroom dwellings along with the specific local demand for apartments.
- 5.19 In light of the above considerations, and subject to the findings of the District Valuer, the scheme is considered to be acceptable in principle for early delivery within Phase 1 of the Allocations DPD.

Design & Density

- 5.20 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.
- 5.21 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."
- 5.22 The design and layout of the proposed scheme will achieve the Council's aim of developing a heart to Leeming Bar, whilst respecting the character and setting of the

existing Grade II Listed Buildings. An area of open space at the north western extent of the site will provide a green setting to the junction of Northallerton Road and Leeming Lane. The Listed Building is to be retained and enhanced to provide commercial floorspace for local businesses. In addition, a small convenience store is proposed which will sit behind the area of public open space and provide a sustainable key local facility for local residents both for the new development and importantly residents already living in Leeming Bar.

- 5.23 The proposed scheme is considered to be of good design in accordance with the principles of Policy DP32 and the NPPF. The design reflects the traditional vernacular of Leeming Bar but meets modern aspirations whilst sufficient car parking and private amenity space are to be provided. Clear steps have been taken by the developer to produce an innovative and attractive scheme that will enhance Leeming Bar's built environment.
- 5.24 The proposed layout achieves adequate levels of space about the proposed dwellings in order to avoid problems of overlooking and overshadowing between the proposed properties.
- 5.25 In terms of density, the minimum range of between 30 dwellings per hectare is no longer quoted within national planning policy. Identification of the appropriate density for a site involves developing an understanding of the characteristics of the area; the desirability of achieving high quality, well-designed housing; the current and future level and capacity of infrastructure, services and facilities; the desirability of using land efficiently and current and future levels of public transport.
- 5.26 The application site covers around 3.1ha of land and will result in a development of approximately 37 dwellings per hectare. Whilst this figure is slightly lower than the 40dph policy expectation, achieving high quality design on a site that forms the "heart" of Leeming Bar must be the overriding objective. The slightly lower density allows for high quality, spacious housing with adequate car parking provision. Consequently, the proposed development is considered to be in accordance with Policy DP32 of the Hambleton Local Development Framework.
- 5.27 At the last Planning Committee, Members asked for improvements to the external appearance of the apartment block and the inclusion of some bungalows within the site layout. In response, the Applicant has submitted amended plans showing design enhancements to the apartment block and a bungalow has been added to the site layout at plot 63.

Protecting Amenity

- 5.28 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), vibration and daylight.
- 5.29 The Council applies indicative separation distances of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. This is based upon those standards contained within the time expired *Supplementary Planning Guidance Note 3: Residential Infill*. Despite this guidance being time expired, SPG3 continues to be a useful tool for assessing the likely impact of a proposed development upon residential amenity in a case by case basis. Similar guidance relating to separation distances is contained within *By Design*. Notwithstanding the usefulness of these documents, their standards should not be slavishly adhered to but professional judgement should be used on a case by case basis.

- 5.30 The original layout failed to comply with the Council's indicative separation distances, particularly in terms of the impact on 11 Leeming Lane. Amended plans have been submitted which increase separation distances in order to comply with the Council's standards.
- 5.31 In addition, the revised layout now achieves adequate levels of space about the proposed dwellings in order to avoid problems of overlooking and overshadowing between the proposed properties. The revised layout is considered to comply with Policy DP1.

Noise

- 5.32 Policy DP44 states that 'Noise sensitive development will not be permitted in areas where potential for harmful noise is known to exist.'
- 5.33 A noise impact assessment has been prepared by PDA Ltd has been submitted in support of the application. The assessment concludes that areas within the development fall within Noise Exposure Category C and that developments falling within this category are suitable for residential development provided that adequate acoustic attenuation is provided to habitable areas. Mitigation measures are proposed to provide increased performance specification to the acoustic weak points, namely the glazing and ventilation.
- 5.34 It is recommended that any mitigation works agreed by the EHO are secured via condition.

Sustainable Construction

- 5.35 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.36 The Design and Access Statement addresses sustainability issues and advises that the development will target a Code for Sustainable Homes rating of Level 3 and therefore the design specifically includes for use of ecologically accredited products, super-insulation to achieve improved thermal performance and dual flush toilets. To that end, the principles of sustainable energy have been addressed and complied with in line with the general requirements of Policy DP34.

Drainage & Flood Risk

- 5.37 Since the last Planning Committee, it has been confirmed that the redevelopment of the site will result in the removal of significant surface water discharges from the public foul sewerage network, replaced by a single controlled surface water discharge to Terry House Drain with on-site attenuation and foul only discharges to the public foul sewerage system. The existing foul flows from the existing farm and Fairview flats will also be removed and replaced by foul only discharges to the public foul sewer of 4.4 litres per second from the proposed new development. The proposed drainage system will result in significant betterment for the area by relieving pressure on the existing drainage system.
- 5.38 Several local residents have expressed concern about the increased flooding risk to neighbouring properties as a result of the development.
- 5.39 The explanatory text to allocation BM4 states that "developer contributions may be required to upgrade Leeming Bar Waste Water Treatment Works" and that a "drainage and sewerage report and any required capacity works will need to take

place prior to the development of this site. The developer will undertake these in liaison and agreement with the relevant organisations, such as Yorkshire Water.”

- 5.40 To this end, a “Flood Risk and Surface Water Management Strategy” produced by iD Civils has been submitted as part of the application.
- 5.41 The survey identifies that the existing site does not contribute towards the surface water flooding at the crossroads within Leeming Bar; instead defects in the pipework have reduced the capacity of the existing drainage system resulting in localised flooding at times of heavy rainfall. The proposed surface water system and will operate independently from the existing system by discharging into the watercourse to the east.
- 5.42 The treatment works can suffer from problems during heavy rainfall due to the inundation of surface water into the combined system. Surface water run-off from Fairview Flats and Elm Tree Farm will be removed from the combined sewer and, as a result, the proposed development will provide a net benefit.
- 5.43 The Survey also concludes that foul water from the development can discharge to the existing public foul sewer crossing the site. The total flow from the new development is anticipated to be around 4.4 litres per second based on “Sewers for Adoption” criteria of 4,000 litres per dwelling per day. The anticipated flow rate is less than the maximum flow rate for the existing site and therefore it is anticipated that there should be no improvements to the Waste Water Treatment Works.
- 5.44 Both Yorkshire Water and the Council’s Drainage Engineer are satisfied that the proposed drainage arrangements will not have a detrimental impact on the existing drainage system within Leeming Bar. Consequently, it is recommended that a pre-commencement conditions be imposed to secure the implementation of a satisfactory scheme of surface and foul water drainage.

Highway Safety & Car Parking

- 5.45 Two vehicular accesses are to be provided into the site. The main access will be off Northallerton Road which will provide access to the residential dwellings as well as commercial floorspace contained within the Listed Building. A separate access is provided off Leeming Lane which will serve the proposed retail unit, the small workshop / studio and six affordable housing units.
- 5.46 At the last Planning Committee, Members suggested that access to the proposed commercial unit be taken from Leeming Lane rather than via the proposed residential estate road. The Applicant has considered this suggestion but the proposed access arrangements remain unchanged. The Applicant is firmly of the opinion that any vehicles associated with the commercial units will be low in volume, as evidenced by the Transport Assessment, and in any event the units are all of a light industrial/quasi retail use, wholly appropriate in a residential area and fully consistent with integrating employment as part of this mixed use allocation.
- 5.47 Concerns have been raised by local residents about the safety of the proposed access arrangements. The comments of the Local Highway Authority are awaited.
- 5.48 Car parking provision is 2 spaces per dwelling and 1 space or 1.5 spaces for apartments depending upon the size and position of the unit. The proposed commercial floorspace will be served by 53 parking spaces and communal services yards. This level of provision is considered to be acceptable.

Ecology

- 5.49 Policy DP31 of the LDF states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'.
- 5.50 An Extended Phase 1 Habitat Survey produced by WSP has been submitted with the application. This Survey concludes that the site has a suitable habitat for badgers and breeding birds but that no direct or indirect evidence of badgers was found on site and that whilst the site has a suitable habitat for breeding birds the proposals are only likely to have a temporary and reversible negative impact on their habitat. With appropriately timed works (i.e. vegetation clearance undertaken between September and February) no nesting nests or eggs will be damaged or destroyed.
- 5.51 The site was also found to be a suitable habitat for roosting and foraging bats. The survey recommends that a minimum of two activity surveys are undertaken to determine to what extent the site is currently used by bats.
- 5.52 Following the results of the bat activity surveys it is anticipated that buildings identified as low or negligible potential to support roosting bats could be removed in late Autumn 2011 or early Spring 2012 reducing the scope of emergence surveys which would then be undertaken in May, June or July 2012.
- 5.53 Following recommendations made in the extended Phase 1 habitat plan, two nocturnal emergence surveys of the stone barn and derelict cottage were undertaken as well as bat activity surveys to assess the current level of activity across the whole site
- 5.54 Two individual buildings, the standalone stone barn and the derelict cottage, were highlighted in the external assessment as having high and moderate potential to support roosting bats respectively.
- 5.55 Two species of bat were recorded on site; common and soprano pipistrelle. A commuting route was identified from the stone barn down the farm access road (between two properties) onto Leeming Lane and over the road to the park opposite with bats foraging at either end of the corridor. However, very little bat activity was observed elsewhere across site.
- 5.56 Owing to the number of bats observed emerging from the standalone stone barn, WSP recommend that a bat mitigation licence would need to be sought from Natural England if development proposals involve works to this barn which could affect potential bat roosting.
- 5.57 While no direct evidence of roosting bats has been observed in the derelict cottage the building still has moderate potential to support roosting bats. Therefore the following recommendation should be followed:
- The derelict cottage should be demolished under supervision of an ecological clerk of works and Natural England bat licence holder. Although the presence of bats is unlikely soft stripping of the building is a precautionary measure to keep within the law. In the unlikely event that bats are found works would need to stop and Natural England consulted. The optimal time for undertaking this process is November 2011 or February 2012.
 - The roof and ridge tiles should be removed by hand so that any potentially present bats can be removed prior to full demolition.
- 5.58 In light of the above findings, it is recommended that a condition be imposed ensure that the recommendations of the "Extended Phase 1 Habitat Survey" and "Bat Emergence & Activity Surveys" are followed.

Cultural Heritage

- 5.59 Policy DP28 of the Development Policies DPD provides that development within or affecting a listed building should seek to preserve or enhance all aspects that contribute to its character and appearance. Permission will be granted, where this is consistent with the conservation of the feature, for its interpretation and public enjoyment, and developments refused which could prejudice its restoration.
- 5.60 Paragraph 128 of the NPPF states that “in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.”
- 5.61 To this end, a “Building Survey” produced by *On Site Archaeology Ltd* has been submitted with the application. This document provides a detailed record of the building’s history and current physical condition, however insufficient information has been provided concerning the proposed works to the listed building.
- 5.62 The Council's Conservation Officer has requested a schedule of all works to be carried out to the listed buildings to also include details of the treatment of any windows to be maintained or altered and works to the roof in particular. These details are still awaited but appropriate details can be secured via condition.
- 5.63 English Heritage has raised no objection to the proposed works.

Infrastructure

- 5.64 Many local residents have raised concerns about the impact on existing and planned services, including: post, rubbish collection, dental care, hospitals, policing etc. Consultation was undertaken with a broad range of service providers during the Allocations process and no in principle objections were received from service providers.
- 5.65 Whilst the concerns of local residents are acknowledged, service providers tend to adopt a reactionary approach to service delivery rather than a pro-active response and generally allocate resources when the need arises. Whilst the aim of the planning system is to promote sustainable development and economic growth, it can only go so far in co-ordinating service delivery. Ultimately, it is the responsibility of service providers to plan effectively for the needs of the existing and future community.

Public Open Space

- 5.66 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. Contributions will be dependent on increased demand resulting from the development.
- 5.67 A large area of public open space measuring approximately 1,700sqm has been incorporated on the eastern boundary of the site adjacent to open countryside. This space is large enough to accommodate an equipped play area and informal kick-about area, although no firm proposals have been submitted. A second area of public open space measuring 800 sqm is located adjacent to the existing roundabout, opposite Simply Dutch. This space will function as a village square. An open space works scheme will be secured via a s.106 agreement.
- 5.68 Policy DP37 also requires a financial contribution towards improving off-site provision elsewhere within the Bedale sub-area. A contribution of £245,879.80 is required in accordance with this policy.

Affordable Housing & Viability

- 5.69 Policy CP9 specifies that housing developments of 15 dwellings or more within Leeming Bar should make provision for 40% affordable housing which is accessible to those unable to compete on the local housing market, although the actual provision on site will be determined through negotiations, taking into account viability and the economics of provision. This policy stance is reinforced by allocation BM4 which also sets a target of 40% affordable dwellings, subject to viability.
- 5.70 As identified within paragraph 5.8 of this report, the Applicant states that delivery of 40% affordable housing across the site would not be viable without the inclusion of greenfield land given market conditions, as evidenced by a recent appeal decision relating to the allocated part of the site.
- 5.67 In addition to delivering affordable housing and public open space, allocation BM4 identifies a need for a contribution of £164,009 from the developer towards the Bedale Footpath & Cycleway Scheme.
- 5.71 The submitted "Viability Appraisal" has been scrutinised by the District Valuer under the instructions of the Council, who concludes that the Applicant's offer of 40% affordable housing across the whole site and £50K towards other developer contributions will deliver a profit of 11% which is acceptable in the context of the joint venture arrangements with Broadacres.
- 5.72 The type and tenure of affordable housing will be detailed within the s.106 following the conclusion of discussions with the Council's Housing Services Manager.

6.0 SUMMARY

- 6.1 The proposed scheme will deliver allocation BM4's main place making objective of "developing a heart" for Leeming Bar. The development will create a vibrant mixed use development incorporating housing, retail and office development and public realm. The proposed application will unlock the site's potential and secure a viable use for the Listed Buildings in addition to delivering 33 affordable dwellings.
- 6.2 The site is allocated for development within Phase 2 (2016-2021); however a strong case exists for bringing the site forward within Phase 1 (up to 2016).
- 6.3 Both Yorkshire Water and the Council's Drainage Engineer are satisfied that the proposed drainage arrangements will not have a detrimental impact on the existing drainage system within Leeming Bar. Surface water run-off from Fairview Flats and Elm Tree Farm will be removed from the combined sewer and, as a result, the proposed development will provide a net benefit.
- 6.4 The Applicant's "Viability Appraisal" concludes that the proposed development can deliver a maximum of 40% affordable housing across the whole site in addition to a developer contribution of £50K. The District Valuer has examined the Applicant's "Viability Appraisal" and agrees with its findings.
- 6.5 Subject to the outstanding consultation responses and the signing of a s.106 agreement covering those matters detailed within this report, the proposed development is considered to be acceptable and accords with the aims of the development brief and relevant policies of the Hambleton LDF.

7.0 RECOMMENDATION

GRANTED subject to the following conditions:-

1. Commencement

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

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

2. Approved Plans

The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered (to be confirmed) received by Hambleton District Council and (to be confirmed) unless otherwise agreed in writing by the Local Planning Authority.

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

3. Materials

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

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

4. Boundary Treatments

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

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

5. Boundary Treatment Construction

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

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

6. Permitted Development Rights Removed – Boundary Treatment

Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development', no

fences, gates or walls shall be erected within the curtilage of any dwellinghouse between any wall of that dwellinghouse and a road.

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

7. **Landscaping Scheme**

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

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

8. **Secured By Design**

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

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

9. **Levels**

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

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

10. **Surface Water Drainage**

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

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

11. Foul Drainage Scheme

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

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

12. Archaeology

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

Reason: The site is of archaeological interest.

13. Habitat Management & Enhancement Plan

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

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

14. HIGHWAYS CONDITIONS TO BE ADDED

Parish: Aiskew
Ward: Leeming Bar

Committee Date: 08 November 2012
Officer dealing: Mr Jonathan Saddington
Target Date: 12 September 2012

2.

12/01403/LBC

Application for listed building consent for internal and external alterations to 2no existing buildings to form 10no commercial units for retail (A1), light industrial (B1), non-residential institution (D1) and storage and distribution (B8) uses as amended by plans received by Hambleton District Council on 29th August 2012 at Leeming Lane, Leeming Bar for Castlevale Group Ltd

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Listed Building Consent is sought to undertake various internal and external alterations to 2no buildings in order to form 10no commercial units for retail (A1), light industrial (B1), non-residential institution (D1) and storage and distribution (B8) uses on the former JH Gills site at Leeming Lane, Leeming Bar.
- 1.2 The proposed development forms part of wider scheme to deliver a mixed-use development on the former John H Gills site, Elm Tree Farm, Fairview Flats and additional agricultural land to the east, for which an associated planning application has been submitted (ref: 12/01402/FUL).
- 1.3 The proposed works include:
- Demolition of blockwork extensions
 - New concrete ground floor slab
 - Foundations to comprise reinforced concrete bases with interconnecting ground beams
 - Timber tie beams to be repaired
 - New structural steelwork frame to interior
 - Replacement roof with slate tiles
 - New rainwater goods
 - Re-pointing of external walls
 - New cavity walls
 - Drylining of existing walls
 - New windows to be timber (further details to be submitted).
- 1.4 The application site is situated at the centre of Leeming Bar on the southern side of the Northallerton Road at the junction with Leeming Lane. The site covers the former John H Gills' site and Elm Tree Farm (which together form Allocation Site BM4), Fairview Flatts and additional agricultural land to the east.
- 1.5 The former John H Gills building was originally constructed as an agricultural implement makers and has operated as a similar business since that time. During the 20th century the building was subject to substantial alteration to its fabric, with several extensions being constructed in breezeblock and the replacement asbestos roof.
- 1.6 These buildings are currently occupied by a range of retail, light industrial and office businesses. An agricultural / horticultural machinery sales and repair business and a bicycle shop will remain on site.
- 1.7 A Heritage Statement has been submitted in support of the application.

2.0 RELEVANT PLANNING HISTORY

2.1 07/03303/LBC - Application for listed building consent for alterations and extensions to existing building to form 12 flats and 11 dwellings and construction of 11 new build dwellings and 5 new build flats as amended by plans and details received by Hambleton District Council on 29 April 2009, 22 July 2009 and 18 August 2009. Refused on 16.11.2009 for the following reasons:-

1. Insufficient information has been submitted with the application to enable a full assessment to be undertaken of the proposed development's impact on the character and appearance of the listed building. Consequently, the application fails to demonstrate compliance with the requirements of Planning Policy Statement 15 and policies CP16 and DP28 of the adopted Hambleton Local Development Framework.

(Appeal Dismissed on 03.12.2010)

2.2 12/01402/FUL – Demolition of existing residential apartments and commercial/industrial buildings and construction of 82 dwellings, alterations to 9 existing business units to form 9 retail/industrial/business units (A1, A2, B1a, B1c, B8 and D1) and construction of a new retail unit (class A1) with associated access, car parking, landscaping and ancillary works (Pending Consideration)

3.0 RELEVANT PLANNING POLICIES

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

The National Planning Policy Framework – March 2012

3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied

Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development

CP16 - Protecting and enhancing natural and man-made assets

CP17 - Promoting high quality design

Development Policies Development Plan Document – Adopted February 2008

DP28 – Conservation

DP32 - General design

Allocations Development Plan Document – Adopted December 2010

BM4 – Leeming Lane, Leeming Bar (1.9ha)

4.0 CONSULTATIONS

Aiskew & Leeming Bar Parish Council

4.1 No comments received in relation to the application for Listed Building Consent.

English Heritage

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

HDC Conservation Officer

- 4.3 Comments awaited.

Publicity

- 4.4 The application was advertised within local press, by site notice and directly to the neighbouring residents. The consultation period expired on 19th October 2012. No representations have been received.

5.0 OBSERVATIONS

- 5.1 The main issue to consider in the determination of this application is the impact of the proposed works on the character, appearance and fabric of the listed buildings.
- 5.2 Policy DP28 of the Development Policies DPD provides that development within or affecting a listed building should seek to preserve or enhance all aspects that contribute to its character and appearance. Permission will be granted, where this is consistent with the conservation of the feature, for its interpretation and public enjoyment, and developments refused which could prejudice its restoration.
- 5.3 Paragraph 131 of the National Planning Policy Framework (NPPF) states that “in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.”
- 5.4 Paragraph 134 of the NPPF states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”
- 5.5 As identified within paragraph 1.3 of this report, the proposed works are predominately structural and repair work. Moreover, demolition of the blockwork extensions and replacement of the existing asbestos roof with a slate covering will result in significant improvements to the character and appearance of the listed buildings. The proposed works will facilitate use of the building in a manner that will contribute positively and swiftly towards sustainable economic development.
- 5.6 English Heritage has raised no objections to the proposed works subject to the approval of the Council’s Conservation Officer.
- 5.7 Further information has been requested by the Council’s Conservation Officer in relation to the treatment of any doors and windows to be maintained or altered and works to the main roof. It is recommended that approval of these details be delegated to Officers.
- 5.8 In light of the above considerations this application for Listed Building Consent is recommended for approval.

