

# **PLANNING APPLICATIONS**

**The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 28 February 2013. 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**  
**28 FEBRUARY 2013**

Item No	Application Ref/ Officer	Proposal/Site Description
<b>1</b>	12/02455/FUL Mr T Wood  Page No. 3	Construction of an agricultural dairy building for the housing of livestock  For: Stockdale Partners At: White House Farm Deighton Lane Brompton  RECOMMENDATION: Grant
<b>2</b>	13/00083/FUL Mr J E Howe  Page No. 9	Two storey extension to dwellinghouse  For: Cllr A Barker At: The Hollins Burneston  RECOMMENDATION: Grant
<b>3</b>	11/01506/FUL Mr J Saddington  Page No. 12	Demolition of former public house and construction of 12 dwellings with garages served by a new access road as amended by plans received by Hambleton District Council on 2 November 2011  For: Yorvik Homes At: Swaledale Arms Morton on Swale  RECOMMENDATION: Grant
<b>4</b>	13/00157/FUL Mr A Cunningham  Page No. 28	Proposed ground floor extensions to existing dwelling  For: Mr & Mrs R Cullen At: 45 Mowbray Road, Northallerton  RECOMMENDATION: Grant
<b>5</b>	12/00006/TPO Miss A Peel  Page No. 31	Confirmation of Tree Preservation Order 12/00006/TPO  At: Old Manor House Scruton RECOMMENDATION: CONFIRM
<b>6</b>	13/00066/FUL Mrs S Leeming  Page No. 41	Revised application for the demolition of existing domestic garages and construction of one dwelling with a detached garage, associated parking and landscaping  For: Mr and Mrs Haworth At: Garages at Danum Avenue Sowerby  RECOMMENDATION: Grant

Item No	Application Ref/ Officer	Proposal/Site Description
7	12/01851/FUL Mrs B Robinson  Page No. 45	Construction of an agricultural livestock building  For: Mr K Tiplady At: Canada Fields Moor Lane Yafforth  RECOMMENDATION: Grant

**Parish: Brompton**

Ward: Brompton

Committee Date : 28 February 2013

Officer dealing : Mr T J Wood

Target Date: 18 March 2013

**1.**

**12/02455/FUL**

**Construction of an agricultural dairy building for the housing of livestock.  
at White House Farm Deighton Lane Brompton North Yorkshire  
for Stockdale Partners.**

**1.0 PROPOSAL AND SITE DESCRIPTION**

1.1 This application seeks planning consent for construction of a dairy building at Whitehouse Farm, Brompton. Whitehouse Farm is located west of Deighton Lane within generally low lying, open countryside. This 65ha dairy holding comprises a range of agricultural buildings of varying sizes and orientation grouped around the original farmhouse with a second farm workers bungalow to the south of the group. This group of buildings is set some 170m from the farm access off Deighton Lane.

1.2 The Coast to Coast route runs east / west along the field hedge boundary some 60m north of the group of buildings.

1.3 Additional information has been supplied by the agents along with a comprehensive landscaping scheme. The application states that there are currently 200 head of cattle on site, 150 Holstein – Friesian dairy cows. The applicant's intention is to grow the herd to 240 cows with 200 constantly in milk. It is anticipated that this will take 2-3years to achieve. The existing milking parlour is 30 years old considered unsuitable for such expansion and hence a new dairy building is proposed

1.4 The proposed building is to be sited on the east edge of the farmstead adjacent to existing buildings. The front – south facing elevation will be level with the south elevation of adjacent buildings. It will extend northwards the entire depth of the farmstead to within 30m of the hedge along the north boundary. The building will measure 40.6m wide by 105.6m long, with height to eaves of 4.2m and height to ventilated ridge of 10.2m. The reason for the scale of the building is explained in the agent's letter supporting application, which states:

"The Stockdale's have applied for planning permission for a complete new dairy unit that will house 200 cows, four automated milking machines, calving yards, feed and scrape passages and a new bulk tank.

It's very important to note that the proposed development will incorporate a complete dairy system as shown on the attached plan and exceeds the DEFRA animal welfare guidelines on space allowance for animal movement, feeding and drinking. This is a DEFRA supported project and compliance with their guidelines is paramount to the project's success.