6.0 SUMMARY

- 6.1 The proposed works are not considered to have a harmful impact upon the character, appearance or fabric of the listed building and will facilitate use of the building in a manner that will contribute positively and swiftly towards sustainable economic development, in accordance with Policy CP16 & DP29 of the Local Development Framework and guidance contained within the National Planning Policy Framework.

7.0 RECOMMENDATION

GRANTED subject to the following conditions:-

1. Commencement

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

Reason: To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Approved Plans

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

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of the Listed Building and its surroundings and in accordance with the Hambleton Local Development Framework Policies CP16, CP17, DP28 and DP32.

3. Materials

Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. a) The development shall be constructed of the approved materials in accordance with the approved method. b) The method of coursing of brickwork and any stonework, the mortar mix and pointing finish to be employed shall be agreed in writing by the local planning authority.

Reason: To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Policies CP16, CP17, DP28 and DP32.

4. Window Details

Prior to the development commencing, details of the cross section of all window frames and glazing bars, together with details of the materials, method of construction and/or repair and the opening mechanism and movement of all existing and proposed windows shall be submitted to and approved in writing by the Local Planning Authority. Following such written approval, all windows shall conform to that approved specification.

Reason: To ensure that the appearance of the windows are appropriate to the character and appearance of the Listed Building and its environs in accordance with Policies CP16 and CP28 of the Hambleton Local Development Framework.

Parish: Brompton

Ward: Brompton

Committee Date : 8 November 2012

Officer dealing : Mr T J Wood

Target Date: 10 August 2012

3.

12/00737/FUL

Demolition of 4 buildings and construction of 2 replacement buildings to provide for hatchery and storage barn for pheasant and partridge rearing farm. Retrospective application for improvement works to the existing vehicular access. at The Workshop Stokesley Road Brompton North Yorkshire for Mr G Bird.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for a change of use of the application site for pheasant and partridge rearing. The proposal involves the demolition of no.4 existing buildings within the site and the erection of no.2 replacement buildings, i.e. a hatchery building and a barn in a similar position towards the south-eastern corner of the site. The site is located to the east of Brompton village and is accessed from the A684 to the east. The site is about 1 hectare and is screened by mature hedgerow to all boundaries with the exception of the site entrance to the eastern boundary which is a steel pallisade fence and gates approximately 2m in height.

1.2 The proposal shows the formation of 7 bird pens along the northern boundary of the site. Each pen would measure 10 metres in width and 18 metres in depth. The pens proposed are weld mesh fencing and illustrated in photographs with the business plan, they are about 2m high and located along the north west boundary at a point that would not be visible from the road. As the pens are not more than 2 metres in height they are 'permitted development' as a defined in Part 2 of Schedule 3 of the General Permitted Development Order.

1.3 The applicants agent states that the business would employ one full time worker and that the proposal would provide game for four main markets: hunting preserves; gourmet food; private individuals purchasing for slaughter and commercial selling of ornamental birds and restocking of wild birds

1.4 Retrospective consent is also being sought in relation to works to the existing vehicular access to the site. This includes the formation of a gated entrance. A proposed parking and turning area (for the parking of no.4 vehicles) is proposed towards the south-eastern boundary of the site.

1.5 The proposed hatchery building would have a dual-pitched roof and would measure 8 metres in depth, 4 metres in width with eaves and ridge heights of 2.5 metres and 3 metres respectively. The proposed floor plans show that this building would contain an incubator.

1.6 The proposed barn building would have concrete block lower walls with Yorkshire Boarding walls above and a metal profile sheeted roof. This building would measure 10 metres in depth, 5 metres in width with eaves and ridge heights of approximately 3.3 metres and 3.9 metres respectively.

1.7 A caravan is also proposed. The use of the caravan is not stated in the application. Details are given that the business on the site would provide employment for one person and it is understood that the caravan would provide staff facilities.

2.0 RELEVANT PLANNING HISTORY

10/01462/FUL : Construction of two replacement agricultural storage buildings, refused on 20 Sept 2010 for the following reasons:

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 2.4 metres x 215 metres cannot be achieved in a south westerly direction at the junction with the County Highway and therefore, in the opinion of the Local Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.

2. The Local Planning Authority considers that the proposed development would give rise to additional vehicles waiting in the carriageway and leaving and rejoining the traffic stream on an open stretch of road where vehicle speeds are high, and would thus cause interference with the free flow of traffic and consequent danger to highway users.

3. The proposed development is contrary to policy DP25 of the Local Development Framework in that no business case has been supplied demonstrating that support would be provided by the associated enterprise, to the local economy, which in turn would help sustain rural economies.

4. In the absence of evidence to demonstrate otherwise it is considered that the proposal would cause an adverse impact on the amenity of neighbours, by way of noise causing disturbance, contrary to policy DP1 of the Local Development Framework.

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 CP4 - Settlement hierarchy
- Core Strategy Policy CP11 - Distribution of new employment development
- 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 DP4 - Access for all
- Development Policies DP25 - Rural employment
- Development Policies DP26 - Agricultural issues
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Brompton Town Council – “Has no objection to the general purpose of the application for the use of the site as a hatchery and for pheasant and partridge rearing however it would wish that the following be taken into consideration in approving the application :

1. The access to the site is splayed on one side only therefore all highway safety considerations need to be fully taken into account.

2. Full consideration needs to be had to the possible health and safety effects of the proposed usage on neighbours and others in the community. In this respect the requirements of Defra need to be obtained and met.

Brompton Town Council would also wish to receive a copy of the health and safety criteria which is applicable to such a development.

4.2 Neighbours have been notified and site notice posted; (expired 03.07.12) Responses have been received relating to the following issues:

Highway issues

Visibility from the access is restricted and being so close to a bend in the highway, this could pose a highway safety issue, particularly on the approach from Northallerton. The A684 is the main route for the emergency services and heavy daily traffic, whilst the proposed Northallerton Ring Road would increase the safety risk even further. Several accidents and near misses have occurred on the road and at the Brompton crossroads have occurred in recent years, and one very recently.

The future plans for the Northallerton ring road will again increase traffic significantly.

In recent months there has been an increase in ambulance and emergency traffic to the A19 travelling between the Friarage Hospital and James Cook at high speeds.

The proposed use would create a large increase in vehicles using the proposed access i.e. food delivery wagons other deliveries and collections and 6 employee cars. This would be an increase on the previous use. (Having lived within 100 yards of the site for the past 22 years the occasional vehicle accessed the site previously.) The level of traffic stated in the application does not correlate with the proposed business scale to include delivery of birds, feed, services and increasing employees.

Precedent and other proposals

Would an application for a dwelling of the site be forthcoming in the future? (Should this planning permission be granted) uncomfortable regarding the long term motives of the applicant.

Pests and pollution

Concern regarding the attraction of vermin as a result of the nature of the proposal. How would any vermin be dealt with? Specifically the health and safety impacts associated with an unavoidable increase in vermin, air and ground pollution associated with the excrement of 1500 plus wildfowl, chicks, eggs and feed. There are no facilities for the disposal of manure, waste, dead or decomposing stock, plans should be provided to address the disposal of waste both from the stock and the caravan facility.

Secure storage of feedstuffs should be provided to deter vermin.

Any dead birds must be hygienically disposed of to prevent disease and smells; will a 'Farm Assurance Certificate' be needed_

Noise

There is the possibility of noise from the development.

Boundary treatments

Leylandii hedging on the site boundary may be neglected due to the siting of the proposed pheasant pens (and neighbours would like an agreement drawn up for annual trimming of the hedge but which still retains the privacy to neighbours property).

Landscape Impact

There will be material impact on the surrounding area, this is significant change of use for the field. The field gate has been replaced with fencing and industrial strength gates since the change of ownership which are unbecoming in a rural location.

Others issues

The location of a sizable enterprise in such close proximity to residential houses will have a huge impact on both the environment and the value of my property.

4.3 NYCC Highway Authority : Are recommending the application for refusal for the following reasons :

The existing access, by which vehicles associated with this proposal would leave and rejoin the County Highway is unsatisfactory since the required visibility of 2.4 metres x 215 metres cannot be achieved in a south westerly direction at the junction with the County Highway and

therefore, in the opinion of the Planning Authority, the intensification of use which would result from the proposed development is unacceptable in terms of highway safety.

The Highway Authority considers that the proposed development would give rise to additional vehicles waiting in the carriageway and leaving and rejoining the traffic stream on an open stretch of road where vehicle speeds are high, and would thus cause interference with the free flow of traffic and consequent danger to highway users.

4.4 Internal Drainage Board: Swale and Ure Drainage Board has no adverse comment.

4.5 Environmental Health : Have raised the following concerns:

The proposal is in very close proximity to an existing residential property – harm to the amenity could occur from odour, flies, noise and vermin. No information has been provided by the applicant in relation to how these issues will be controlled. Advise that there is a distance of at least 400 metres between the birds pens/housing and the nearest dwelling house in order to prevent odour problems.

Suggest that the applicant submits details in writing to the local Planning Authority regarding refuse storage facilities/disposal. These details should also make reference to the arrangements/disposal to be used for fallen stock and a distance of 400 metres between the waste storage facilities and the nearest dwelling house should apply. Upon receipt of this information Environmental Health would like to be further consulted. The approved arrangements shall thereafter be implemented and maintained.

Before a decision is made to approve this application, recommend that the applicant submits a scheme detailing the measures to be used for pest control e.g. treatments used, frequency and areas treated. The scheme shall be submitted in writing to the local Planning Authority. Upon receipt of this information this department would like to be further consulted. The scheme shall be implemented and maintained in accordance with the approval.

The time and frequency of deliveries to the site i.e. feed deliveries. Access from Stokesley Road may cause an impact on the nearest dwelling if delivery vehicles are arriving/leaving late at night or early in the morning. I would be grateful if the applicant could provide information relating to times/types of deliveries to /from the site prior to planning approval. If flood lighting/ external lighting is required to be operated a scheme shall be submitted to and agreed by the local planning authority. The erection/use of flood lighting or external lighting (particularly in the winter months) may impact on the amenity of residents giving rise to complaints.

If mechanical ventilation is required to be operated a scheme shall be submitted to and agreed in writing by the local Planning Authority prior to approval. The scheme should include details of; noise levels generated, and any noise attenuation structures incorporated in use with the ventilation system. This department would like to be further consulted on receipt of this information. The ventilation shall then be retained, operated and maintained in accordance with the manufacturer's recommendations.

This department has received complaints in relation to open burning on this site. It is alleged that this burning has been impacting on nearby residential properties. Due to these circumstances I feel that it is appropriate to request the following condition: There shall be no burning of waste materials in the open air on the site.

A subsequent 'follow-up' response confirmed that the Environmental Health would be looking for the above mentioned distance between the pens and the nearest dwelling.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of the development in a countryside location, highway safety, neighbour's amenity issues including odours, waste disposal, light pollution, noise/disturbance and pests and also the visual impact of the development within the surrounding countryside.

Principle of the Development in a Countryside Location

5.2 The pheasant pens are development (rather than being temporary structures or chattels as suggested by the agent) but these are within the size limits to be 'permitted development'.

The hatchery building and barn and the use of the buildings are development for which permission is required.

5.3 The Highways recommendation is essentially the same as the previous application at this site 10/01462/FUL with a minor amendment to the measured visibility at that location. The available visibility available from the access has been assessed at 2.4 x 122 metres which is insufficient and would lead to highway safety issues. In addition to the limited visibility which would be dangerous to highway users the potential for vehicles to be waiting in the carriageway to enter the site would increase the hazard to highway users.

Neighbour Impact and Amenity

5.4 Environmental Health have raised concerns with regards to the proximity of the pheasant pens to neighbouring residential properties as the use is likely to generate flies and smells which could adversely affect the amenities of the occupants of these properties. The agent has confirmed that the distance of 400 metres required by the Environmental Health department cannot be achieved within the site and there risks having a significant impact on the occupants of neighbouring properties. Furthermore, the close proximity of the access and parking/manoeuvring area to the boundary with the adjacent property to the east does raise noise and disturbance concerns in relation to vehicles associated with the prospered development notwithstanding the conifer hedgerow on the boundary between the residential property and the site. The separation distance between the hatchery building and the nearest neighbour to the north is about 20 metres. The nearest residential neighbour to the proposed rearing pens is about 60 metres to the north west. In the absence of details to allay the concerns raised in the response from the Environmental Health officer it is considered that the proposal is contrary to the aims of Policies CP1 and DP1 that seek to safeguard the amenity of neighbours.

Landscape Impact

5.5 The boundaries of the site contain mature hedgerows' and trees which help to screen views into the site and surrounding vantage points. Whilst the access gates to the site do provide limited public views into the site, the wider impact of the development on the countryside is considered to be limited, particularly in consideration that the relatively modest scale of the proposed buildings and their position would ensure that they would not be dominant structures within the surrounding landscape.

Conclusion

5.6 The inadequate access coupled with the potential harm to the amenity of neighbouring residents from the proposed development leads to a recommendation of 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 2.4 metres x 215 metres cannot be achieved in a south westerly direction at the junction with the County Highway and the intensification of use of the access is unacceptable in terms of highway safety and is contrary to the Local Development Framework Policy CP1 and DP4
2. The proposed development would give rise to additional vehicles waiting in the carriageway and leaving and rejoining the traffic stream on an open stretch of road where vehicle speeds are high, and would thus cause interference with the free flow of traffic and consequent danger to highway users contrary to the Local Development Framework Policy CP1 and DP4.
3. In the absence of details to prove to the contrary the proposal is considered to fail the requirements of Local Development Framework Policies

CP1 and DP1 as the development would fail to protect the amenity of the neighbouring residential population.

4.

12/01346/OUT

Outline application for the construction of 36 dwellings including means of access at Land to the North of The Willows, Willow Bridge Lane, Dalton for West Park Estates Ltd

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Outline planning permission is sought for the construction of 36 dwellings including means of access. All other matters are reserved for future approval. An indicative masterplan showing plot positions, landscaping, roads and footpaths has been submitted with the application.
- 1.2 The indicative proposal suggests a mix of dwellings comprising eight 4/5 bed detached dwellings, fourteen 4-bed detached dwellings, six 3-bed dwellings, four of which are detached and two are semi-detached, four 2-bed dwellings, two of which are detached and two are semi-detached and four one bedroom dwellings. Building heights are generally two-storey to fit within the local context. Precise details of the site layout and house types would be submitted at the reserved matters stage.
- 1.3 The application site comprises an area of 1.67ha. A total of 36 dwellings would result in a density of 21.5dph. Of the 36 dwellings proposed, 14 are to be affordable dwellings (38.8%), which are proposed to be a mix of 1, 2 and 3 bed properties. The proposed mix of affordable dwellings has been agreed with the Council' Housing Services Manager prior to the submission of the application.
- 1.4 The indigenous landscaping within the site will remain unchanged and serve as focal points. Existing trees on the northern boundary will also be retained whilst a landscaped buffer will be introduced adjacent to neighbouring agricultural land. Definitive landscaping proposals will be agreed at reserved matters stage.
- 1.5 A single point of vehicular access is proposed off Willow Bridge Lane, the road leading from Dalton north towards the A19.
- 1.6 The application site is on the edge of Dalton in North Yorkshire. The market town of Thirsk is approximately 5 miles to the north. The site is not within a Conservation Area.
- 1.7 The site has been unoccupied since April 2003 when the Brandon Turkey Factory closed. The turkey factory buildings were demolished in 2011 following the grant of planning permission for 31 dwellings on the allocated portion (TH4) of the former turkey factory site (ref: 10/01428/FUL). The application site is located within the development limits but is not an allocated site. However, allocation TH4 does encourage re-use of the remainder of the factory site for B1 office/commercial uses. To this end, outline planning permission was granted in September 2010 for the construction of a range of industrial units (ref: 10/01429/OUT).
- 1.8 Immediately to the south east is Ivy House Farm with a number of residential properties located beyond. Those on the north side of the road are some of the older and more attractive properties in Dalton, those to the south are a mixture of more recent and smaller dwellings. To the south the site contains an area of public open space which is currently under-utilised and is dominated by a row of

disproportionately large leylandii trees. To the west, immediately on the opposite side of Willow Bridge Lane is the village hall.

- 1.9 The application is supported by a comprehensive package of submission documents including: an Indicative Masterplan; a Design & Access Statement; a Planning Support Statement; Transport Statement; Ground Investigation Report; Flood Risk Assessment and Drainage Strategy; Arboricultural Report and Marketing Report.

2.0 RELEVANT PLANNING HISTORY

- 2.1 10/01428/FUL - Construction of 31 dwellings, public open space, access and landscaping (Granted on 21.12.2010)
- 2.2 10/01429/OUT - Outline application for the construction of a range of industrial units (Granted on 27.09.2010)
- 2.3 10/01569/FUL – Alterations to existing building to form a warehouse/office (Granted on 22.09.2010).

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 – March 2012

- 3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied

Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development
CP2 - Access
CP3 - Community Assets
CP4 - Settlement hierarchy
CP5 - The scale of new housing
CP5a - The scale of new housing by sub-area
CP6 - Distribution of housing
CP7 - Phasing of housing
CP8 - Type, size and tenure of housing
CP9 - Affordable housing
CP9a - Affordable housing exceptions
CP10 - The scale of new employment development
CP10a - The scale of new employment development by sub-area
CP11 - Distribution of new employment development
CP12 - Priorities for employment development
CP15 - Rural regeneration
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
CP20 - Design and reduction of crime
CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP16 - Specific measures to assist the economy and employment
DP25 - Rural employment
DP28 - Conservation
DP29 - Archaeology
DP30 - Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links
DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

TH4 – Former Turkey Factory, Dalton (1.2ha)

Other Relevant Documents

Council Plan
Hambleton Biodiversity Action Plan
Sustainable Communities Strategy

4.0 CONSULTATIONS

Dalton Parish Council

- 4.1 Wish to see the application refused as it considers the proposed development to be contrary to the Local Development Framework (LDF). The Parish Council states that an enormous amount of time and money was spent on developing the LDF and believe that the decisions made should be adhered to. The granting of planning permission may open the 'floodgates' for other secondary villages to oppose the LDF. Dalton Parish Council has an issue with the stated boundary towards the far north of the site. It is believed that the boundary of the site ends at the Dalton side of the beck and not the other side as shown on the plans.
- 4.2 The Parish Council are not opposed to an application for housing being submitted in 2016 (the second phase of the LDF). The Parish Council believes that this would give sufficient time for the current development to be finished and for new residents to integrate with the village.

NYCC Highways

- 4.3 No objection to the principle of the development. However, further detail has been requested in relation to visibility splays at the main point of access. Concern has also been expressed about individual dwellings being served by direct access onto Willow Bridge Lane and has requested that these properties be accessed via the internal road.

NYCC Education

- 4.4 Confirm that 9 pupils would be generated by the development which would result in a shortfall of 4 places at the local primary school. Therefore, a contribution of £54,384 has been requested.

HDC Environmental Health Officer

- 4.5 Adjacent to the proposed site there is a sewerage pumping station operated by Yorkshire Water. Recommend that a distance of 15 metres is maintained. The developer should confirm with Yorkshire Water that this distance also takes into account noise on a night should the pumping station start operating.

HDC Leisure Services Officer

- 4.6 Note that there is no on-site recreational provision but acknowledge that there is a large recreational area in the village and would advocate any contributions gained for public open space, sport and recreation are directed to this project.
- 4.7 Dalton has a Public Open Space, Sport and Recreation Action Plan. Two projects are to update and propose to improve the current recreational area and purchase additional land to provide a football pitch.

Yorkshire Water

- 4.8 YWS Has requested that a further site survey be undertaken to show the position of the public sewer(s) crossing the site and that a further drawing be submitted to show the proposed building stand-off distances (i.e. 3m and 4m) from the sewer(s).

The Environment Agency

- 4.9 The Agency has considered the surface water disposal aspects of this application. As it is proposed that surface water will be discharged at a restricted rate into an ordinary watercourse within the Swale and Ure Internal Drainage Board (IDB) area, it is appropriate that the IDB takes the lead rather than the Environment Agency, to secure an acceptable scheme.

Internal Drainage Board

- 4.10 The IDB does not object to the application and makes the following technical comments:
- 4.11 Part of the site lies within the Swale and Ure Drainage District and is subject to the Board's Byelaws. Drainage Board Consent under Byelaw 3 may be required if the discharge from the site increases the flow into the drainage district although the SUDs and attenuation measures referred to should address this aspect. The design discharge of 5l/s may be achieved without blockage by simply adjusting the gradient on the outlet pipe, rather than provision of an orifice or other control device. The site is bounded to the north by an unnamed ordinary watercourse within the S&U drainage district. Consent will be required under the s23 of LDA1991 for any structure such as an outfall in or over the channel likely to obstruct the flow in this watercourse.

Police Architectural Liaison Officer

- 4.12 Recommends that the Applicant applies for 'Secured By Design' Certification rather than provide a vague reference to crime within the application submission.

Network Rail

- 4.13 Network Rail has no objection in principle to the development. Network Rail's only concern is the routes that construction traffic will take to/from the development site during the construction phase with relation to railway bridges along the route. Network Rail has requested that they be informed of abnormal loads with a minimum of 6 weeks notice. There may also be a requirement for bridge protection measures to be put in place at the Applicant's expense.

Publicity

- 4.14 The application was advertised within local press, by site notice and directly to the neighbouring residents. The consultation period expired on 8th August 2012. Two letters of objection have been received, which are summarised as follows: -

- a) Land should be used for commercial purposes.
- b) Local residents have inquired about the availability of the commercial units but were told that they're not available.
- c) Common land adjacent to the stream has been included within the application.
- d) The area is liable to flooding.
- e) Bungalows should be provided within the development.
- f) 4/5 bedroom houses will be higher than the turkey factory buildings.
- g) Contrary to the LDF.
- h) Already enough dwellings in Dalton.
- i) There are no schools, only one small shop and virtually no public transport.

5.0 OBSERVATIONS

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

- m) Principle & Location of New Development
- n) Design & Density
- o) Sustainable Construction
- p) Transport Issues
- q) Drainage & Flood Risk
- r) Trees & Landscaping
- s) Infrastructure & Services
- t) Affordable Housing
- u) Public Open Space & Other Developer Contributions

Principle & Location of New Development

- 5.2 In 2010 the development limits for Dalton were amended through the adoption of the Hambleton Local Development Framework Allocations DPD. The 'Development Limits' were extended to include the Turkey Factory site in order to achieve an environmental improvement and provide for local housing need. Although Dalton was a Secondary Village, there had been no allocation made at neighbouring Topcliffe (Service Village) and therefore a small level of housing was considered acceptable in order to achieve environmental enhancement on a particularly unattractive and dangerous site.
- 5.3 It was recognised that in order to fund the environmental improvements to the site, some housing development would be required. A small area was therefore allocated for the provision of 30 dwellings to meet local housing requirements (including affordable housing) whilst providing the market housing to financially enable development of the remaining site for continued employment use. It was considered that the northern most building on the site was capable of reuse and that the development limits should be extended to encompass the remaining employment land.

- 5.4 Policy TH4 of the Allocations DPD provides the context against which this application should be considered. TH4(ii) states that the remainder of the factory site, other than that allocated for housing should be B1 office/commercial uses with associated landscaping. This is expanded within the justification which states that the northernmost building could be refurbished for employment purposes with the central portion of the site being redeveloped for high quality business/commercial B1 units with landscaping on the boundary with the new housing allocation. The retention of part of the site in employment use was expected to provide a balanced mix of uses on this large site in a relatively small village.
- 5.5 Policy DP17 concerns the retention of employment sites. Sites within existing employment use should be safeguarded for that use and any alternative uses should be sufficiently justified. It is evident that the site has been marketed for some time, with no clear commitment to its development. NPPF paragraph 22 states that planning policies should avoid the long term protection of employment sites where they are unlikely to come forward for development. However, currently the policies within the adopted Development Plan take precedence until March 2013.
- 5.6 Current figures for housing permissions and completions show a healthy 5 year supply and therefore this proposal is simply not required to meet current housing need. Dalton remains a Secondary Village as designated within the Core Strategy, which means that it is not a sustainable location for further housing development. Therefore, granting of planning permission for an additional 36 dwellings within a Secondary Village would be contrary to Policy CP4 of the Core Strategy DPD. Moreover, in terms of releasing the employment land, only less than two years has passed since the Allocations DPD was adopted in December 2010. A period of two years is considered to be insufficient time to demonstrate that demand for employment floorspace within Dalton does not exist, particularly within the current economic climate.
- 5.7 In summary, the proposal for housing on this site contravenes Policy TH4 of the Hambleton Local Development Framework Allocations DPD and is not required to meet local housing needs. The proposal also contravenes Policy DP17 of the Hambleton Local Development Framework Development Policies DPD as it is premature in terms of the status of NPPF.

Design & Density

- 5.8 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.
- 5.9 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.”
- 5.10 The application is submitted in outline form and therefore the detailed design (including the impact on neighbours) and density will be determined at a later date through the submission of reserved matters applications.
- 5.11 Notwithstanding the need for future reserved matters applications, an indicative masterplan has been submitted with the application and shows how a development of appropriately 36no dwellings could be designed.

- 5.12 The broad principles of the site layout and the proposed house types are considered to be acceptable. The Applicant has demonstrated that a well designed and appropriately scale development can be achieved in accordance with requirements of the NPPF and Policy DP32 of the Hambleton Local Development Framework.

Sustainable Construction

- 5.13 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.14 The Applicant has confirmed that a detailed 'Energy Use Assessment' will be completed at the detailed design stage (reserved matters) to consider the use of renewable energy and design measures to reduce energy consumption to the meet the requirements of Policy DP34.
- 5.15 Consequently, in the event that Members are minded to grant planning permission, it is recommended that a suitably worded condition be applied to secure a scheme for suitable design improvements and/or the installation of suitable renewable energy technologies.

Transport Issues

- 5.16 A Transport Statement (TS) produced by Met Engineers was submitted with the application. The TS examines the transport related impacts of the proposed redevelopment. This document concludes that the development could generate 28 trips (9 in, 19 out) in the AM Peak Hour and 30 trips (19 in, 11 out) during the PM Peak Hour. The generated traffic would not cause any environmental capacity constraints if the development is to proceed. Dalton Village is reasonably well serviced by Public Transport with bus stops on Main Street located within a convenient walking distance of the development site. A Travel Plan is considered unnecessary in accordance with the guidance contained within the NPPF.
- 5.17 As detailed within paragraph 4.3 of this report, the Local Highway Authority (LHA) do not object to the principle of the development. However, the LHA has requested the submission of further details relating to visibility splays at the main point of access.
- 5.18 The LHA has also expressed concern about individual dwellings being served by direct access onto Willow Bridge Lane and has requested that these properties be accessed via the internal road. However, this is a matter of detail that can be resolved at reserved matters stage.

Drainage & Flood Risk

- 5.19 Policy DP43 of the Development Policies DPD outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.
- 5.20 A Flood Risk Assessment (FRA) produced by Met Consulting has been submitted with the application. The FRA confirms that the site is not located within an indicative floodplain. In addition, due to cohesive ground conditions, soakaways will not be a suitable means of surface water disposal and therefore discharge to a nearby watercourse will be necessary. A post development storage (surface water attenuation) of around 294 cubic metres will be required for the worst 1 in 30 year storm event, including climate change, for a discharge rate of 5 litres / second. For a

1 in 100 year event, storage of around 376 cubic metres will be required. A typical value of 300mm above the lowest external finished levels is considered acceptable.

- 5.21 In light of the above findings, no objections have been received from Yorkshire Water, the Environment Agency or the Internal Drainage Board. Should Members be minded to grant planning permission, it is recommended the pre-commencement conditions be imposed to secure an appropriate scheme for both foul and surface water drainage.

Trees & Landscaping

- 5.22 An 'Arboricultural Report' produced by JCA Ltd has been submitted with the application. The report comments that the trees on site collectively provide a reasonable visual amenity to the surrounding area. Occasional specimens have a high amenity value, although these are situated outside the development area. The trees surveyed range in age from young to mature, however the trees were predominately semi-mature and early mature. Species surveyed include Hawthorn, Sycamore, Ash, Beech, Silver Birch, Leylandii, Oak, Sumach, Horse Chestnut, Norway Maple, Alder, Cherry, Field Maple, Elder, Blackthorn and Willow.
- 5.23 A total of 58 items of vegetation (49 individual trees, 6 groups of trees and 3 hedges). Of these, only six trees were identified for removal for Arboricultural reasons regardless of any site development. Three of the trees recommended for removal are Horse Chestnuts which are showing symptoms of an infection called 'Bleeding Canker of Horse Chestnut'.
- 5.24 Tree pruning works are recommended for reasons of public safety, to ensure the long-term health of trees or to benefit the long-term development of adjacent trees.
- 5.25 Root protection measures are recommended along with an Arboricultural Method Statement (AMS) detailing the specific protection measures necessary for each tree. A condition should be applied to ensure that recommendations of the JCA Ltd 'Arboricultural Report' are carried out in full.

Infrastructure and Services

- 5.26 Policy DP5 of the Development Policies DPD on community facilities advises that support will be given to the provision and enhancement of community facilities with a view to maintaining sustainable communities. Policy DP6 on utilities and infrastructure seeks to ensure new development is capable of being accommodated by existing or planned services
- 5.27 Local residents have raised concerns about the impact on existing and planned services. Whilst the concerns of local residents are acknowledged, service providers tend to adopt a reactionary approach to service delivery rather than a pro-active approach and generally allocate resources when the need arises. Whilst the aim of the planning system is to promote sustainable development and economic growth, it can only go so far in co-ordinating service delivery. Ultimately, it is the responsibility of service providers to plan effectively for the needs of the existing and future community.
- 5.28 As detailed within paragraph 4.4 of this report, the Local Education Authority has confirmed that 9 pupils would be generated by the development which would result in a shortfall of 4 places at the local primary school. Therefore, a contribution of £54,384 has been calculated, which the Applicant has agreed to pay.

Affordable Housing

- 5.29 Policy CP9 specifies that housing development of 2 dwellings or more within Dalton should make provision for 40% affordable housing which is accessible to those unable to compete on the local housing market. Although, the actual provision on site will be determined through negotiations, taking into account viability and the economics of provision.
- 5.30 Of the 36 dwellings proposed, 14 are to be affordable dwellings which equates to 38.8%. A financial contribution is required in relation to the remaining 1.2% although a figure has yet to be agreed with the Applicant. The proposed mix of affordable dwellings has been agreed by the Council's Housing Services Manager.
- 5.31 Notwithstanding the Applicant's willingness to deliver 40% affordable housing in accordance with Policy CP9, a s.106 agreement has not been completed and therefore an additional reason for refusal is necessary.

Public Open Space & Other Developer Contributions

- 5.32 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. Contributions will be dependent on increased demand resulting from the development.
- 5.33 The indicative masterplan does not show any amenity green space on-site, however a substantial children's play area exists on the opposite side of Willow Bridge Lane and therefore on-site provision is not considered to be essential. In the absence of the on-site provision, Policy DP37 requires a financial contribution towards improving off-site provision elsewhere within Dalton. A contribution of £140,335.02 is required in accordance with this policy based upon the mix of dwellings shown on the masterplan, which the Applicant has agreed to pay.
- 5.34 Again, notwithstanding the Applicant's willingness to provide a financial contribution towards POS, a s.106 agreement has not be completed and therefore an additional reason for refusal is necessary.

6.0 CONCLUSION

- 6.1 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be refused for the application as submitted.

7.0 RECOMMENDATION

REFUSED for the following reasons:-

1. The proposed housing development would result in the loss of an existing employment site without justified exceptional circumstances contrary to Policy DP17 of the adopted Development Policies DPD which seeks to safeguard employment sites and Policy TH4 of the adopted Allocations DPD which identifies the application site for B1 office/commercial uses.
2. The proposed development fails to deliver a sufficient level of affordable housing without reasoned justification, contrary to Policy CP9 of the adopted Core Strategy DPD which stipulates a target of 40% affordable housing for the application site.
3. The proposed development fails to deliver any public open space, sport and recreation facilities contrary to Policy DP37 of the Development Policies DPD which requires new housing developments contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.

4. The proposed development fails to contribute towards the provision of additional school places contrary to Policy DP2 of the Development Policies DPD which seeks to ensure that achievement of sustainable development, including the provision of additional infrastructure whenever there is a need generated by the new development.

Parish: Huby
Ward: Huby Sutton

Committee Date: 08 November 2012
Officer dealing: Mr Jonathan Saddington
Target Date: 26 September 2012

5.

12/01243/FUL

**Construction of 34 dwellings with associated car parking/garaging, a school 'drop-off' area and formation of a new vehicular access. Alterations and single storey extension to existing dwelling (1 South View)
at 1 South View and land to the south of Robin Lane, Huby
for Whitfield Homes Ltd**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Full planning permission is sought for the construction of 34 dwellings with associated car parking/garaging, a school 'drop-off' area and formation of a new vehicular access. The proposal also involves alterations and extensions to 1 South View in order to create the main access to the application site. The proposal will result in a density of approximately 22 dwellings per hectare and will deliver 14 affordable housing units (41%).
- 1.2 This planning application is submitted alongside another application for a new Village Hall and Sports Pavilion on land to the immediate north of the site. It is intended that funding to facilitate the delivery of the new Village Hall and Sports Pavilion will be provided by the Applicant arising from the proposed development. This funding arrangement would be secured via a s.106 agreement.
- 1.3 The proposed house types will take the form of terraced, semi-detached and detached homes with a mix of 2, 3, 4 and 5 bedroom homes. The predominant scale of the development is 2 storey height, with the occasional 'room in the roof'. Certain house types have part-lowered eaves to 1.5 storey height with rooms in the loft-space.
- 1.4 The proposed dwellings are to be elevated in 'tumbled' facing bricks to compliment the older indigenous clamp brick with additional detailing comprising: window heads and cills, dentil string courses, verge details to painted verges and simple motifs.
- 1.5 Roof finishes will be reflective of the local vernacular clay pantile and slate profiles. Alternative eaves details will be comprised of timber fascias, bargeboards and painted verges with simple gutters carried upon rise and fall brackets.
- 1.6 Rear gardens will be subdivided by 1.8m high close boarded fences, reducing to lower height post and rail where rear gardens abut adjacent open fields. Within the development, brick screen walls will be provided where rear garden boundaries abut the public areas. Plot frontages adjacent to the main public thoroughfare will be treated with a combination of hedgerows and field railings.
- 1.7 It is proposed that Robin Lane will serve as pedestrian and cycle route to the site, with a new vehicular access to being created off Baston Lane through the side garden space of 1 South View. Approximately 80 car parking spaces are proposed which equates to approximately 2.35 parking spaces per dwelling. In addition, 28 garage spaces will be provided.
- 1.8 The proposed layout incorporates a new 'in/out' drop-off point for parents, from outside the village, to deliver their children to the school. The drop-off area contains two car parking spaces and a designated drop-off zone and is accessed via the

internal access road served by Baston Lane. The purpose of the drop-off point is to reduce parking/drop off congestion at the school during starting and finishing times.

- 1.9 As identified within paragraph 1.1 of this report, various alterations and extensions are proposed to 1 South View to create space for the main access to the application site. The proposed alterations include:-
- demolition of a single storey porch/store to the side elevation,
 - construction of a timber/tiled canopy over the main door,
 - erection of a mono-pitched single-storey extension projecting 2.47m from the rear elevation,
 - creation of 2 car parking spaces within the front garden space,
 - repositioning of an existing garden shed to the back boundary of the rear garden,
 - erection of a 1.5m high close-boarded fence along the side boundary of the rear garden.
- 1.10 The application site is located towards the southern end of Huby, lying to the north west of Baston Lane and south of Robin Lane. The site extends to a gross area of 1.54 hectares and currently comprises relatively flat pasture land.
- 1.11 The northern edge of the site is formed by Robin Lane, which provides access from Baston Lane to a small number of existing properties, and principally the car park, sports pavilion and playing fields situated to the north of the site. An existing hedgerow runs along the length of the northern boundary.
- 1.12 The application site is bound along its southern and eastern boundaries by the rear gardens of existing properties fronting onto Baston Lane and the School playing field boundary. Adjoining farmland is situated to the west comprising a mixture of small pastoral field and large arable fields enclosed by stone walls, hedgerows, and scattered trees.
- 1.13 The application is supported by a comprehensive package of submission documents including: a Design & Access Statement; Affordable Housing Statement; Statement of Benefits; Viability Report; Biodiversity Survey; Flood Risk Assessment; Foul Sewage and Utilities Assessment; Land Contamination Report; Planning Obligations – Draft Heads of Terms; Planning Sustainability Statement; Statement of Community Involvement and Tree Survey.

2.0 RELEVANT PLANNING HISTORY

- 2.1 12/01244/FUL - Demolition of the existing sports pavilion building and the construction of a new multi-use two storey building and associated vehicular access and car parking (Pending determination).

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 – March 2012

- 3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied

Core Strategy Development Plan Document – Adopted April 2007

CP2 - Access
CP3 - Community Assets
CP4 - Settlement hierarchy
CP5 - The scale of new housing
CP5a - The scale of new housing by sub-area
CP6 - Distribution of housing
CP7 - Phasing of housing
CP8 - Type, size and tenure of housing
CP9 - Affordable housing
CP16 - Protecting and enhancing natural and man-made assets
CP17 - Promoting high quality design
CP18 - Prudent use of natural resources
CP19 - Recreational facilities and amenity open space
CP20 - Design and reduction of crime
CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP5 - Community facilities
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP9 - Development outside Development Limits
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP29 - Archaeology
DP30 - Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links
DP43 - Flooding and floodplains

Other Relevant Documents

Council Plan
Hambleton Biodiversity Action Plan
Sustainable Communities Strategy

4.0 CONSULTATIONS

Huby Parish Council

4.12 Wish to see the application refused for the following reasons:-

- a) The village of Huby was designated a secondary village and not earmarked for any development, even affordable housing.
- b) Exception sites outside the Local Development Framework (LDF) should be for 100% affordable housing and this one is not. There are 14 affordable homes planned, which equates to only 41% of the total development.
- c) The Parish Council does not support any development outside the LDF.

- d) It has been claimed that Hambleton District Council has a housing shortfall. Hambleton policy and National Planning Policy Framework (NPPF) states that any shortfall should be dealt with in larger settlements, not in secondary villages.
- e) Whether affordable housing is proposed in or adjacent to secondary villages, this should meet local needs. The general District-wide need for affordable housing should be met predominantly in the larger settlements consistent with supporting sustainable patterns of development.
- f) "Secured by Design" principles strongly oppose parking being provided behind walls, in parking courts as it's not secure (not overlooked) this is seen on these plans.
- g) The two projects need to be tied together by S106 Agreement(s) particularly on time scale and payment triggers.
- h) There is no guarantee that even if the housing estate is developed the community hall will also be developed (respective timing of the two developments has not been specified). Presumably the housing developer intends to fund the community hall from the profits of sale of the market housing which will, of necessity, therefore have to be built first. The Parish Council is not aware of any methodology/legal procedures which would guarantee the payment towards the community hall, in these circumstances.
- i) The Applicants (the Village Hall and New Hall Group) claim to be supporting community facilities. This claim is contrary to their previous conduct over many years, in failing to make applications for grant funding to care for the present village facilities.
- j) We ask at what point will the money be available?
- k) How will the £650,000 and £108,000 for school improvements be safeguarded?
- l) The profitability figures based on the very ordinary market value houses do not add up with this amount of money to give away.
- m) If it is to be proved to be an exception site for approval outside the LDF based on the school drop off point, affordable homes and the Hall then the Parish Council does not believe that these benefits are enough to breach the LDF policy.
- n) The school drop off point is not useful for a primary school; it is against school policy to have unattended children on the premises before the start of the school day, parents in cars will have to park up to drop off and see their child into school.
- o) The housing needs survey highlighted interest in 13 affordable houses. The planning policy is that normally only a half to a third of that amount would be actually provided.
- p) The Hall application has reference to modifying road access at a later date. We don't understand what this is. How will this be achieved, whose land will be used and what for?
- q) Why is the area marked on the enclosed plan (Annex 1) not a part of someone's garden? What is it to be used for? Who will maintain it?
- r) In the survey of 2010- 56% of the people who voted said no to the proposal on the grounds that they did not want a large development.
- s) There was a developer led survey of 2012, the result of this is spearheading this application. This survey did not constitute a referendum as required by the neighbourhood development process and appeared to many people to be flawed.
- t) Many of the questions were either slanted to produce a pre-determined answer or provided no opportunity for respondents to set out contrary views.
- u) There were many letters of concern sent to the Parish Council by members of the public about this survey.
- v) One of the main topics of concern at Parish Council meetings has been the amount of and speed of traffic throughout the village, especially on Tollerton Road. The new access road for this 34 house development and new multi event venue enters Tollerton Road very near the school and on an already potentially dangerous bend.
- w) Existing rights of way on Robin Lane have not been properly considered if it is to be blocked off.
- x) The rural character and identity of Huby must be protected.
- y) The Parish Council has been successful in gaining frontrunner status in order to form a Neighbourhood Plan. The Parish Council has voted on and approved this approach.
- z) We feel this is the way forward to try and unite a divided community on this issue.