The space allocation within the building is actually allocated as follows:

1. Tractor feeding passages 1,136m<sup>2</sup> (26.4%)
2. Cow feeding area 955m<sup>2</sup> (22.2%)
3. Cow lying area 756m<sup>2</sup> (17.6%)
4. Cow loafing area 831m<sup>2</sup>(19.3%)
5. Automated milking machines (parlour) 200m<sup>2</sup> (4.6%)
6. Dairy system area 78m<sup>2</sup> (1.8%)
7. Cow handling facilities 173m<sup>2</sup> (4.05%)
8. Calving area 173m<sup>2</sup> (4.05%)

Total floor area – 4302m<sup>2</sup>

By putting everything under one roof, animal welfare is improved as handling stock is easier; it also removes dirty water from uncovered yards as animals are not moving between buildings. This principle is now very popular as it allows for careful animal management and it's worth a farmer investing in the latest technology. It should be noted that although the use

of automated milking units is now common place across the UK; the system Mr Stockdale has chosen will be a show piece for GEA, the largest Dairy supply company in the world. This is a completely new system and will be the first purpose made building housing these units in England.”

1.5 The building is to be constructed as follows:

South elevation – 2m high concrete panels, timber boarded gable with gale breakers to full depth in some parts, high level timber sliding doors

North elevation - 2m high concrete panels, timber boarding to gable and full height gale breakers with 4 no. sheeted gates with gale breakers

East and west elevations - 2m high concrete panels with remainder up to eaves level fitted with gale breakers for the full length of the building

Roof – natural coloured fibre cement sheeting with 6% roof lights in ventilated ridge

1.6 The application also provides details of the slurry Management as follows:

“Slurry will be removed from the proposed building using automatic scraper via 4 no. 1m deep channels to the existing reception pit. The slurry will then pass through the existing separation system where 1/3 will be removed as solids (dry manure). The dry matter is stored on a concrete pad and is thereafter spread on Mr Stockdale’s arable land; with some exchanged with a local neighbouring farmer for straw. There is sufficient storage for up to 1 year’s solids/ dry matter. The dry matter is on a weeping wall system: any water runs back into the current system via the small lagoon.

The remaining 2/3 of liquid slurry is pumped to the large lagoon via the small gravity fed lagoon. (Shown on map marked no. 2)

There is sufficient capacity (including the new development) within the existing lagoons to store 22 weeks / 5 months of slurry as stipulated within NVZ Regulations for dairy farms within NVZ zones.

The slurry in the lagoons is treated once a year with ‘Slurrycell’ a bacteriological waste treatment. Slurrycell contains a powerful tough bacillus species bacteria and multiple enzymes, which reduces the need for stirring, makes the slurry easier and quicker to pump out and lowers odours.”

1.7 The application advises there are a maximum of 7/8 farming related vehicle manoeuvres per day, this is likely to be reduced to 2 per day as the need to visit off site cattle will no longer be necessary as all the livestock will be held within the new dairy building, and new calf building. It is also proposing the construction of a passing place at the entrance to the site adjacent to the existing access track. This is to facilitate passing a tractor/trailer and prevent waiting in the highway.

## 2.0 RELEVANT PLANNING HISTORY

2.1 Prior notification of a proposal for construction of agricultural building for the storing of forage Ref. No: 02/00097/APN (Permitted)

2.2 Construction of an agricultural building for the accommodation of livestock and for storage purposes Ref. No: 02/00965/FUL (Permitted)

2.3 Construction of an agricultural building for storage purposes and for the construction of livestock Ref. No: 96/50152/P (Permitted)

2.4 Extension to existing agricultural building for the accommodation of livestock and for storage purposes Ref. No: 97/50184/P Approved

2.5 Extension to existing agricultural building for storage purposes Ref. No: 98/50143/P Approved

2.6 Construction of a replacement dwelling Ref. No: 04/00885/FUL (Permitted)

2.7 Formation of an agricultural dirty water lagoon Ref. No: 04/01120/FUL (Permitted)

2.8 Application for prior notification for the replacement of an agricultural storage building Ref. No: 08/00758/APN (Permitted)

2.9 Demolition of 3 agricultural buildings and replacement with livestock building (calves)  
Permitted Ref No. 12/02471/FUL

### 3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP15 - Rural Regeneration  
Development Policies DP26 - Agricultural issues  
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  
Development Policies DP33 - Landscaping  
Development Policies DP1 - Protecting amenity  
National Planning Policy Framework - published 27 March 2012

### 4.0 CONSULTATIONS

4.1 Brompton Parish Council - The Council has no objections to the proposal.

4.2 NYCC Highways – comments awaited on additional information.

4.3 EHO – Considers both the calf unit and application 12/02455/FUL in the following comments:

My only concern is the provision for the storage and disposal of animal bedding and waste due to the proposed increase in the number of livestock .I have discussed the matter with the applicant and I am informed that there is currently a slurry pit on site, which will be sufficient to contain the waste. I also understand that the slurry is to be treated with a bacteriological waste treatment product which, it is claimed, will reduce environmental pollution. Mr Stockdale also informs me that he intends to swap his excess waste product as a fertiliser, for straw with local farmers, which appears to be the current practice. He also informs me that any waste that goes to land is injected, which reduces odours. An odour complaint was received by this department in September 2011. The complaint was investigated but a nuisance was not substantiated nor was the source of the odour established, and the complaint was subsequently written off. As this is a rural area, with a number of farms in the vicinity, it is expected that some odours from farming activities are experienced at times. I would have no adverse comment to make regarding these applications.