- aa) Work is in progress to formulate this plan.
- bb) Planning Aid are now on board providing support and we are working on publicity and a timetable for our project.
- cc) The current proposals (and their timing) run counter to the Government's Localism Agenda by pre-empting the emerging Neighbourhood Plan for Huby.

NYCC Highways

4.13 No objections subject to conditions covering the following:-

- The submission of road and footway layout details,
- Establishment of a permanent site construction access
- Precautions to prevent mud on the highway.

NYCC Children and Young People's Service

4.14 The existing boundary fence between the development area and the school field is currently a four bar wooden fence which is deemed acceptable for agricultural land, however, should this usage change to residential, this type of fencing would no longer be appropriate. Wish to see a condition imposed relating to boundary treatment.

4.15 The proposed school "drop-off" area will cause additional problems for the school as it would lead to two entrances that would need policing and monitoring. Due to the small number of staff at the school, having two entrances, especially at the end of the day when they deliver children to parents, would create a safeguarding issue.

NYCC Education

4.5 Confirm that 9 pupils would be generated by the development which would result in a shortfall of 11 places at the local primary school. Therefore, a contribution of £122,364 has been requested.

HDC Senior Scientific Officer (Environmental Health)

4.6 No objections in principle to this application. However request that Applicant demonstrates that the land is suitable for the proposed residential use from a land contamination viewpoint. Recommend that the standard land contamination condition is attached to any planning permission.

HDC Leisure Services Officer

4.7 Comments that there is no public open space provision on site but has no objections to this due to the close proximity of the existing play area and sports provision.

4.8 Considers the proposed contributions towards the cost of the new two storey multi-purpose building and improvements to the school appear reasonable

4.9 Huby has yet to produce a POS, Sport and Recreation Action Plan so not aware of additional recreation need at this moment in time.

Yorkshire Water

4.10 No objections subject to conditions: securing an easement for the sewer crossing the site; the development being severed by separate systems of drainage for foul and surface water; details of the proposed means of disposal of foul and surface water drainage and no piped discharge of surface water from the application site.

- 4.11 Foul water domestic waste should discharge to the 150mm diameter public foul water sewer recorded in Tollerton Road. Connection should preferably be made at a point downstream of the overflow.
- 4.12 The local public sewer network does not have capacity to accept any additional discharge of surface water from the proposal site. Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hardstandings, may be a suitable solution for surface water disposal that is appropriate in this situation. Alternatively, surface water may discharge to the public sewer network (subject to some evidence that other means of surface water disposal have been considered). Discharges to the public sewer must be on a like for like basis and take into account climate change.

North Yorkshire Fire & Rescue

- 4.13 No objections to the proposed development provided the dwellings are constructed in compliance with Approved Building Regulations.

Publicity

- 4.14 The application was advertised within local press, by site notice and directly to the neighbouring residents. The consultation period expired on 30th August 2012. 54 individuals have objected to the proposal whilst 56 people have written in support of the application. The representations received are summarised as follows: -

Objections

33. The proposed development is on Greenfield land outside of the development limits.
34. Contrary to the Local Development Framework. The site is not allocated for new housing development.
35. Additional significant growth would result in the loss of the village's rural integrity and this particular application will increase the village by up to 10 percent.
36. Huby is not a Service Village.
37. An exceptional case for development has not been made.
38. Out of scale and character of village.
39. The village will lose its open aspect.
40. There is no need for the development. Large detached houses have been on the housing market for months which reflects the current situation.
41. The existing sewerage and drainage system will be unable to cope.
42. Drains already cause flooding.
43. Traffic generated by the development will exist onto a very busy road near a school and cause congestion at peak times creating a hazard to children and parents.
44. The school is already full.
45. The number of houses proposed is far more than that identified in the housing survey conducted in 2010, and the ratio of affordable houses is less than that imposed by previous district council advice.
46. Its location immediately behind the village primary school will completely alter the "village" aspect of that school.
47. Will result in security problems for the school.
48. Will take up land that the school might need for expansion.
49. Local residents are against the development.
50. The New Hall Group has not engaged effectively with the Parish Council about plans for the village.
51. The New Hall Group misrepresented the size of the proposed development which resulted in a very small 53% in favour.
52. Dispute the validity of the village survey.
53. The initial survey carried out by the New Hall Group did not achieve a majority.

54. The second survey carried out by the New Hall Group was highly dubious and undemocratic. The NHG used the same independent firm as did the parish council but the same rigorous and fair standards were not applied.
55. The Parish Council should be given the opportunity to complete the Neighbourhood Plan which has front runner grant funding.
56. The Parish Council commissioned an independent market research company to survey the village on this proposal. The outcome was that just over half of the village are against the proposal.
57. Granting planning permission would prejudice the outcome of the Neighbourhood Plan.
58. There is a blind bend within a few yards of the access road.
59. Traffic generated by the development will be at conflict with pedestrians, horse riders and cyclists using Robin Lane.
60. The drop-off area will not work as it requires parental supervision and is out of sight from the school buildings.
61. The proposed development should be 100% affordable housing to comply with policy CP4 as an exception.
62. Huby Parish Council has not carried out a housing needs survey.
63. The Hambleton District Council Housing Needs Survey identified a need for 13 affordable homes not 23 as stated.
64. The occupants of 1 South View will access their property via a narrow pavement. Is this sufficient?
65. Is the main access road wide enough for two cars?
66. The village has never had the chance to discuss a two hall solution, as the New Hall Group, which is not a representative community group, has pushed one idea without discussion.
67. The New Hall group consists of a handful of people who are unaccountable to the village at large, as no meetings are held in public and membership is not open to others.
68. Huby has been fortunate in being given a government grant of £20,000 to pursue a Neighbourhood Development Plan. Apparently an NDP takes precedence over the work of a developer and his planning application under the recent Localism Act. A survey paid for by a developer does not override the referendum required by the NDP.
69. The proposed access road leading onto Baston Lane will create a greater traffic hazard at the start and end of the school day. The presence of parked vehicles on Baston Lane before and after school acts as a traffic calming measure as the road is then passable in only one direction at a time. No other measure would work better than the present situation and could even produce a worse situation.
70. There has been no recent traffic survey to establish the volume of traffic along Baston Lane while the addition of 34 properties on this site would surely increase that volume significantly.
71. The proposed main access will be built adjacent to "The Croft". This will run the length of the side boundary only a few metres from the house. Developers should mitigate effect on privacy and amenity and the resulting noise and disturbance. Apartments to the rear of "The Croft" will exacerbate the impacts by virtue of overlooking into rear garden space and bins being kept close to the mutual boundary which could be smelly during the summer.
72. Concerned about noise, dust, disturbance and traffic during construction.
73. Will harm the character and serenity of Huby.
74. Disrespectful to demolish the war memorial.
75. There are insufficient services within the village – small school and no doctors surgery.
76. The New Hall Group might not get the grants needed to complete the new hall project.
77. It will have a detrimental impact on wildlife, especially bats.
78. There will be CRB issues – sports people mixing with children's' groups.
79. The creation of another junction so close to the junction of Bell Lane, Main Street and Baston Lane would only make the existing situation more dangerous.

80. Could set a precedent for the uncontrolled development of Huby.
81. No work has been done on providing alternatives to this scheme by the group set up to look into it, in particular in applying for grants for the existing facilities.
82. Access along Robin Lane should be retained for Farm Vehicles.
83. The layout plan shows a roadway extension into the adjacent field to the west. This creates suspicion that the intention is to facilitate future development.
84. Alternative development options have not been considered.
85. Inadequate consultation has been undertaken by the New Hall Group.
86. The survey did not constitute a Neighbourhood Development Plan as prescribed by the Localism Act and therefore not have the same weight that would be given to such a plan in the Development Management Process.
87. The surveys were unbalanced and misleading.
88. The proposed development does not constitute a Neighbourhood plan as provided for in the Localism Act.
89. The developer's survey of 2012 did not constitute a referendum as required by the Neighbourhood Development Process.
90. Funding for the development of the new Community Hall is partly reliant upon the need to sell the existing Memorial Hall site for re-development. The Memorial Hall itself should be re-developed on its existing site, as a more financially and operationally viable option.
91. The New Hall Group is not representative of the village community.
92. All but one of the six tests of local opinion has shown rejection of the scheme proposals. These include The Parish Council's 2010 opinion survey, the elections to the Parish Council in 2011, 2012, and the elections to the Village Hall Committee.
93. More appropriate linear sites exist within the village – e.g. Stillington Road.
94. May cause flooding in the Tollerton Road area.
95. The application does not fully deal with tree protection.

Supporting Comments

96. The proposed development will enable young people to purchase a house within the village who otherwise would not have the opportunity to do so.
97. The majority of people against the development were not born in the village yet they are trying to prevent local people from accessing local housing.
98. The drop-off zone will result in a big improvement in road safety at school drop off times.
99. A sizeable contribution towards the school is proposed.
100. Will contribute to the cost of building the much needed new hall for the village.
101. The proposed houses are necessary to be able to build the much needed new hall.
102. The school needs extra families to continue adequate numbers to maintain viability of Huby school.
103. The development will give local people on lower incomes the opportunity to return to the village.
104. It will provide a significant number of benefits to the southern end of the village.
105. The proposed development will add vibrancy to the community.
106. An additional 70-80 people will help to sustain existing village services including the village shop, post office, 2 pubs, fish and chip shop and sports clubs.

5.0 OBSERVATIONS

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

- v) Principle & Location of New Development
- w) Design, Density & Landscape Impact

- x) Protecting Amenity
- y) Sustainable Construction
- z) Transport Issues
- aa) Drainage & Flood Risk
- bb) Ecology
- cc) Trees & Landscaping
- dd) Infrastructure & Services
- ee) Affordable Housing
- ff) Public Open Space, Sport & Recreation

Principle & Location of New Development

- 5.2 Paragraph 196 of the NPPF states that the planning system is plan-led. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan includes the Council's adopted Development Plan Documents (DPD).
- 5.3 The Core Strategy DPD designates Huby as a secondary Village within the 'Settlement Hierarchy' where "*limited development may be acceptable where it clearly supports a local need and contributes to the sustainability of the local community*". Policy CP4 explains that within 'sustainable settlements' this strategy is limited to development that clearly supports a local need and contributes to the sustainability of the local community within the 'Development Limits' or where an exceptional case can be made.
- 5.4 In principle, the provision of some market housing to provide the new Village Hall and Sports Pavilion could be acceptable under Policy CP4 as enabling the development of much needed community facilities.
- 5.5 Policy CP4 refers to development where an exceptional case is made, and there is an overarching requirement that the strategic objectives of the plan are not compromised. The NPPF is silent on how to assess the appropriateness of the level of enabling development but there are three useful recent pointers from Government.
- 5.6 Firstly, it is a requirement of Neighbourhood Plans that they be "in conformity with the strategic policies of the Local Plan". Therefore, proposals should not be of a scale or nature which would distort the spatial principles, settlement hierarchy or the delivery of key objectives.
- 5.7 Huby Parish Council is presently at the early stages of the Neighbourhood Planning process, and has designated a Neighbourhood Area for the Plan. The Neighbourhood Plan for Huby has CLG front runner funding but to date the Plan for the area has not been prepared. Huby's Plan would only be "made" once it had been through independent check, a referendum and been adopted by the Local Authority.
- 5.8 Therefore, at this present time, the Development Plan is limited to the Hambleton Local Development Framework. No weight can be attached to the Neighbourhood Planning process in the assessment of this application. Just as importantly, the proposed development is considered to be premature in relation to the neighbourhood planning process. Outside of setting strategic elements of the LDF, the Neighbourhood Plan is the most appropriate vehicle for the community to guide development and community needs. Granting planning permission for the proposed development would significantly prejudice the community planning process.
- 5.9 Secondly in the Annex 2: Glossary the NPPF provides the following definition on affordable rural exception sites which includes a helpful guiding sentence

“Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding.”

- 5.10 One of the main objectives of the LDF is to secure an appropriate scale and distribution of affordable housing. Easingwold sub area is one of the areas of highest need. Policy CP9 seeks 50% of the development be affordable. Policy CP6 supports exceptional affordable housing development outside the development limits in secondary villages and Policy CP9A supports in principle housing schemes outside but adjacent to the development Limits of the... secondary Villages where 100% affordable housing is to be provided to meet an identified local need, and where any development is small in scale.
- 5.11 The site adjoins the development limits and the affordable housing would meet an identified local need. Therefore, affordable housing is supported in principle. However, unless the District Valuer advises otherwise, the starting point should be that the requirement is for 100% affordable housing proposal and a minimum of 50%.
- 5.12 Thirdly NPPF Paragraph 173 is an important guide on viability and deliverability:-
- “Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking.... To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”*
- 5.13 The District Valuer has been asked to advise on the scheme’s viability. On the surface, the proposals would appear to offer benefits that are, pro rata, similar to those achieved on allocation site EM1 (York Road, Easingwold). However, there is a key difference. EM1 is a Phase 1 Allocation, whilst this application site is unallocated land outside of the settlement boundary. Therefore, it would not be appropriate for this site to be valued at the same level as the EM1 site. The landowner’s expectations should be lower than residential land value. Consequently, the proposed scheme should be able to deliver significantly higher benefits because the overall costs of development (including land value) should be lower – unless otherwise instructed.
- 5.14 These applications are not just for the creation of a community asset and affordable housing but for additional market housing development, which in terms of nature scale and location is contrary to the Spatial Principles and settlement hierarchy of the Core Strategy.
- 5.15 Although Policy CP4 provides for exceptional development in certain specific circumstances, at the time of writing the report the justification for the amount of market housing development proposed and the benefits offered are unsubstantiated. Furthermore, there is no ‘need’ to release this site for market housing based upon the Council’s calculations and review of 5 year supply of deliverable sites both within the Easingwold Sub-Area and on a District wide basis.
- 5.16 In light of the above considerations, there is considered to be no exceptional case to justify granting planning permission for the market housing development contrary to the LDF settlement hierarchy and Policies CP4 and CP6.

Design, Density & Landscape Impact

- 5.17 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.
- 5.18 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.”
- 5.19 The proposed scheme is considered to represent high quality design in accordance with the principles of the NPPF and the requirements of Policy DP32 of the Development Policies DPD. The proposed development represents a logical extension to the village, whilst the proposed layout reflects the existing grain of development.
- 5.20 The proposed house-types reflect the traditional character of Huby yet meet modern aspirations via the inclusion of contemporary design features. The proposed dwellings take inspiration from nearby “cottage” style dwellings with low eaves levels and red-brick dwellings with projecting gables. The proposed palette of materials will reflect the prevailing vernacular of Huby and therefore provide a visual link to the village.
- 5.21 In terms of density, the minimum range of between 30 dwellings per hectare is no longer quoted within national planning policy. Nonetheless, local planning authorities should have regard to: the characteristics of the area; the desirability of achieving high quality, well-designed housing; the current and future level and capacity of infrastructure, services and facilities; the desirability of using land efficiently and current and future levels of public transport.
- 5.22 The application site covers around 1.54ha of land and will result in a development of approximately 22 dwellings per hectare. Whilst this figure represents low density development, the proposed layout reflects the established pattern of development within Huby and allows for high quality, spacious housing with adequate car parking provision. Consequently, the proposed development is considered to be in accordance with Policy DP32 of the Hambleton Local Development Framework.
- 5.23 The Applicant has confirmed that the proposed “drop-off area” for Huby Primary School will be removed from the site layout in response to the concerns raised by NYCC Children & Young People’s Service. The land is likely to become amenity green space. Amended plans are awaited.
- 5.24 In terms of landscape impact, the site is well screened by substantial tree cover on the north, east and western boundaries of the site which limits public views in to short-distance and to residential gardens to the south. In addition, the application site is not located within a nationally important or other designed landscape. Consequently, it is envisaged that the proposed development will not appear as an intrusive feature within the landscape.

Protecting Amenity

- 5.25 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), vibration and daylight.

- 5.26 The Council applies indicative separation distances of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. This is based upon those standards contained within the time expired *Supplementary Planning Guidance Note 3: Residential Infill*. Despite this guidance being time expired, SPG3 continues to be a useful tool for assessing the likely impact of a proposed development upon residential amenity in a case by case basis. Similar guidance relating to separation distances is contained within *By Design*. Notwithstanding the usefulness of these documents, their standards should not be slavishly adhered to but professional judgement should be used on a case by case basis.
- 5.27 The nearest neighbouring dwelling is "Meadow Green" which stands on Robin Lane. The rear elevations of Plots 27 and 28 will be positioned approximately 16m away from the side elevation of "Meadow Green" which exceeds the 14m distance usually expected. The nearest neighbours with a back to back relationship to the proposed development are "The Croft", "The Coppers" and "Nest End" which all stand on Baston Lane. These dwellings will be positioned approximately 27m, 39m and 40m respectively from Plots 31 to 34, which again exceeds the 21m standard.
- 5.28 "The Croft" is likely to be the most affected neighbouring dwelling by virtue of the proposed access arrangements which will run alongside its side elevation and side garden space. The occupiers of "The Croft" will experience a change in environment as a consequence of vehicle movements along the side boundary, particularly during peak hours. Nevertheless, the loss of amenity experience can be mitigated via the construction of more robust boundary treatment alongside the highway. A new 1.8m high brick wall, in place of the existing timber fence, would reduce noise impact and improve security. This detail would be secured via planning condition. Moreover, the development will be served by a single footpath from Baston Lane and therefore pedestrians will be directed away from the side boundary of "The Croft", further reducing the impact.
- 5.29 The proposed revised layout achieves adequate levels of space about the proposed dwellings in order to avoid problems of overlooking and overshadowing between the proposed properties. The revised layout is considered to comply with Policy DP1.

Sustainable Construction

- 5.30 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.31 The 'Design & Access Statement' makes reference to mitigation of climate change and sustainable design and suggested that solar panels, air tightness in construction and enhanced levels of insulation will be pursued. However, no firm proposals put been made by the Applicant.
- 5.32 Consequently, in the event that Members are minded to grant planning permission, it is recommended that a pre-commencement condition be applied to secure a scheme for suitable design improvements and/or the installation of suitable renewable energy technologies.

Highway Safety & Car Parking

- 5.33 Concerns have been raised by local residents about the proposed development's impact on highway safety. The Local Highway Authority have considered the

application and has raised no objection in relation access arrangements, pedestrian safety or the capacity of the highway network to accommodate additional trips.

5.34 Paragraph 39 of the NPPF states that “If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.”

5.35 The proposed development contains approximately 80 car parking spaces which equates to approximately 2.35 parking spaces per dwelling. In addition, 28 garage spaces will be provided. In having regard to guidance contained within the NPPF, this level of provision is considered to be acceptable, in the interests of avoiding on-street car parking.

Drainage & Flood Risk

5.36 Policy DP43 of the Development Policies DPD outlines the Council’s approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency’s flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.

5.37 A Flood Risk Assessment & Surface Water Management Strategy (FRA) produced by iD Civils has been submitted with the application. The FRA confirms that the site falls within Flood Zone 1, and is considered at low risk of flooding. The site is not crossed by any formal watercourses; consequently there is low risk of fluvial flooding.

5.38 In terms of drainage, foul water from the development can discharge to the existing public foul sewer in Baston Lane to the south of the site. Yorkshire Water (YW) has confirmed that any connection to the foul sewer should be at a point downstream of the overflow chamber in Baston Lane.

5.39 In terms of surface water drainage, attenuated flows to the existing surface water drain may be the only solution. However, further investigations are required. Ground conditions are unlikely to be suitable for infiltration drainage (SUDS) and the nearest watercourse is approximately 160m to the south within third party land. YW will accept a restricted discharge to the existing surface water drain based on ‘greenfield rate’. The rate of runoff from the site should be restricted to pre development Greenfield rates with on-site storage and a hydro brake within the adopted system.

5.40 Should Members be minded to grant planning permission, it is recommended that pre-commencement conditions be imposed to secure an appropriate scheme for both foul and surface water drainage.

Ecology

5.41 Policy DP31 of the LDF states that ‘Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value’.

5.42 A Phase 1 Habitat Survey produced by JCA Ltd has been submitted with the application. The Survey concludes that no nature conservation designations will be impacted upon by proposed development. The desktop study uncovered records for;

1 amphibian species, 48 bird species, 5 insect species and 6 mammal species (including 2 species of bat). Bats are listed as priority species within the Hambleton BAP.

- 5.43 The intact and defunct hedgerows were found to be species poor, but will offer flowers, berries, shelter and commuting routes for a range of faunal groups including birds and bats. These have therefore been deemed to have a moderate ecological value.
- 5.44 The scattered trees are primarily mature Oaks covered in dense Ivy. Again, these trees will provide a food resource and shelter for numerous faunal species, and will also support a wide range of invertebrate life, thus encouraging foraging animals into the site. These trees have been deemed to have a high ecological value.
- 5.45 The pond in its current state is unlikely to hold water all year round. However, seasonal ponds are still important and included within the LBAP. These will still support numerous insect species and provide a source of drinking water. This habitat has therefore been deemed to have a moderate ecological value.
- 5.46 The Survey recommends that the pond, scattered trees and hedgerows should be retained within the proposed development and enhanced for wildlife. It is also recommended that all work to vegetation and buildings are completed outside of the breeding bird period (August to February). If this is not possible, a nesting bird survey must be commissioned prior to work starting. If nesting birds are found at this stage then work must be halted until all young have fledged.
- 5.47 In light of the above findings, it is recommended that a condition be imposed to any planning permission to ensure that the recommendations of the "Phase 1 Habitat Survey" are followed.

Trees & Landscaping

- 5.48 An 'Arboricultural Report' produced by JCA Ltd has been submitted with the application. The report comments that the trees on site collectively provide an excellent visual amenity to the surrounding area. Occasional specimens have a high amenity value. The trees surveyed range in age from young to mature, however the trees were predominately early mature and mature. Species surveyed include Oak, Elder, Hawthorn, Holly, Alder and Elm. The predominant species is Oak.
- 5.49 The tree survey revealed a total of 18 items of vegetation (18 individual trees). Of these, only three trees have been identified for removal for Arboricultural reasons regardless of any site development. Three of the trees recommended for removal are an Elm, Oak and Hawthorn. The Elm is unsafe whilst removal of the Oak and Hawthorn will benefit the growth of adjacent trees.
- 5.50 Elsewhere, tree pruning works are recommended for reasons of public safety, to ensure the long-term health of trees or to benefit the long-term development of adjacent trees.
- 5.51 Root protection measures are recommended along with an Arboricultural Method Statement (AMS) detailing the specific protection measures necessary for each tree. A condition should be applied to any planning permission to ensure that recommendations of the JCA Ltd 'Arboricultural Report' are carried out in full.

Infrastructure and Services

- 5.52 Policy DP5 of the Development Policies DPD on community facilities advises that support will be given to the provision and enhancement of community facilities with a view to maintaining sustainable communities. Policy DP6 on utilities and

infrastructure seeks to ensure new development is capable of being accommodated by existing or planned services

- 5.53 A number of local residents have raised concerns about the impact on existing and planned services. Whilst the concerns of local residents are acknowledged, service providers tend to adopt a reactionary to service delivery rather than a pro-active approach and generally allocate resources when the need arises. Whilst the aim of the planning system is to promote sustainable development and economic growth, it can only go so far in co-ordinating service delivery. Ultimately, it is the responsibility of service providers to plan effectively for the needs of the existing and future community.
- 5.54 As detailed within paragraph 4.5 of this report, the Local Education Authority has confirmed that 9 pupils would be generated by the development which would result in a shortfall of 11 places at the local primary school. Therefore, a contribution of £122,364 has been requested. The Applicant's has offered £108,000 towards new school places.

Affordable Housing

- 5.55 Policy CP9 specifies that housing development of 2 dwellings or more within Huby should make provision for 50% affordable housing which is accessible to those unable to compete on the local housing market. Although, the actual provision on site will be determined through negotiations, taking into account viability and the economics of provision.
- 5.56 Of the 34 dwellings proposed, 14 are to be affordable dwellings which equates to 41%. Given that this figure is below the 50% target, the Applicant has submitted a 'Viability Appraisal' to show that the development cannot deliver 50% in addition to the other s.106 contributions offered (see below). The Applicant's 'Viability Appraisal' is currently being scrutinised by the District Valuer under the Council's instructions. The DV's findings are awaited.

Public Open Space, Sport & Recreation

- 5.57 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. Contributions will be dependent on increased demand resulting from the development.
- 5.58 The indicative masterplan does not show any amenity green space on-site, however a substantial children's play area exists to the north of Robin Lane. In the absence of the on-site provision, Policy DP37 requires a financial contribution towards improving off-site provision elsewhere. A contribution of £129,004.20 is required in accordance with this policy based upon the mix of dwellings shown on the layout plan.
- 5.59 As identified within paragraph 1.2 of this report, the Applicant has offered to make a contribution of £650,000 towards the construction of a new Village Hall and Sports Pavilion, which is the subject of application ref: 12/01244/FUL, instead of making a general contribution to off-site public open space, sport and recreation facilities within the Easingwold Sub-Area. The Council's Leisure Services Officer has raised no objection to this approach on this basis that existing well-established facilities exist within close proximity to the site.

6.0 CONCLUSION

- 6.1 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be refused for the application as submitted. Depending upon the findings of the District Valuer, additional reasons for refusal may

be added in relation to the level of affordable housing and other developer contributions.

7.0 RECOMMENDATION

REFUSED for the following reason:-

1. The proposal is an unsustainable development on a site outside of the Development Limits of Huby without justified exceptional circumstances and is therefore contrary to policies CP1, CP2, CP4 and CP6 of the Hambleton Local Development Framework and will prejudice the outcome of the ongoing Neighbourhood Plan process contrary to the provisions of the National Planning Policy Framework.

Parish: Huby
Ward: Huby Sutton

Committee Date: 08 November 2012
Officer dealing: Mr Jonathan Saddington
Target Date: 24 August 2012

6.

12/01244/FUL

Demolition of the existing sports pavilion building and the construction of a new multi-use two storey building and associated vehicular access and car parking at the Sports Ground, Robin Lane, Huby for The Playing Fields Association

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Full planning permission is sought for the demolition of the existing sports pavilion building and the construction of a new multi-use two storey building and associated vehicular access and car parking at the Sports Ground located off Robin Lane, Huby. The total floor area of the proposed building is 960sqm, with a footprint of 713sqm. The current sports hall measures approximately 350sqm.
- 1.2 This planning application is submitted alongside another application for 34 dwellings on land to the immediate south of the site (ref: 12/01243/FUL). It is intended that funding to facilitate the delivery of the new Village Hall and Sports Pavilion will be provided by the Applicant arising from the residential development. This funding arrangement would be secured via a s.106 agreement.
- 1.3 The proposed multi-use building will be used for all current and future sporting and social functions for the residents of Huby and surrounding areas. It will provide showering, changing and administration resource for the sports clubs (plus visiting teams and officials) who use the sports field and new users of the Main Hall, which allows for indoor sports (e.g. leisure badminton, hockey etc). The building will be available for all existing and future groups and societies. It will also be available for one off events and private leisure bookings.
- 1.4 The internal space is comprised of separate changing rooms for two football or two cricket teams plus a referees room, disabled access, lift to first floor, function and meeting rooms, toilets on both floors, stage, stage changing room and store, large hall area plus a second Hall to allow for simultaneous events, kitchen and bar, veranda overlooking pitches, dedicated internal store rooms and an externally accessed equipment store.
- 1.5 The building has been positioned to allow easy access to the sports field. The changing and officials rooms are on the ground floor with doors to the playing field to the North. Spectators will be able to watch the field from the outside area adjacent to the changing room doors, which benefits from cover by the balcony above. The Main Hall has glazed doors and side panels facing the sports field. From the first floor spectators can watch from inside through the windows of the function rooms, or from the balcony.
- 1.6 The proposed multi-use building measures 5.5m in height to the eaves and 9m in height to the ridge. In comparison, the existing Sports Pavillion is 2.8m to the eaves and 5.5m to the ridge.
- 1.7 The building comprises two main pitched roof elements which intersect each other at 90 degrees. The Main Hall and Stage Area represents the largest of the building forms which incorporates Hall 2 by extending the roof on the Eastern elevations using a 'cat slide'. The stores which adjoin the Stage Area continue the wall lines of the Main Hall with a subservient roof of the same pitch

- 1.8 The other main element of the building is a two storey structure which intersects the Main Hall to the West. This has a subservient section for the Plant Room and Equipment Store. The main entrance to the building is a rectangular mono-pitched section with a raised angle roof section to provide elevated internal height for the reception space.
- 1.9 Walls generally are brickwork to the lower sections, with a brick soldier banding course separating the upper wall sections which will be based on rendered blockwork. Doors and windows will be of a contemporary design.
- 1.10 The existing landscape features are mostly to be retained, including mature trees and hedgerows to the southern boundary. A timber panel fence and mature hedging is on the eastern Boundary with the nearest property, 'Westriggs' which is positioned approximately 30m to the east. Elsewhere there are trees and hedges around the Sports Field site.
- 1.11 The proposals include a bund along the eastern boundary between the proposed car parking and 'Westriggs'.
- 1.12 Pedestrians and cyclists will access the site via Robin Lane whilst cars will be routed via Baston Lane through the proposed new housing development. The open area to the South of the building is to be laid out for pedestrian access, car parking, deliveries and cycle racks. The site is also adjacent to the children's play area. The layout includes windows on the first floor of the West Elevation, giving enhanced security to the play area.
- 1.13 Parking for 44 cars plus 2 dedicated disabled parking bays will be adjacent to the new building. Overspill parking will be available at the Northern end of the sports field near to the bowling club which can be reached via a track. Cycle racks will be fitted near to the main entrance of the building.
- 1.14 The application site is located towards the southern end of Huby, lying to the north of Robin Lane, which provides access from Baston Lane to a small number of existing properties, and principally the car park, existing sports pavilion and playing fields.
- 1.15 The application site is bound along its northern boundary by the sports field, whilst 'Westriggs' and its substantial garden bounds the site to the east. The western boundary of the site is bound by the existing playground and pasture land. The associated planning application site ref: 12/01243/FUL is situated beyond Robin Lane to the south.

2.0 RELEVANT PLANNING HISTORY

- 2.1 12/01243/FUL - Construction of 34 dwellings with associated car parking/garaging, new school 'drop off' area and formation of a new vehicular access. Alterations and single storey extension to existing dwelling (1 South View) (Pending determination).

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 – March 2012

- 3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied

Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development
CP2 - Access
CP3 - Community Assets
CP4 - Settlement hierarchy
CP16 - Protecting & enhancing natural and man-made assets
CP17 - Promoting high quality design
CP19 - Recreational facilities and amenity open space
CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP5 - Community facilities
DP6 - Utilities and infrastructure
DP9 - Development outside Development Limits
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP37 - Open space, sport and recreation

Other Relevant Documents

Council Plan
Hambleton Biodiversity Action Plan
Sustainable Communities Strategy

4.0 CONSULTATIONS

Huby Parish Council

4.16 Wish to see the application refused for the following reasons:-

- dd) The village of Huby was designated a secondary village and not earmarked for any development, even affordable housing.
- ee) Exception sites outside the Local Development Framework (LDF) should be for 100% affordable housing and this one is not. There are 14 affordable homes planned, which equates to only 41% of the total development.
- ff) The Parish Council does not support any development outside the LDF.
- gg) It has been claimed that Hambleton District Council has a housing shortfall. Hambleton policy and National Planning Policy Framework (NPPF) states that any shortfall should be dealt with in larger settlements, not in secondary villages.
- hh) Whether affordable housing is proposed in or adjacent to secondary villages, this should meet local needs. The general District-wide need for affordable housing should be met predominantly in the larger settlements consistent with supporting sustainable patterns of development.
- ii) “Secured by Design” principles strongly oppose parking being provided behind walls, in parking courts as it’s not secure (not overlooked) this is seen on these plans.
- jj) The two projects need to be tied together by S106 Agreement(s) particularly on time scale and payment triggers.
- kk) There is no guarantee that even if the housing estate is developed the community hall will also be developed (respective timing of the two developments has not been specified). Presumably the housing developer intends to fund the community hall from the profits of sale of the market housing which will, of necessity, therefore have

to be built first. The Parish Council is not aware of any methodology/legal procedures which would guarantee the payment towards the community hall, in these circumstances.

- ll) The Applicants (the Village Hall and New Hall Group) claim to be supporting community facilities. This claim is contrary to their previous conduct over many years, in failing to make applications for grant funding to care for the present village facilities.
- mm) We ask at what point will the money be available?
- nn) How will the £650,000 and £108,000 for school improvements be safeguarded?
- oo) The profitability figures based on the very ordinary market value houses do not add up with this amount of money to give away.
- pp) If it is to be proved to be an exception site for approval outside the LDF based on the school drop off point, affordable homes and the Hall then the Parish Council does not believe that these benefits are enough to breach the LDF policy.
- qq) The school drop off point is not useful for a primary school; it is against school policy to have unattended children on the premises before the start of the school day, parents in cars will have to park up to drop off and see their child into school.
- rr) The housing needs survey highlighted interest in 13 affordable houses. The planning policy is that normally only a half to a third of that amount would be actually provided.
- ss) The Hall application has reference to modifying road access at a later date. We don't understand what this is. How will this be achieved, whose land will be used and what for?
- tt) Why is the area marked on the enclosed plan (Annex 1) not a part of someone's garden? What is it to be used for? Who will maintain it?
- uu) In the survey of 2010- 56% of the people who voted said no to the proposal on the grounds that they did not want a large development.
- vv) There was a developer led survey of 2012, the result of this is spearheading this application. This survey did not constitute a referendum as required by the neighbourhood development process and appeared to many people to be flawed.
- ww) Many of the questions were either slanted to produce a pre-determined answer or provided no opportunity for respondents to set out contrary views.
- xx) There were many letters of concern sent to the Parish Council by members of the public about this survey.
- yy) One of the main topics of concern at Parish Council meetings has been the amount of and speed of traffic throughout the village, especially on Tollerton Road. The new access road for this 34 house development and new multi event venue enters Tollerton Road very near the school and on an already potentially dangerous bend.
- zz) Existing rights of way on Robin Lane have not been properly considered if it is to be blocked off.
- aaa) The rural character and identity of Huby must be protected.
- bbb) The Parish Council has been successful in gaining frontrunner status in order to form a Neighbourhood Plan. The Parish Council has voted on and approved this approach.
- ccc) We feel this is the way forward to try and unite a divided community on this issue.
- ddd) Work is in progress to formulate this plan.
- eee) Planning Aid are now on board providing support and we are working on publicity and a timetable for our project.
- fff) The current proposals (and their timing) run counter to the Government's Localism Agenda by pre-empting the emerging Neighbourhood Plan for Huby.

NYCC Highways

- 4.2 No objections subject to access being taken from via Baston Lane through the proposed new housing development subject to application ref: 12/01243/FUL. However, Local Highway Authority has expressed concern about access being via Robin Lane and is likely to raise an objection to the application should planning permission for application ref: 12/01243/FUL be refused.

HDC Leisure Services Officer

- 4.3 Comments that there is no public open space provision on site but has no objections to this due to the close proximity of the existing play area and sports provision.
- 4.4 Considers the proposed contributions towards the cost of the new two storey multi-purpose building and improvements to the school appear reasonable
- 4.5 Huby has yet to produce a POS, Sport and Recreation Action Plan so not aware of additional recreation need at this moment in time.

Yorkshire Water

- 4.6 No objections subject to the following conditions: the development being served by separate systems of drainage for foul and surface water; details of the proposed means of disposal of foul and surface water drainage being submitted for approval; no piped discharge of surface water from the application site and surface water from vehicle parking and hardstanding areas being passed through an interceptor of adequate capacity.
- 4.7 Foul water domestic waste should discharge to the 150mm diameter public foul water sewer recorded at the junction of Chapel Court and Main Street, at a point approximately 184m from the site.
- 4.8 The local public sewer network does not have capacity to accept any additional discharge of surface water from the proposal site. Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hardstandings, may be a suitable solution for surface water disposal that is appropriate in this situation. Alternatively, surface water may discharge to the public sewer network (subject to some evidence that other means of surface water disposal have been considered). Discharges to the public sewer must be on a like for like basis and take into account climate change.

Police Architectural Liaison Officer

- 4.9 Recommendation 1 – that doors and windows confirm to enhanced security standards.
- 4.10 Recommendation 2 – installation of an alarm system and locking of changing rooms during matches.
- 4.11 The entrance track should be widened to accommodate two vehicles passing in opposite directions.
- 4.12 The car park should be signed in order to prevent unauthorised parking.
- 4.13 Recommendation 5 – that the site during construction has a 2.3m hoarding and that builders cabins are alarmed.

Sport England

- 4.14 Does not wish to raise an objection to this application.

Network Rail

- 4.15 Confirmed no observations.

Publicity

- 4.16 The application was advertised within local press, by site notice and directly to the neighbouring residents. The consultation period expired on 30th August 2012. 41 individuals have objected to the proposal whilst 70 people have written in support of the application. The representations received are summarised as follows: -

Objections

107. The proposed development is on Greenfield land outside of the development limits.
108. Contrary to the Local Development Framework. The site is not allocated for new housing development.
109. Additional significant growth would result in the loss of the village's rural integrity and this particular application will increase the village by up to 10 percent.
110. Huby is not a Service Village.
111. An exceptional case for development has not been made.
112. Out of scale and character of village.
113. The village will lose its open aspect.
114. There is no need for the development. Large detached houses have been on the housing market for months which reflects the current situation.
115. The existing sewerage and drainage system will be unable to cope.
116. Drains already cause flooding.
117. Traffic generated by the development will exist onto a very busy road near a school and cause congestion at peak times creating a hazard to children and parents.
118. The school is already full.
119. The number of houses proposed is far more than that identified in the housing survey conducted in 2010, and the ratio of affordable houses is less than that imposed by previous district council advice.
120. Its location immediately behind the village primary school will completely alter the "village" aspect of that school.
121. Will result insecurity problems for the school.
122. Will take up land that the school might need for expansion.
123. Local residents are against the development.
124. The New Hall Group has not engaged effectively with the Parish Council about plans for the village.
125. The New Hall Group misrepresented the size of the proposed development which resulted in a very small 53% in favour.
126. Dispute the validity of the village survey.
127. The initial survey carried out by the New Hall Group did not achieve a majority.
128. The second survey carried out by the New Hall Group was highly dubious and undemocratic. The NHG used the same independent firm as did the parish council but the same rigorous and fair standards were not applied.
129. The Parish Council should be given the opportunity to complete the Neighbourhood Plan which has front runner grant funding.
130. The Parish Council commissioned an independent market research company to survey the village on this proposal. The outcome was that just over half of the village are against the proposal.
131. Granting planning permission would prejudice the outcome of the Neighbourhood Plan.
132. There is a blind bend within a few yards of the access road.
133. Traffic generated by the development will be at conflict with pedestrians, horse riders and cyclists using Robin Lane.
134. The drop-off area is not work as it requires parental supervision and is out of sight from the school buildings.
135. The proposed development should be 100% affordable housing to comply with policy CP4 as an exception.