4.4 Environment Agency – no objections.

4.4 Neighbours notified and site notice posted; expired 09.01.13 in response to the initial application a letter of objection was received from occupiers of Street House Farm, opposite the site commenting as follows.

- a) The shed size is disproportionately large – it could accommodate up to 400 cows on a loose straw system or 685 cows on a cubicle system under DEFRA guidelines. To accommodate herd of 250 it needs to be only half the size.
- b) Building will result in increased movement of slurry and manure.
- c) Poor road quality of Deighton Lane – due to general changes in farming practices tractor and trailer movements on Deighton Lane have increased greatly in the last 3 years causing degradation of the road surface and safety.
- d) Increased traffic – Deighton Lane is narrow and bendy, the road is busy and accidents have occurred involving agricultural vehicles. Such vehicles use the verge and gateway at

Street House Farm as a passing place. Due to the immediate land holding at Whitehouse farm being comparatively small, movements to empty the lagoon result in movements off the farm to spread on other parcels of land.

e) Storage of Slurry – Street House Farm is situated downwind of the lagoon at Whitehouse Farm; it has experienced very bad smells causing the family to vacate the house for six hours. Environmental Health was contacted. As the prevailing wind is westerly any increase in slurry from increased herd numbers will be problematic.

f) Visual impact – concern over height of ridge, emission of light from building, suggest re-siting building to west of existing buildings. There is no screening to mitigate impact.

g) Water supply – concern that larger herd will impact the already low water pressure.

h) Water courses – concern on impact on water courses nearby.

i) General – no consideration given to impact upon infrastructure, environment, ecology or landscape.

No further comments on the additional information have been received at time of writing.

4.5 In addition 4 letters of support have been received, 1 from residents of Newstead, Deighton Lane, stating they have no objections and 3 from respondents from different parts of the country, supporting the new system of dairy farming that is proposed, its merits with regard to livestock health and advantages to farming generally.

## 5.0 OBSERVATIONS

5.1 The main planning issues to be considered in relation to this application relate to:

- the principle of the development;
- the impact of the development upon the character and appearance of the countryside;
- the impact of the development upon amenity of neighbours;
- the impact of the development upon the natural environment;
- highway implications of the development.

5.2 The proposed building is described in the application as a show piece development – the first purpose built unit in England – there are understood to be similar units in Scotland. The building will replace an entire dairy system, housing all dairy related activity under one roof. This activity on an established dairy farm holding is acceptable. The expansion of the herd and its consolidation on one site represents a sustainable approach to expanding the farming operation and is considered to be in accord with CP1, CP2, CP4, CP15 and DP26. The development is therefore acceptable in principle.

5.3 The building is substantial in size and scale. It will be significantly larger and higher than the existing buildings on the farmstead, however, these are unusually small in scale which may exacerbate the appearance of the proposed building. As the older, smaller buildings are replaced, (under reference (12/02471/FUL)) the comparative scale of the buildings will be drawn closer.

5.4 The dairy building is to be located along the east edge of the existing farm stead. Apart from the roof the entire building will be screened from views from the west by existing buildings. From the south the building will be open to view from the entrance to the farm, it will also be seen from various points along Deighton Lane and the Coast to Coast route from gaps in the hedgerow. It is noted that the landscape in this area is generally low lying, although this suggests the building would be prominent there are limited points of high ground from which to view the site, therefore the building is unlikely to have a significant visual impact beyond its immediate environs. The proposed landscaping scheme, particularly the introduction of greater tree cover will mitigate to a considerable degree the height of the building at 10m. Overall the 10m height is not unusual for an agricultural building; it is the length of the ridge line which will have the greatest impact. These concerns have been expressed to the applicants particularly regarding the impact on views from the “Coast to Coast” route. In response a detailed landscaping scheme has been submitted. This seeks to use existing landscape features as well as proposing new landscaping in order to soften the impact of the development. For example, there is a good hedge along Deighton Lane and the “Coast to Coast” route, with intermittent hedge line trees. At present this generally screens the farm holding from public view. In order to address the height of



the new building it is proposed to allow all hedgerows to grow from their general height of 1.5m to 2.5m. In addition 30 new hedge line trees are to be planted along the perimeter of the land holding surrounding the farm yard. In addition four areas of group planting are to take place at key locations to close down prominent views into the site, these are:

- immediately to the north of the building along the Coast to Coast boundary.
- on either side of the entrance , including hedge planting , to close down views from Deighton Lane.
- adjacent to the slurry access and gateway from Deighton Lane, this is to include extending the hedgerow.
- at the junction of Deighton Lane and the Coast to Coast route to minimise views from the east.