136. Huby Parish Council has not carried out a housing needs survey.
137. The Hambleton District Council Housing Needs Survey identified a need for 13 affordable homes not 23 as stated.
138. The occupants of 1 South View will access their property via a narrow pavement. Is this sufficient?
139. Is the main access road wide enough for two cars?
140. The village has never had the chance to discuss a two hall solution, as the New Hall Group, which is not a representative community group, has pushed one idea without discussion.
141. The New Hall group consists of a handful of people who are unaccountable to the village at large, as no meetings are held in public and membership is not open to others.
142. Huby has been fortunate in being given a government grant of £20,000 to pursue a Neighbourhood Development Plan. Apparently an NDP takes precedence over the work of a developer and his planning application under the recent Localism Act. A survey paid for by a developer does not override the referendum required by the NDP.
143. The proposed access road leading onto Baston Lane will create a greater traffic hazard at the start and end of the school day. The presence of parked vehicles on Baston Lane before and after school acts as a traffic calming measure as the road is then passable in only one direction at a time. No other measure would work better than the present situation and could even produce a worse situation.
144. There has been no recent traffic survey to establish the volume of traffic along Baston Lane while the addition of 34 properties on this site would surely increase that volume significantly.
145. The proposed main access will be built adjacent to "The Croft". This will run the length of the side boundary only a few metres from the house. Developers should mitigate effect on privacy and amenity and the resulting noise and disturbance. Apartments to the rear of "The Croft" will exacerbate the impacts by virtue of overlooking into rear garden space and bins being kept close to the mutual boundary which could be smelly during the summer.
146. Concerned about noise, dust, disturbance and traffic during construction.
147. Will harm the character and serenity of Huby.
148. Disrespectful to demolish the war memorial.
149. There are insufficient services within the village – small school and no doctors surgery.
150. The New Hall Group might not get the grants needed to complete the new hall project.
151. It will have a detrimental impact on wildlife, especially bats.
152. There will be CRB issues – sports people mixing with children's' groups.
153. The creation of another junction so close to the junction of Bell Lane, Main Street and Baston Lane would only make the existing situation more dangerous.
154. Could set a precedent for the uncontrolled development of Huby.
155. No work has been done on providing alternatives to this scheme by the group set up to look into it, in particular in applying for grants for the existing facilities.
156. Access along Robin Lane should be retained for Farm Vehicles.
157. The layout plan shows a roadway extension into the adjacent field to the west. This creates suspicion that the intention is to facilitate future development.
158. Alternative development options have not been considered.
159. Inadequate consultation has been undertaken by the New Hall Group.
160. The survey did not constitute a Neighbourhood Development Plan as prescribed by the Localism Act and therefore not have the same weight that would be given to such a plan in the Development Management Process.
161. The surveys were unbalanced and misleading.
162. The proposed development does not constitute a Neighbourhood plan as provided for in the Localism Act.
163. The developer's survey of 2012 did not constitute a referendum as required by

the Neighbourhood Development Process.

164. Funding for the development of the new Community Hall is partly reliant upon the need to sell the existing Memorial Hall site for re-development. The Memorial Hall itself should be re-developed on its existing site, as a more financially and operationally viable option.
165. The New Hall Group is not representative of the village community.
166. All but one of the six tests of local opinion has shown rejection of the scheme proposals. These include The Parish Council's 2010 opinion survey, the elections to the Parish Council in 2011, 2012, and the elections to the Village Hall Committee.
167. More appropriate linear sites exist within the village – e.g. Stillington Road.
168. May cause flooding in the Tollerton Road area.
169. The application does not full deal with tree protection.

Supporting Comments

170. The proposed development will enable young people to purchase a house within the village who otherwise would not have the opportunity to do so.
171. The majority of people against the development were not born in the village yet they are trying to prevent local people from accessing local housing.
172. The drop-off zone will result in a big improvement in road safety at school drop off times.
173. A sizeable contribution towards the school is proposed.
174. Will contribute to the cost of building the much needed new hall for the village.
175. The proposed houses are necessary to be able to build the much needed new hall.
176. The school needs extra families to continue adequate numbers to maintain viability of Huby school.
177. The development will give local people on lower incomes the opportunity to return to the village.
178. It will provide a significant number of benefits to the southern end of the village.
179. The proposed development will add vibrancy to the community.
180. An additional 70-80 people will help to sustain existing village services including the village shop, post office, 2 pubs, fish and chip shop and sports clubs.

4.17 The above representations have been made in the context of both this application and application ref: 12/01423/FUL being considered together. The following observations relate specifically to the proposed multi-use building:-

181. The scale of this building is completely out of keeping with the needs of the village.
182. A smaller amount of money would enable the two existing facilities (the village hall and the sports pavilion) to be replaced on their current sites within their current building footprints. This would satisfy the needs of the groups that would use the facilities in a more flexible manner and avoid potential issues with a share access building particularly when events for young children are being held.
183. The proposed site is unsuitable as the proposed access road crosses an existing bridleway which is frequently used by horse riders and farm vehicles.
184. Traffic movements of approximately 50 plus cars and delivery vans would cause a significant hazard to the users of Robin Lane.
185. A large car park for 44 cars (plus overspill at the Bowling Club) would be an unsightly adjunct to Robin Lane and not in keeping with its rural nature.
186. A pavilion on this scale is out of keeping with the size of the village.
187. The building would rival the Galtres Centre or York Sports Pavilion at Clifton.
188. 18 toilets is excessive and a security risk.
189. The village hall part of the new building is the same size as the existing hall, but will be windowless down the sides, with only one window at one end. This

- would be very uncomfortable on a busy evening as at the recent Jubilee event at the existing hall. It is in effect, a badminton hall.
190. The location is the right one for a sports pavilion though the old one needs to be rebuilt. But it is the wrong site for a village hall as most people would have to drive to it, especially in winter. Who would walk down Robin Lane on dark nights in winter? The existing Main St site is far better as it is central and can be walked to. There is no need to search for a new site, although the old hall would need to be rebuilt.
 191. The multi-use idea is not proven. Even at the Galtres Centre, the sports section and theatre or social sections of the building are separated from each other, and do not have to double up as in this plan, with consequences for cleaning, caretaking etc.
 192. Most people want to keep the memorial Hall use money to maintain and do up both sites Childrens group should have sole use with CRB checked helpers.
 193. Relies on £350,000 of grants they might not get and then we will have even more houses.
 194. There are better places to have a village hall central in the village instead of down a dark lane where there are already problems with drink, drugs, traffic and antisocial behaviour.
 195. Have grave concerns about the future cost for a development of this size, I believe the business plan submitted is far to optimistic on the running costs and maintenance cost when out of the warranty period.
 196. The proposal to bollard Robin Lane off, which is a well used bridleway with routes to Haverbreaks Lane and round to Tollerton Road. Access for the land would have to be through the proposed new development.
 197. The larger footprint of the proposed building and the larger car park would put more strain on the already stretch surface water drainage system.
 198. The actual Hall space is smaller than the one we have now because there will be no annexe off to the side. Garden not enclosed. Would be unsafe for a playgroup etc.
 199. The amenities of neighbouring properties would be greatly affected by greatly increased traffic, the noise that comes with the traffic, light pollution from headlights shining into gardens and increased lighting around the whole building.
 200. Loss of amenity to neighbours.
 201. Not convinced that this is the sole option for the village.
 202. A two storey building is out of character with this open area.
 203. In this Olympic year when so much emphasis is placed on sporting legacy it is shocking to see the appalling condition of the facilities endured by the very active sporting fraternity at Huby. This improvement would go a long way to ensure the various sporting and vocational groups in the village enjoy a positive future.
 204. The current community facilities are no longer sustainable (either physically or commercially) and have, at best, 3 to 5 years before they close, this application has to be successful or the many clubs and societies operating in our village will either fold or move to other locations. This proposal presents an opportunity for those clubs and societies to not only survive but thrive so that they can continue their good work for the benefit of our community and the wider community. This application (together with the enabling development) represents a 'one off' opportunity to provide our village with a community facility to be proud of and one which will serve our community for several generations to come.
 205. Being a regular user of the current facilities both here at Huby and at other sport locations such as Crayke Sports Club and Easingwold Football Club. The standard between those and the current facilities at Huby is vast.
 206. The 18 and more societies that meet in the village need a place fit to use. We need houses that young people with families can afford if the village school is going to continue into the future. The many young people with sporting talent need a decent pavilion where their abilities can be nurtured. The village shop

and post office will be lost if there are no young people to replace the ageing community.

207. It is essential to the future existence of, not only the football and cricket clubs in Huby, but all the clubs e.g. cubs, scouts, beavers, brownies, guides, am-drams, karate.

5.0 OBSERVATIONS

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

- gg) Principle & Location of New Development
- hh) Design
- ii) Protecting Amenity
- jj) Drainage & Flood Risk
- kk) Ecology
- ll) Transport Issues

Principle & Location of New Development

5.2 Paragraph 196 of the NPPF states that the planning system is plan-led. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan includes the Council's adopted Development Plan Documents (DPD).

5.3 The adopted Core Strategy DPD designates Huby as a secondary Village within the 'Settlement Hierarchy' where "*limited development may be acceptable where it clearly supports a local need and contributes to the sustainability of the local community*". Policy CP4 explains that within 'sustainable settlements' this strategy is limited to development that clearly supports a local need and contributes to the sustainability of the local community within the 'Development Limits' or where an exceptional case can be made.

5.4 In addition, Policy CP3 states that "*Support will be given to proposals and activities that protect, retain and enhance existing community assets, or lead to the provision of additional assets that improve community well-being.*" This is further expanded upon in Policy DP5 Community Facilities which adds support "*...where these constitute important contributions to the quality of local community life and the maintenance of sustainable communities.*" Therefore the provision of the village hall proposal in Huby is supported in principle by the Local Development Framework (LDF).

Design

5.5 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.

5.6 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."

5.7 The design concept of the proposed development is generally acceptable and represents a relatively good standard in terms of external appearance,

commensurate with the image the Council would wish to support for new community and recreations uses within the District. The use of modern construction techniques such as: feature windows, glazed panels, rendered sections and glazed balconies provide a modern appearance and help to reduce the building's overall massing.

- 5.8 The siting and design of the buildings have been selected in order to appropriately accommodate the building in the context of the site's characteristics. An adequate landscape buffer has been retained between the proposed buildings and the surrounding agricultural land. Sufficient space exists on site for the provision of staff and visitor car parking, cycle parking and servicing.
- 5.9 In light of the above considerations, the proposed scheme is considered to represent high quality design in accordance with the principles of the NPPF and the requirements of Policy DP32 of the Development Policies DPD.
- 5.10 In terms of landscape impact, the site is well screened by substantial tree cover on the southern and western boundaries of the site whilst existing dwellings to the east limit public views in to short-distance. In addition, the application site is not located within a nationally important or other designed landscape. Consequently, it is envisaged that the proposed development will not appear as an intrusive feature within the landscape.

Protecting Amenity

- 5.11 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), vibration and daylight.
- 5.12 The nearest neighbouring dwelling is 'Westriggs' which stands approximately 30m to the east. A timber panel fence and mature hedging currently stands on the eastern boundary. The proposals include for a turfed bund along the eastern boundary between the proposed car parking and 'Westriggs'. This is to provide a barrier for both sound and also to prevent car headlights affecting 'Westriggs' during the night use of the New Hall. In addition, the main elevations of the proposed building are orientated to face away from the 'Westriggs' and, as a consequence, there will be no direct views from new windows into 'Westriggs'.
- 5.13 In light of the above considerations and proposed mitigation, the proposed layout is considered to comply with Policy DP1.

Drainage & Flood Risk

- 5.14 Policy DP43 of the Development Policies DPD outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.
- 5.15 A Flood Risk Assessment & Surface Water Management Strategy (FRA) produced by iD Civils has been submitted with the application. The FRA confirms that the site falls within Flood Zone 1, and is considered at low risk of flooding. The site is not crossed by any formal watercourses; consequently there is low risk of fluvial flooding.
- 5.16 In terms of drainage, foul water can discharge to the 150mm diameter public foul water sewer recorded at the junction of Chapel Court and Main Street, at a point approximately 184m from the site.

- 5.17 The local public sewer network does not have capacity to accept any additional discharge of surface water from the proposal site. Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hardstandings, may be a suitable solution for surface water disposal that is appropriate in this situation. Alternatively, surface water may discharge to the public sewer network (subject to some evidence that other means of surface water disposal have been considered). Discharges to the public sewer must be on a like for like basis and take into account climate change.
- 5.18 Should Members be minded to grant planning permission, it is recommended that pre-commencement conditions be imposed to secure an appropriate scheme for both foul and surface water drainage.

Ecology

- 5.19 Policy DP31 of the LDF states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'.
- 5.20 A Phase 1 Habitat Survey produced by JCA Ltd has been submitted with the application. The Survey concludes that no nature conservation designations will be impacted upon by proposed development. The desktop study uncovered records for; 1 amphibian species, 48 bird species, 5 insect species and 6 mammal species (including 2 species of bat). Bats are listed as priority species within the Hambleton BAP.
- 5.21 The amenity and improved grassland areas were both species poor and regularly maintained to a short length. These habitats will offer limited foraging opportunities to species such as Blackbird and Starling, but overall have been deemed to have a low ecological value.
- 5.22 The existing cricket pavilion is in a poor state of repair offering potential for roosting bats and nesting birds. As this building is to be demolished to facilitate development, further bats surveys are recommended. The first bat survey that should be commissioned on the site should be a detailed scoping survey and desktop study, aimed at looking for signs of previous bat roosts and assessing the site potential for supporting bat roosts. The trees covered in dense Ivy also have a low potential for bat roosts and the hedgerows may be used for commuting. These features should therefore be retained.
- 5.23 In light of the above findings, it is recommended that a condition be imposed to any planning permission to ensure that the recommendations of the "Phase 1 Habitat Survey" are followed.

Transport Issues

- 5.24 Policy DP4 of the adopted Development Policies DPD states that "Development proposals must ensure safe and easy access is available to all potential users..."
- 5.25 The Local Highway Authority has raised no objection subject to access being taken from Baston Lane via the proposed new housing development (ref: 12/01243/FUL). However, in the event that planning permission is refused for the residential scheme, the only available vehicular access to the site would be along Robin Lane. The Local Highway Authority has concern about this alternative arrangement on the grounds that the Robin Lane is a narrow unlit and unmade track. Cars would be unable to pass side by side result in a wholly unsatisfactory position of the Lane becoming blocked during busy times, which is likely to result in stationary vehicles on the main village street whilst waiting to turn into Robin Lane. In addition, Robin Lane is a

bridleway frequently used by horses and their riders, pedestrians and cyclists. Increased vehicle movements along Robin Lane, at the scale proposed, would result in conditions prejudicial to highway safety.

5.26 Paragraph 39 of the NPPF states that “If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.”

5.27 The proposed development contains approximately parking for 44 cars plus 2 dedicated disabled parking bays. Having regard to guidance contained within the NPPF, this level of provision is considered to be acceptable, in the interests of avoiding on-street car parking elsewhere within the village.

6.0 CONCLUSION

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

7.0 RECOMMENDATION

REFUSED for the following reason:-

1. Access to the site along Robin Lane is likely to result in conditions prejudicial to highway safety contrary to Policy CP1 and Policy DP4 of the Local Development Framework which seeks to ensure that safe and easy access is available to all potential users of the proposed development.

Parish: Northallerton
Ward: Northallerton Central

Committee Date : 8 November 2012
Officer dealing : Miss A J Peel
Target Date: 3 October 2012

7.

12/01570/FUL

**Change of use of a leisure plot to a private gypsy site for one family.
at Field East Of Hailstone Moor Bullamoor North Yorkshire
for Mr P Lovell.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application seeks consent for change of use of a leisure plot to a private gypsy site for one family. The site will utilise the existing vehicular access, provide 3 parking spaces, a hardstanding for a static caravan and a touring caravan, private amenity space and a paddock area.

1.2 The site is located on Scholla Lane in Bullamoor. The application site is formerly agricultural land but received a certificate of lawfulness for use as a leisure plot in December 2004. The land currently resembles a domestic garden and contains children's play equipment, garden sheds and patio furniture. There is screening to the boundaries with hedgerows approximately 3 metres high.

2.0 RELEVANT PLANNING HISTORY

2.1 2/04/110/0180A - Application for a Certificate of Lawfulness. Granted 21 December 2004.

2.2 06/01476/OUT - Outline application for the erection of six log cabins. Refused 22 August 2006. Appeal dismissed 29 March 2007.

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Development Policies DP1 - Protecting amenity
- Core Strategy Policy CP2 - Access
- Development Policies DP4 - Access for all
- Core Strategy Policy CP4 - Settlement hierarchy
- Development Policies DP9 - Development outside Development Limits
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Development Policies DP14 - Gypsies and travellers' sites
- 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

4.0 CONSULTATIONS

4.1 Parish and Town Councils;

Osmotherley Parish Council – It has been brought to my attention that a planning application has been submitted under the above ref No to develop a Gypsy site on a greenfield site on the border between the parishes of Northallerton and Sowerby under Cotcliffe or Kirby Sigston.

I have been approached both by residents of the parishes concerned and by a Member of Osmotherley Area Parish Council all of whom have strong objections to this planning proposal. The grounds against the proposal include the inadequate location, the potential that this will not remain within its current boundaries and the fact that none of these parishes have identified that site or any other site within that part of Hambleton as being suitable to provide for a development for this community.

Currently the proposal is for one temporary or transient type dwelling. Recent planning history would indicate that temporary or similar homes are not permitted as was the case when a near neighbour submitted a plan to erect a small number of similar homes on a redundant Poultry unit. If one application can be rejected then this application must be viewed in a similar vein and also be rejected. We trust that the same planning principles will apply in this instance and that your Officers and the Planning Committee will be like minded with this proposal, received 21 August 2012.

Osmotherley Parish Council – Revised plans relating to amended parking and turning area - it is considered that this site is not a suitable location for a Gypsy site of any category and that this application should be refused, received 9 October 2012.

Northallerton Town Council - Wishes to see the application refused for the following reasons;

- a) The site is in an inadequate location
 - b) Highway access concerns
 - c) The site is not sustainable and will inevitably exceed one family occupation
 - d) Gypsy families are usually large and therefore the site will be quickly fully occupied
 - e) Concerned about the number of neighbourhood complaints verbally to local Councillors,
- received 19 September 2012.

Northallerton Town Council - Revised plans relating to amended parking and turning area – Wishes to see the application refused, received 18 October 2012.

4.2 NYCC Highways – The Highway Authority has previously raised concerns in relation to the parking layout and the access arrangement for this proposal. The applicant's agent has provided a revised layout showing an acceptable parking layout however the concerns with regard to accessing the site remain as the gates are opened and closed. A condition is attached for details to be submitted, approved and implemented to alleviate this issue, received 26 October 2012.

4.3 Environmental Health – With regard to the above application, as my previous concerns appeared now to have been answered, i.e.

- a) Specifications of a septic tank have been received.
- b) Confirmation that mains electricity is to be installed and no generators will be used on site
- c) Confirmation that arrangements are to be made with the council for the collection of household waste.

I would now have no objections to the proposal, received 3 October 2012.

4.4 Allertonshire Civic Society – Would like to see the application refused. Submitted the following comments;

- a) Concerned about the scale of “one Gypsy or Traveller family”.
- b) No provision for rubbish disposal.
- c) Availability on other traveller sites within the area.
- d) No compatible with the surrounding area.

4.5 Neighbours consulted and site notice posted – Several site notices have been displayed at the site but have been removed or re-sited. The Planning Officer replaced the notices on 3 occasions and consulted neighbours in a wider area. The following comments have been submitted:

- a) The site is too small/narrow.
- b) There are no mains water, electricity or sewage system.
- c) Highway safety, access, vehicle parking, visibility, narrow road, blocking of highway by vehicles, use of larger vehicles, increase in traffic.
- d) The proposal would set a precedent for other families to join the site.
- e) No objections to the proposal.
- f) It's better than having Gypsies on the side of the road.
- g) It will be good to see some diversity.
- h) What does one family mean? Potential expansion.
- i) Hailstone Moor is a small hamlet in a Conservation Area and should remain so.
- j) How will occupancy numbers be restricted?
- k) The site will not be for someone who is local to the area.
- l) The site already creates problems with burglaries, fires, horns blasting, excess traffic, car parked in passing points for long periods, dogs barking all night and RSPCA visits. These problems would be further exacerbated.
- m) Concerns regarding refuse disposal, "fly tipping", untidy site.
- n) It would cause worry for elderly residents near to the site.
- o) New housing development will not be granted in Sowerby Under Cotcliffe.
- p) In this area new dwellings are only allowed in relation to agriculture. This will allow for a total change in policy.
- q) The supporters of this application do not live in the area and would not be affected by the development.
- r) The site is rural, isolated, no street lighting, no pavements, no access to public transport, dependency on cars.
- s) No provision of a children's play area in or close to the site.
- t) The proposal would, rather than integrate a traveller family, it would serve to further isolate them.
- u) Where will the horses be kept? Will they be tethered to the roadside? Safety for other horse riders and road users.
- v) Visual impact of the development. Will the hedgerow be removed or lowered?
- w) Does not comply with Planning Policy for Traveller Sites.
- x) New entrances require permission.
- y) Certificate of lawfulness only valid until December 2009.
- z) There is a need for sustained living for the travelling community.
- aa) Vehicles can park inside the property. The neighbours park on the highway. This is no different.
- bb) Horses can be kept in side the site and not tethered to the highway. There is another horse breeder in the area.
- cc) Gypsy and Travellers should not received special treatment, there needs should be balanced against those of the settled community.
- dd) This application submitted by a private individual and not a gypsy or traveller.
- ee) Is there a need for a Gypsy site in the area.
- ff) Gypsy and travellers prefer to live in organised communities rather than single family sites.
- gg) The traveller community, other interested parties and local authorities should determine the location and size of any site or community.
- hh) A soakaway would not work.
- ii) Discrepancies in the PALC form.
- jj) The site is within the Special Landscape Area, previous application refused due to visual impact. Have the planning laws changed?
- kk) Impact on the value of properties.

5.0 OBSERVATIONS

5.1 The main issues for consideration are detailed within the policies of the Hambleton Local Development Framework, as identified above, and relate in this case to: the need for additional gypsy accommodation; the principle of a creating a gypsy site in this location; visual impact on the landscape; whether the site provides an acceptable living environment; highway safety; and impact on the amenity of local residents.

5.2 Planning Policy for Traveller Sites paragraph 13 states 'rural exception sites should only be used for affordable traveller sites in perpetuity. A rural exception site policy should seek to address the needs of the local community by accommodating households who are either current residents or have existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities'.

5.3 The Hambleton District Council Traveller Housing Needs Study (September 2012) identified that there would be a net requirement of 26 new pitches from 2012-2027. There is likely to be a net growth in household numbers of 11 due to household formations, 15 pitches are for private sites and address current unauthorised developments and encampments as well as likely future household formation from the current local households. Of the 15 pitches, there is a district wide need for 9 pitches in the period 2012-2017, 3 in the period 2017-2022 and 3 in the period of 2022-2027. The reason for the higher immediate requirement is the need to address the current unauthorised sites in Hambleton.

5.4 The site lies outside the development limits of a sustainable settlement and is within the open countryside. Consequently, there is a strong presumption against new residential development on the site except for exceptional cases or for use by certain types of occupier. Policy CP4 and DP14 allow the establishment of gypsy sites outside development limits where certain criteria are all met, in particular where the scale, location or type of existing provision is inadequate. The criteria within Policy DP14 states that sites should be located within reasonable distance of service and community facilities within or close to a Service Centre or Service Village; provide an acceptable living environment; be of an appropriate size; have a safe and convenient access to the road network; avoid creating demonstrable harm to the amenity of existing communities and surrounding environment; not be located on contaminated land.

5.5 The principle of creating a gypsy site in this location; the application site is outside development limits and is located approximately 1.8 km from Northallerton. Northallerton has been designated as a Service Centre within the Settlement Hierarchy and there is access within the town to services such as schools, pubs and shops. A recent appeal decision (Ref: APP/G2713/C/11/2150467) at Land at Moor Lane, Bagby concluded that although Bagby is approximately 5 km from Thirsk, the nearest settlement within the CP4 hierarchy, a single family site would not create excessive vehicle movements and the development was acceptable on sustainability grounds. Other sites within the district such as Easby Road, Stokesley and Hillside View, Tame Bridge are at similar distances from nearby settlements. Furthermore, the site is within close proximity to Scholla Lane, regularly used by dog walkers and people undertaking leisure activities, and this route provides pedestrian or cycling access to Northallerton. It is therefore considered that this proposal is acceptable in terms of location and sustainability. The proposal therefore complies with Policy DP14 criteria (i).

5.6 With regard to scale of the development and living conditions; the site is a suitable size for one gypsy family as proposed. There is sufficient room for a caravan, associated vehicles, buildings, parking, private amenity space, allowing sufficient space for children to play, and a paddock for any horses. A site for one gypsy family is an appropriate scale for the size and scale of the neighbouring communities. It is considered that the site would provide an acceptable living environment. The proposal therefore complies with Policy DP14 criteria (i) and (ii). There are concerns from nearby neighbours regarding the size of families and the number of residents on the site. A condition can be attached to any approval to control the number of caravans on site at any one time. It is normal practice for the condition to state one static caravan and one touring caravan. It should also be noted that the site is for one gypsy family and any expansion to this, including any additional infrastructure or caravans, would require planning permission.

5.7 In terms of highway safety; the site is accessed off a narrow single track road and there are concerns from the nearby residents that the proposed use will impact upon highway safety. During the Planning Officer's site visits it was noted that the road was not intensively used but there was the occasional dog walker and passing vehicle. The existing leisure plot is already accessed on a regular basis and whilst vehicle movements to a residential site

may be greater it is felt that movements will not be so significant to impinge on highway safety. There are concerns from interested parties regarding the types of vehicles which are likely to access the site and use the nearby road network. At present the road network is currently used by large vehicles, particularly those from nearby farms, without blocking the roads or creating highway safety issues. It is therefore considered that any larger vehicles such as caravans or horse trailers are unlikely to cause significant highway problems. The Highway Authority has previously raised concerns in relation to the parking layout and the access arrangement for this proposal. The applicant's agent has provided a revised layout showing an acceptable parking layout however the concerns with regard to accessing the site remain as the gates are opened and closed. NYCC Highways have suggested a condition is attached for details to be submitted, approved and implemented to alleviate this issue.

5.8 With regard to visual impact and the effects on local residents; it is acknowledged that the prospect of land being used for a gypsy site can cause tensions in a local community. There are neighbouring properties near to the site, the closest being Ashgrove to the south west of the site. It is considered that whilst a residential use for one gypsy family will create an intensification of use, it is felt that the disturbance will not be so significant as to unacceptably harm the amenities of the nearby neighbours. Furthermore, the site is a long narrow strip where the hardstanding, caravans and amenity space is to be sited at the northern end, with the paddock area to the southern end. It is considered that this will assist in reducing any noise from the domestic use. The Environmental Health department have raised no objections to the proposal. It is noted that specifications of a septic tank have been received and are considered acceptable, mains electricity is to be installed and no generators will be used on site, and arrangements are to be made with the council for the collection of household waste. The site is not located within a Conservation Area or Area of Outstanding Natural Beauty. A number of interested parties have made reference to the site being within a Special Landscape Area, land designated as a Special Landscape Area was detailed within the redundant District Wide Local Plan and does not form part of the adopted Local Development Framework. Nevertheless, the visual impact of the proposal upon the surrounding countryside and any detrimental effect it may have upon the immediate environment and any important long distance views needs assessing. The site is well screened by existing landscaping and there are a number of existing buildings already located within the site. These buildings are reasonably well screened and do not have an unacceptable impact upon the surrounding countryside. A condition can be attached to any approval to prevent the removal and reduction in height of the boundary hedgerows. It is considered that any new buildings would not be alien or particularly prominent features within the landscape and that the proposal would not have an unacceptable impact upon the countryside surroundings.

5.9 The Environmental Health department have raised no objections to the application regarding land contamination. The proposal therefore complies with Policy DP14 (vi).

5.10 Given that there is a district wide need for 9 pitches and this in an immediate need to address the current unauthorised sites in Hambleton, and that Planning Policy for Traveller Sites seeks to address the needs of the local community by accommodating households who are either current residents or have existing family or employment connections, it is considered appropriate to attach a condition to ensure that the site is occupied by a person with local connections.

SUMMARY

It is considered that the proposal is acceptable as the site will provide a sustainable private gypsy site for one family in accordance with the Development Plan policies noted above, the Planning Policy for Traveller Sites and the findings of the Hambleton District Council Traveller Housing Needs Study.

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 received by Hambleton District Council on the 27 July 2012, 8 August 2012 and 18 September 2012 unless otherwise agreed in writing by the Local Planning Authority.
3. The number of caravans on the site shall be restricted to no more than one static caravan and one touring caravan.
4. The occupation of the static caravan hereby approved shall be restricted to a single gypsy family.
5. The land hereby approved shall not be used other than as a residential gypsy site, as defined within Planning Policy for Traveller Sites, and for the keeping of horses for domestic and/or hobby use in conjunction with the gypsy residential use of the site, and not for any other type of domestic or business use.
6. 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.
7. No part of the existing boundary hedge along all boundary(ies) of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 3 metres other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.
8. Prior to development commencing, details of the static caravan, including siting, appearance and colour of external surfaces shall be submitted to and approved in writing by the Local Planning Authority.
9. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
10. 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(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (i) The details of the access shall have been approved in writing by the Local Planning Authority.
 - (ii) Any gates or barriers shall be erected so that they shall not be able to swing over the existing highway.
 - (vi) The final surfacing of any private areas within the site shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (i) a vehicular access large enough to allow a vehicle to pull off the carriageway whilst the gates are being locked/ unlocked.

12. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

13. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on HN/12/002/003/A for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

14. 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. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

15. No person or persons shall occupy all or any part of the Gypsy site hereby approved unless he/she is a person in need or such accommodation and who immediately prior to the granting of this planning permission: a) has been ordinarily resident within the District of Hambleton for a period of at least twelve months; or b) has a mother, father, son or daughter or some other relative or carer approved in writing by the Local Planning Authority who has been ordinarily resident in the District of Hambleton for at least twelve months; or c) is employed within the District.

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) CP16, DP30, CP17 and DP32.

3. To safeguard the character of the area and the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP16, DP1 and DP30.

4. To safeguard the character of the area and the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP16, DP1 and DP30.

5. To ensure the site is occupied in association with the use of the site as a gypsy caravan site, safeguard the character of the area and safeguard the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP4, CP8, CP16, DP1, DP9, DP14 and DP30.
6. In the interests of the visual amenities of the locality in accordance with Policies CP16 and DP30 of the Hambleton LDF.
7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
8. To safeguard the visual amenities of the area.
9. In the interests of highway safety.
10. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
11. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
12. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
13. To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
14. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
15. To ensure that the site is occupied by a person(s) with local connections in order to meet the needs of the local Gypsy and Traveller community.

Parish: Romanby
Ward: Romanby

Committee Date : 8 November 2012
Officer dealing : Mr J E Howe
Target Date: 13 November 2012

8.

12/01942/FUL

**Alterations & extensions to existing dwelling & garage.
at 31 Harewood Chase Romanby North Yorkshire DL7 8FX
for Mr & Mrs D Barber.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the construction of a two-storey rear extension together with extensions to an existing single garage to form a brick built utility room to the 'garden' elevation and an attached store to the estate road elevation. The garage itself is to be extended in width by one metre. In addition a 1.8m high boundary wall to part of the dwelling's northern curtilage with timber gates on the drive will also be constructed. Matching brickwork, concrete tiles and white upvc windows will be used. A previous permission for the rear extension and garage extension was granted in 2005 but was not implemented.

1.2 The rear extension will project by 3.7m and key into the main roof 1.2m below the existing ridge level. It contains a sun/garden room to the ground floor and an additional bedroom to the first floor. An existing bathroom, which loses its window as a result of the construction of the new bedroom, will now be served by a new window in the northern elevation although this will be obscurely glazed and fitted with a restricted opening mechanism to protect adjacent amenity. The extension will contain 'dummy' recessed windows at ground and first floor levels to break up the mass of the northern wall and add interest to the elevation.

1.3 An extension to the existing garage to the south (ie within the applicant's main garden) is proposed to replace an existing timber building. This will measure 3.9m x 3m and is for use by the applicant to accommodate her hobby of grooming and showing dogs. It has been confirmed that this is not a commercial operation (see para 5.4 below). The garage is to be widened by 1m towards the northern boundary (this element was to be extended by 1.5m in the 2005 permission but, again was not implemented) and then a store measuring 4.2m deep x 2.2m in width with a sympathetic pitched roof to the extended garage will be added towards the northern curtilage boundary. This will contain a window in the northern elevation which is also to be obscurely glazed.

1.4 The proposed 1.8m high brick built boundary wall (which was also part of the 2005 approval) will be constructed on land entirely within the applicant's ownership. Additional tree and shrub planting inside the wall and adjacent to the new store and extended garage will also be undertaken.

1.5 The applicant's dwelling is orientated east-west, the front elevation facing west. There are three dwellings to the north whose main front elevations face the northern (side) elevation of the application site. The closest of the three dwellings to the north will be a minimum of 16m from the closest point of the rear extension and 10m from the single storey store extension.

2.0 PREVIOUS PLANNING HISTORY

2.1 97/51205/P : Extension to existing dwelling : Permission Granted 1997.

2.2 05/00065/FUL : Installation of rooflights to existing dwelling : Permission Granted 2005.

2.3 05/02428/FUL : Alterations and extensions to existing dwelling with construction of boundary wall and gates : Permission Granted 2005.

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 CP17 - Promoting high quality design
Development Policies DP32 - General design
Development Policies DP1 - Protecting amenity

4.0 CONSULTATIONS

4.1 Romanby Parish Council : Awaited.

4.2 The application was advertised by site notice and the seven closest neighbours were consulted. Representations have been made by, and on behalf of, the three closest households to the north of the application site. The comments received object to the proposal on the grounds of adverse impact on amenity including light, impact on access and accessibility, overdevelopment of the site, erosion of amenity space, visual dominance and the possibility of part of the site being used for commercial purposes.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the scale, design and materials proposed (Policies CP17 and DP32) together with the impact, if any, on local visual, and adjacent residential, amenity (Policy DP1). Reference is made in paragraph 4.2 above to the alleged commercial use of part of the site. This is referred to below.

5.2 The proposed rear extension is identical to that which was approved, although not implemented in 2005 (see para 2.3 above). The extension now contains recessed 'dummy' windows to the ground and first floors which was agreed with the applicant as breaking up the northern elevation and adding interest to the design. The closest distance between the extension and adjacent dwellings is 16m.

5.3 The extensions to the existing garage and the creation of a 1.8m high boundary wall, were as already noted, part of the 2005 approval. The extension to construct a store on the garage's northern elevation was not part of the 2005 permission but this element does not create any additional silhouette when viewed from the dwellings to the north as it is entirely within and subordinate to the existing northern gable elevation. The closest point of the store is some 10m from the adjacent dwellings and the wall will be 8m away. The wall is entirely on the applicant's land and does not infringe any shared amenity space or access drive.

5.4 Reference was made in the representations received to the applicant using the premises and proposed new accommodation as a commercial dog grooming salon and details of a website were given. The applicant was asked to comment on this allegation and has replied as follows :

" I dispute the allegations that I am running a grooming parlour from my home. I have three Bichon Frise dogs, which require daily grooming and weekly bathing and I have two dog-related hobbies. The 'Yappy Dayz' dog grooming business (which was referred to in the website mentioned by an objector) does not exist. I created it to allow me to purchase dog grooming products at wholesale rather than retail prices. I currently groom my dogs in my daughter's playhouse in the rear garden and bathe them in the family bath, which isn't ideal. The playhouse is very old and leaks whenever it rains, it's damp, dark and the ceiling is very low. I have several expensive pieces of equipment, which need to be kept clean, dry and at a constant room temperature above freezing. It is very hard to keep the shed warm in winter and cool in summer and there is also an issue with security, due to the age and condition of the playhouse. I require a room where I can groom my dogs in a clean, warm, safe environment, where I'm not afraid of the rain running into the electrics. The new Utility Room on the southern side of the garage will be ideal for me so I can bathe the dogs, dry them and

scissor them, without having to go back and forth into the house. My first hobby, which I share with my 13-year-old daughter, is the showing of two of our dogs at weekends at Championship Show level. We go to 24 Championship Shows every year including Crufts and we attend at least 10 open shows. The equipment that we need is vast! It takes up a lot of space and it is currently stored in the Garage. I have applied for planning permission for the Store to do just that, store my show equipment, as well as for storing gardening equipment, etc, as we want to use the Garage to house a vehicle."

5.5 It is consequently considered that no commercial operation exists at the site. In addition reference was made to parking, access and accessibility issues as a result of the proposed works. Whilst parking difficulties often arise on shared surfaces and private drives, in this case the applicant has a garage space and 2-3 car parking spaces on the attached drive. It is not considered that the proposed extensions, bearing in mind their domestic purpose, will create any additional problems in this area.

SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document identified above in that the scale, design and materials proposed are appropriate to the site location and there will be no demonstrable adverse impact on adjacent residential amenity.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs to be planted in the north-western corner of the site, 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.
3. The proposed bathroom window to the northern elevation shall be installed with obscured glazing which shall remain in place unless otherwise agreed in writing with the Local Planning Authority. In addition the window shall be fitted with a restricted opening mechanism such that it shall not open in excess of 30degrees from its hinged side.
4. The window in the northern elevation of the proposed store shall be fitted with obscured glazing which shall remain in place at all times unless agreed in writing with the Local Planning Authority.
5. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (Ref) attached to planning application 12/01942/FUL received by Hambleton District Council on 14th September 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 the interest of local visual, and adjacent residential, amenity in accordance with Policy DP1.
3. In the interest of the amenity and privacy of adjacent occupiers in accordance with Policy DP1.
4. In the interest of the amenity and privacy of adjacent occupiers in accordance with 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 DP1, CP17 and DP32.

Parish: Bedale

Ward: Bedale

Committee Date : 8 November 2012

Officer dealing : Mr J E Howe

Target Date: 31 August 2012

9.

12/00967/FUL

Alterations and single storey extension to existing pub to form a retail unit. Siting of 2 condenser units and 3 air conditioning units.. at Kings Head Hotel 40 Market Place Bedale North Yorkshire for Tesco Stores Ltd.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for works to The Kings Head, a grade II listed building, on the western side of The Market Place in the centre of Bedale. The scheme comprises, principally, the construction of a single storey side extension to the northern elevation (which is not visible from The Market Place) to provide an additional 76sq.m of retail floorspace with a small goods entrance into the courtyard area, together with internal alterations to the main building removing later additions, stud partition walls and non-historic features.

1.2 The proposal will form a single ground floor retail unit with a total gross floorspace of 361sq.m which will operate as a 'Tesco Express'. As the premises were previously used as a public house (class A4) the change to an A1 retail unit does not require planning permission. The change between these classes is permitted under the terms of the Use Classes Order. A concurrent application for listed building consent for the works is reported under reference 12/00966/LBC.

1.3 As noted above The Kings Head is a three-storey grade II listed building, the main part of which is that fronting onto The Market Place, and dates originally from the mid 18thC. The northern part of the front elevation contains a 'carriage entrance' giving access to the rear courtyard. The front elevation comprises a rendered facade with stone detailing to window cills and a painted plinth with timber, white painted, 16 pane sash windows to the first floor. The main pedestrian access to the building is directly from the Market Place via steps up to a traditionally constructed painted timber door with timber pillasters, frieze and cornice feature detailing above. On either side of the entrance door are 19thC canted bay windows with stone cills, painted timber sashes, friezes and cornice details above. The second floor has casement windows which are probably a 20thC addition. All the windows have stone cills.

1.4 The rest of the building has evolved gradually over subsequent periods and is of less interest. The rear part of the premises comprises an enclosed courtyard area with a rear wing of two storeys which contained bedrooms and storage/servicing/kitchen areas. There is a rear gate to the premises, this leads onto a private track and is not proposed to be used for any regular access.

1.5 In addition to the single storey extension and internal works referred to above the detailed proposals include the modification of the existing main timber entrance door to form two-door leaves with a glazed internal automatic door behind, remove the stone steps to the entrance from the Market Place to create a level access with an internal access ramp to the trading area, remove an existing external staircase and replace with a new painted steel staircase to the first floor, install air conditioning and condenser units in the rear courtyard on the new northern elevation of the extension, remove the existing pipework, rainwater goods and signage from the main elevation and make good all stone and masonry work as appropriate. The existing main elevation windows will also be repaired sympathetically. A future application giving details of proposed new signage will be submitted if the current applications are approved.

1.6 The proposal was discussed with the Council's Historic Buildings Officer and a number of amendments to the front internal ground floor areas of the building were agreed. This aspect is referred to in the concurrent application for listed building consent.

1.7 The applicants propose that the premises be serviced from The Market Place frontage where car parking spaces are located. Concern was expressed by some residents of dwellings adjacent, including the Greendale Court retirement complex, that vehicles would use the rear gate to the premises which leads off a private track. This is not the case. All servicing is proposed to be achieved by means of parking on the frontage, details illustrating the position of a commercial vehicle for loading/unloading has been submitted.

2.0 PREVIOUS PLANNING HISTORY

2.1 2/97/011/0367/LBC : Listed building consent for internal alterations to public house : Granted April 1997

2.2 11/00536/FUL : Listed building consent for external and internal improvements : Granted May 2011.

2.3 11/00535/FUL : Alterations and improvements to existing hotel : Permission Granted May 2011.

2.4 11/00847/ADV : Display of revised signage and lighting : Granted July 2011.

2.5 11/01843/FUL : Revised application for demolition of a single storey extension and store, removal of down pipes from front elevation, installation of 3 flues, 2 extractor fans, alterations to windows and doors, installation of new fire escape external stairs, 6 external lights to rear and side, landscaping works, fence and a replacement single storey extension : Permission Granted October 2011.

2.6 12/01844/LBC : Revised application for listed building consent for demolition of a single storey extension and store, removal of down pipes from front elevation, installation of 3 flues, 2 extractor fans, alterations to windows and doors, installation of new fire escape external stairs, 6 external lights to rear and side, landscaping works, fence, a replacement single storey extension, repair works and internal alterations : Granted October 2011.

3.0 RELEVANT PLANNING POLICIES:

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

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
Core Strategy Policy CP14 - Retail and town centre development
Development Policies DP20 - Approach to town centre development
Development Policies DP21 - Support for town centre shopping
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Bedale Town Council : No objections to the principle of the development but concerned in respect of vehicle parking and servicing of the premises.

4.2 North Yorkshire County Council (Highways Authority) : Detailed comments and a recommendation of refusal have been made as follows:-
"The staggered junction of Market Place / Bridge Street / Sussex Street and South End has been the subject of several studies where there are serious traffic management and congestion issues along with concerns for the safety of users of the highway especially

pedestrian traffic. There are several issues to consider with the application which concern the Highway Authority.

- 1) Traffic management issues the proposal to park in the active highway carriageway for hazardous loading and unloading in close proximity to the already congested staggered junction is unacceptable since it will disrupt the free flow of traffic and is to the detriment to other users of the highway.
- 2) With reference to drawing 1111-24 SP04, the turning movements supplied show a degree of over run on the highway footway and make the assumption that vehicles parked in the area between 42 and the bollard walkway are cars. Observations have been made that large vans sometimes park in these bays. This would cast doubt on whether the turning movements could be achieved especially with the simultaneous approach of a HGV from the Market Place towards Bridge Street.
- 3) The proposal to park in the parking area of the highway cannot be guaranteed since these spaces may be in use for residents in the accommodation above the commercial properties.
- 4) While the comment is made that the loading / unloading activity takes place elsewhere in the Market Place it does so with difficulty for other vehicles to park and these are not in the same close proximity to the junction as the proposal.
- 5) The dimensions and layout of the plan do not reflect what is on the ground.

The Highway Authority recommends that the above application should be REFUSED for the following reasons:

R1 The Highway Authority considers that the roads leading to the site from the rear are not of a sufficient width to cater for the traffic which would be likely to be generated by this proposal.

R7 The Highway Authority considers that in the absence of adequate on-site parking space the proposed development would be likely to result in vehicles being parked outside the site on the County Highway to the detriment of the free flow of traffic and road safety.

R6 The Highway Authority considers that the proposed means of delivery to the development would interfere with the free flow of traffic with consequent danger to highway users by virtue of its proximity to existing junctions.

NB Additional information was subsequently received from the applicants in respect of servicing and parking at the site. This information was considered by the Highways Authority and the recommendation for refusal as set out above remains applicable.

4.3 North Yorkshire County Council (Historic Environment Team) : No objections subject to conditions.

4.4 Environmental Health Officer : No objections subject to conditions.

4.5 Campaign to Protect Rural England : No response received.

4.6 Camra (N W Yorkshire Branch) : No response received.

4.7 The application was advertised by site notice at the front of the site and the 17 closest neighbours were consulted. Eleven letters of objection and a petition with in excess of 70 signatures were received objecting to the proposals on the grounds of concerns in respect of the impact on local car parking and the servicing of the site, the impact of a national retail unit on local independent retailers and the impact of the scheme on the character of a listed building. Similar comments were received, and most duplicated, in respect of the concurrent application for listed building consent (reference 12/00966/LBC). These are also referred to in that report.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the impact of the proposal on the appearance and character of the surrounding Bedale Conservation Area (Policies CP16 and DP28) and the viability and vitality of Bedale Town Centre (Policies CP14, DP20 and DP21) together with the impact on adjacent residential amenity and other town centre businesses and activities (Policy DP1). The content of the National Planning Policy Framework (NPPF) is also relevant in this case. The impact of the proposal on the appearance, character and fabric of the listed building is appraised in the report on the concurrent application for listed building consent under reference 12/00966/LBC. It must be emphasised, as already mentioned in paragraph 1.2 above that the proposal does not require planning permission for a change of use to retail (class A1) from public house (class A4) as such a change is permitted under the Use Classes Order. Concern has been expressed by the Highways Authority in respect of the proposed front servicing of the premises close to the adjacent staggered junction of Bridge Street and the Market Place and it is recommended by that Authority that permission be refused on highway grounds. This aspect is referred to further below.

5.2 It has been noted above that the principal reason for the submission of the application was the construction of the single storey rear extension to provide additional retail floorspace. This extension, which is to be rendered in a similar style to the rear of the premises, is entirely within the existing enclosed rear courtyard which is not visible from the Market Place frontage nor from the burgage plot areas adjacent. The extension has few openings and would not be the cause of nuisance to adjacent residents or businesses. It has been noted that air conditioning and condensor units are proposed on the northern elevation at ground floor level. The operation of these will be covered by conditions as requested by the Environmental Health Officer. It is not, therefore, considered that this element is open to objection on visual or amenity grounds.

5.3 The more detailed works which are referred to in paragraph 1.5 above are also covered by the concurrent application for listed building consent insofar as they relate to the appearance, character and fabric of the building. In terms of the impact on the Bedale Conservation Area it is considered that the external works to the rear will have no adverse impact in view of the discreet and screened nature of this area. To the Market Place frontage they will comprise a positive benefit in terms of reducing the 'clutter' to the main elevation and achieving maintenance and repair of the relevant elements detailed as appropriate.

5.4 Comments and objections have been received, as reported in paragraph 4.7, in respect of the establishment on the site of a national retailer and the potential impact on existing local independent businesses. As already described this is not an issue which in this case can be regulated by the Planning Authority and the size of the proposed extension and indeed the resulting store is less than that required to trigger a Retail Impact Assessment. In any event the site is within the centre of a market town and a retail use is the preferred use of such premises as set out the LDF Policies. The Kings Head has been vacant for some two years and its deteriorating appearance is not beneficial to either the appearance of the Conservation Area (see para 5.3 above) or to the general vitality of the town centre. It is considered that the provision of such a business would benefit the town centre in this respect and lead to increased spin-off to other local shops and businesses.

5.5 Concerns have been expressed by the Highways Authority relating to the servicing of the premises which would be from the Market Place frontage on the cobbled area designated for car parking. The applicants were asked to give a detailed description of the proposed servicing arrangements. The note received indicates that :

"The main deliveries would be via a medium/small articulated vehicle. This is approximately 13m in length, not dissimilar to those which I have seen servicing some of the public houses along the Market Place in Bedale. The main delivery of fresh goods would be made before

the morning rush hour, on the parking area to the front of the site. There will be 2-3 other deliveries per day with smaller vehicles again on the front of the site. These will be for bread and milk and will be in connection with other local stores on a multi-drop basis so will only take 5-10 minutes each."

5.6 The site is close to the junction of Bridge Street and The Market Place which does experience congestion at peak times. However, it must again be noted that as permission is not required for the use of the premises for retail purposes, it is only the additional 76sq.m of floorspace and additional storage and circulation space that requires permission and the size of the proposed extension can not be shown to significantly affect the servicing levels required. Members will be able to assess the current traffic/parking situation at the time of their site inspection. A refusal of permission would, it is considered, be difficult to sustain on highway grounds alone in this case. Should planning permission be granted it is considered that a detailed servicing and delivery strategy should be submitted and approved prior to the implementation of the scheme in order to ensure that any such concerns identified by the Highways Authority can be addressed and minimised.

5.7 Paragraph 23 of the NPPF states that planning policies should be positive and promote competitive town centre environments which assist the management and growth of such centres. It also states that town centres should be recognised as the heart of their communities and policies should support their vitality and viability and provide diversity and customer choice. It is considered that this proposal complies with these aims as expressed in the Council's own Policies appraised above.

SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document, and with the content of the National Planning Policy Framework, in that the works proposed will have a positive impact on both the appearance and character of the Bedale Conservation Area and the vitality and viability of the Bedale town centre by bringing back into use a disused and prominent building in a key town centre location.

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. Unless otherwise approved in writing by the Local Planning Authority the development shall not be brought into use until a Retail Delivery Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include delivery times, vehicle types and loading/unloading arrangements. The Retail Delivery Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the plan at all times.
3. No external plant or equipment shall be installed until an appropriate noise control scheme has been submitted and approved in writing by the Local Planning Authority demonstrating how the equipment will operate without causing loss of amenity. The approved scheme shall thereafter be installed and maintained in full accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
4. There shall be no activity relating to the retail use of the premises (including deliveries) between the hours of 10pm and 7am.
5. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological

work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

6. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (Ref.....) attached to [planning application 12/00967/FUL) received by Hambleton District Council on 10th April 2012 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order to minimise any disruption to traffic and car parking adjacent to the site during servicing and delivery times.
3. In the interest of the amenity of adjacent residents and businesses in accordance with Policy DP1.
4. In the interest of the amenity of adjacent residents and businesses in accordance with Policy DP1.
5. The site is of archaeological importance and as such warrants the recording of any relevant materials found at the site in accordance with the Local Development Framework Policies CP16 and DP29.
6. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP16 and DP28.

Parish: Bedale
Ward: Bedale

Committee Date : 8 November 2012
Officer dealing : Mr J E Howe
Target Date: 31 August 2012

10.

12/00966/LBC

Application for listed building consent for internal alterations siting of 2 condensor units, 3 air conditioning units and a single storey extension, at Kings Head Hotel 40 Market Place Bedale North Yorkshire for Tesco Stores Ltd.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for works to The Kings Head, a grade II listed building, on the western side of The Market Place in the centre of Bedale. The scheme comprises, principally, the construction of a single storey side extension to the northern elevation (which is not visible from The Market Place) to provide an additional 76sq.m of retail floorspace with a goods entrance into the courtyard area, together with internal alterations to the main building removing later additions, stud partition walls and non-historic features to create single ground floor retail unit with a total gross floorspace of 361sq.m which will operate as a 'Tesco Express'. A concurrent application for planning permission for the works is reported under reference 12/00967/FUL.

1.2 As noted above The Kings Head is a three-storey grade II listed building, the main part of which is that fronting onto The Market Place, and dates originally from the mid 18thC. The northern part of the front elevation contains a 'carriage entrance' giving access to the rear courtyard. The front elevation comprises a rendered facade with stone detailing to window cills and a painted plinth with timber, white painted, 16 pane sash windows to the first floor. The main pedestrian access to the building is directly from the Market Place via steps up to a traditionally constructed painted timber door with timber pillars, frieze and cornice feature detailing above. On either side of the entrance door are 19thC canted bay windows with stone cills, painted timber sashes, friezes and cornice details above. The second floor has casement windows which are probably a 20thC addition. All the windows have stone cills.

1.3 The rest of the building has evolved gradually over subsequent periods and is of less interest. The rear part of the premises comprises a courtyard area with a rear wing of two storeys which contained bedrooms and storage/servicing/kitchen areas. There is a rear gate to the premises which leads onto a private track which also serves the Greendale Court retirement complex.

1.4 In addition to the single storey extension and internal works referred to above the detailed proposals include the modification of the existing main timber entrance door to form two-door leaves with a glazed internal automatic door behind, remove the stone steps to the entrance from the Market Place to create a level access with an internal access ramp to the trading area, remove an existing external staircase and replace with a new painted steel staircase to the first floor, install air conditioning and condensor units in the rear courtyard on the new northern elevation of the extension, remove the existing pipework and rainwater goods and signage to the main elevation and make good all stone and masonry work as appropriate. Any existing main elevation windows will also be repaired sympathetically. A future application giving details of proposed new signage will be submitted if the current applications are approved.

1.5 The proposal was discussed with the Council's Historic Buildings Officer and a number of amendments to the internal frontage areas of the building, including the retention of further areas of internal walling to identify the original historic fabric, were agreed. A plan showing these alterations has been received and is currently being appraised. There is a first floor room, previously used for functions when the premises were licensed, which

contains panelling and a 'Jacobean-style' fireplace. This room and the rest of the first floor rooms are not proposed to be altered as part of this scheme.

2.0 PREVIOUS PLANNING HISTORY

2.1 2/97/011/0367/LBC : Listed building consent for internal alterations to public house : Granted April 1997

2.2 11/00536/FUL : Listed building consent for external and internal improvements : Granted May 2011.

2.3 11/00535/FUL : Alterations and improvements to existing hotel : Permission Granted May 2011.

2.4 11/00847/ADV : Display of revised signage and lighting : Granted July 2011.

2.5 11/01843/FUL : Revised application for demolition of a single storey extension and store, removal of down pipes from front elevation, Installation of 3 flues, 2 extractor fans, alterations to windows and doors, installation of new fire escape external stairs, 6 external lights to rear and side, landscaping works, fence and a replacement single storey extension : Permission Granted October 2011.

2.6 12/01844/LBC : Revised application for listed building consent for demolition of a single storey extension and store, removal of down pipes from front elevation, Installation of 3 flues, 2 extractor fans, alterations to windows and doors, installation of new fire escape external stairs, 6 external lights to rear and side, landscaping works, fence, a replacement single storey extension, repair works and internal alterations : Granted October 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 CP16 - Protecting and enhancing natural and man-made assets

Development Policies DP28 - Conservation

Development Policies DP29 - Archaeology

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Bedale Town Council : No objections to the principle of the development.

4.2 North Yorkshire County Council (Historic Environment Team) : No objections subject to conditions.

4.3 Council for British Archaeology : No response received.

4.4 Bedale Conservation Area Advisory group : No response received.

4.5 The application was advertised by site notice at the front of the site and the 17 closest neighbours were consulted. Eleven letters of objection and a petition with in excess of 70 signatures were received objecting to the proposals on the grounds of concerns in respect of the impact on local car parking and the servicing of the site, the impact of a national retail unit on local independent retailers and the impact of the scheme on the character of a listed building. Similar comments were received and some duplicated in respect of the concurrent application for planning permission (reference 12/00967/FUL) these are also referred to in that report.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies

document as set out above and relate, in this case, to the impact of the proposal on the appearance, character and fabric of the listed building (Policies CP16, DP28 and DP29). The content of the National Planning Policy Framework (NPPF) is also relevant in this case. The impact on the appearance and character of the surrounding Bedale Conservation Area, amenity considerations and the viability and vitality of Bedale Town Centre is appraised in the concurrent application for planning permission reported under reference 12/00967/FUL.

5.2 It has been noted above that the principal reason for the submission of the application was the construction of the single storey rear extension to provide additional retail floorspace. This extension, which is to be rendered in a similar style to the rear of the premises, is entirely within the existing enclosed rear courtyard which is not visible from the Market Place frontage nor from the burgage plot areas adjacent. It is not, therefore, considered that this element is open to objection in terms of the impact on the historic integrity of the building.

5.3 The more detailed works which are referred to in paragraph 1.4 above are also referred to in the concurrent application for planning permission. In the report on the concurrent planning application it was stated that in terms of the impact on the Bedale Conservation Area it is considered that the external works to the rear will have no adverse impact and to the Market Place frontage they will comprise a positive benefit in terms of reducing the 'clutter' to the main elevation and achieving maintenance and repair of the elements detailed as appropriate. These comments apply equally to the impact of the works on the listed building itself, including its fabric. The building has been vacant for approximately two years and these works, which are to help secure occupation by a viable retail user, will assist in ensuring its repair and maintenance for the foreseeable future with no demonstrable adverse impact upon its historic integrity.

5.4 Paragraph 126 of the NPPF states that Local Planning Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 131 in addition states that account should be taken of the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality. These statements are complementary to the content of paragraph 23 referred to in the concurrent planning application report (12/00967/FUL).

5.5 It has been mentioned in paragraph 1.5 above that a revised plan was requested in respect of detailed conservation matters relating to the ground floor front interior of the building. As noted above the plan is still being appraised in consultation with the Council's Historic Buildings Officer and the recommendation set out below is subject to the final resolution of these matters.

SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy, the Development Policies document and the content of the National Planning Policy Framework in that the works proposed will have no demonstrable adverse impact on the appearance, character or fabric of the listed building and will assist in ensuring its occupation and consequent repair and maintenance for the foreseeable future.

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. No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological

work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (Ref) attached to application 12/00966/LBC received by Hambleton District Council on 4th may 2012 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

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 CP16, DP28 and DP29.

Parish: Dalton
Ward: Topcliffe

Committee Date : 8 November 2012
Officer dealing : S Leeming
Target Date: 27 November 2012

11.

12/02032/FUL

**Lean to extension to existing agricultural livestock building.
at Westholme Farm Islebeck Lane Islebeck North Yorkshire
for Mrs Isobel Sanderson.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks permission for the construction of a multi purpose agricultural building at Westholme Farm, Islebeck, Dalton. The site is located immediately south of the C-class road running from Sowerby to the centre of Dalton. It is occupied by a farmhouse and various agricultural buildings. The proposed building is to be located on an existing "muck pad" adjacent to existing agricultural buildings. It is to measure 19.2m x 32.6m and is to be finished with breeze blocks and Yorkshire timber boarding to the sides.

1.2 The application is to be considered at Committee as the applicant is an elected Member of the District Council.

2.0 HISTORY

2.1 93/0996/FUL : Construction of a building for pigs : Permission Granted 1993.

2.2 10/00983/FUL : Construction of an agricultural storage building : Permission Granted June 2010.

2.3 10/00985/FUL : Construction of a building for the housing of livestock : Permission Granted June 2010.

2.4 11/00087/FUL - Construction of a pig finishing unit: Permission Granted March 2011.

2.5 11/00088/FUL - Construction of a pig finishing unit: Permission Granted March 2011.

2.6 11/00089/FUL - Construction of an agricultural building for the storage of grain (as amended): Permission Granted March 2011.

2.7 11/02251/FUL - Extension to existing sow house: Granted 2011

2.8 11/02260/FUL - Construction of a sow house. Granted 2011

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP26 - Agricultural issues
Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Dalton Parish Council do not have any observations to make on the above application but are "concerned about the amount of water running off this site onto the Highway. This is becoming more and more noticeable and feel that maybe investigations should be made".

4.2 IDB - no adverse comment.

4.3 NYCC Highways- response awaited.

4.4 EHO - response awaited.

4.5 Neighbours/Site notice expired 7 November. No response.

5.0 OBSERVATIONS

5.1 The main issues are whether the proposed building is suitable in terms of scale, materials and design and whether it will have a harmful impact upon the surrounding countryside or the amenities of any neighbours.

5.2 The proposed building is of a typically agricultural design and the use of breeze blocks and timber boarding to the sides will satisfactorily reflect the overall appearance and materials of the existing agricultural buildings on the site.

5.3 The proposed siting of the proposed building between existing agricultural buildings will lessen any visual impact it has upon the appearance of the surrounding area as the existing buildings will provide partial screening. There is a well established dense and tall hedge running along the main roadside boundary of the site and this will also provide a high level of screening to the proposed building.

5.4 There are no neighbouring dwellings unattached to the holding which would be affected by the development. Regarding the comments raised by the Parish Council regarding drainage it is noted that surface water drainage is proposed to go to a soakaway which should prove acceptable for this development. A condition is however recommended in order to ensure that full details of the proposed method of drainage are submitted and implemented. Approval may therefore be recommended for this proposed development subject to the receipt of the outstanding consultation responses.

SUMMARY

The overall materials and design of the proposed building are considered acceptable and due to the high levels of existing screening it will not have any significant adverse impact upon the appearance of the area. It will not have any detrimental impact upon the neighbours' amenities and the above policies are therefore satisfactorily complied with.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered EN2133-SP rev B and EN2133-F Rev A received by Hambleton District Council on 24 October 2012 unless otherwise agreed in writing by the Local Planning Authority.
3. The development hereby approved shall not be commenced until details of the surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved surface water disposal details and shall thereafter be retained in accordance with the approved details.

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 provide for satisfactory drainage of the development