Due to the presence of power lines it is not feasible to carry out tree planting along the hedge line to the south, therefore an alternative approach is to tree line the long access drive which cuts across in front of the new building location. This should close down views from the south.

5.5 Overall the landscaping scheme is considered to sufficiently mitigate the visual impact of the building within this landscape. Sensitive views have been appropriately addressed and protected such that the development will not harm the openness, character or quality of this landscape. The proposal is considered to comply with the requirements of CP16 and DP 30 of the LDF.

5.6 With regard to amenity issues it is noted that the proposed building would be some 160m from the nearest private dwelling. The dairy herd is to be kept within the building with all related activity taking place under cover. This is likely to reduce noise and smell, which will be contained within the building. There will be an undoubted increase in slurry and its storage, although the lagoon has sufficient capacity, it is reasonable to assume that the frequency of occasions when smell will be a problem could increase. The two slurry lagoons on the farm holding are approximately 160m north of the nearest property Street House Farm. It is anticipated that the slurry from the increased herd could from time to time cause smells to be experienced at that property. In the view of Environmental Health the management of slurry is acceptable and given the rural location smells from livestock husbandry are to be expected, consequently no objection is made. The Environmental Health Officer has considered an odour complaint in the vicinity and found no source. In these circumstances the proposal is considered acceptable in terms of Policies CP1 and DP1.

5.7 With regard to the impact of the development upon the natural environment, there are no special designations in this area relating to habitat, bio-diversity, or nature conservation. The nearest watercourses to the development are over 20m away. The management of waste is considered acceptable with sufficient capacity to accommodate the increase in livestock. The proposal is therefore considered to accord with CP16 and DP31 of the LDF.

5.8 With regard to highways issues the final recommendation of NYCC is awaited. The application is proposing to construct a passing place at the entrance to permit a vehicle with trailer to wait on the access for another vehicle to pass. This will improve the current situation whereby the narrow access track, forces vehicles to wait on the highway. The new building, by accommodating all stock on the one site, will also serve to reduce the number of daily vehicle trips from the farm. This will reduce the impact of the farm operation on the highway network and enables a more sustainable method of working. The proposal is therefore acceptable in highway terms.

## SUMMARY

The proposal is acceptable in principle and in terms of scale and location would be not have an adverse impact upon the character and appearance of the countryside. There will be no harm to either amenity, natural resources or highway matters. The proposal is therefore in

accord with the policies set out in the Local Development Framework and is therefore considered acceptable.

## 6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be implemented other than in complete accordance with the drawings EN1553/01/EL and 0763 received by Hambleton District Council on 29th January 2013 and the landscaping scheme and management plan received by the Council on 4th February 2013 unless otherwise agreed in writing by the Local Planning Authority
3. The landscaping scheme hereby approved shall be fully implemented in the first planting season following the commencement of the development. The approved management plan shall be implemented in accordance with the submitted details, any trees or plants which within the 10 year period from date of planting covered by the management plan die, are removed, become diseased or seriously damaged shall be replaced with others of similar size and species.
4. The hedgerows identified in the landscaping scheme shall be permitted to grow to a height of 2.5m once grown none of the hedgerows shall be reduced below a height of 2.5m
5. Prior to development commencing details of the passing place to be constructed at the entrance to the site shall be submitted to and approved in writing by the Local Planning Authority and shall be constructed and completed to the satisfaction of the Local Planning Authority before the development hereby approved is brought in to use.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, DP32, CP1 and CP16.
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 DP1, DP32, CP1 and CP16.
4. To ensure the development is appropriately screened in accordance with Development Plan Policies CP16 and DP30.
5. In order to reduce the incidence of vehicles obstructing the free flow of traffic on the highway in the interest of the safety of highway users.

**Parish: Burneston**  
Ward: Leeming

Committee Date : 28 February 2013  
Officer dealing : Mr J E Howe  
Target Date: 14 March 2013

## **2.**

**13/00083/FUL**

**Two storey extension to existing dwelling.  
at The Hollins Burneston North Yorkshire DL8 2HS  
for Cllr A Barker.**

### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the construction of a two storey extension to the side (north-western) elevation of a detached dwelling on the eastern side of the B6265 at the northern approach into the village within defined development limits. The property is served by a private access track which has a junction onto the B6265.

1.2 The existing property was constructed as a bungalow and the proposed works seek to add a two storey element in the form of a cross T-shape providing two ground floor living rooms, a new entrance porch and two bedrooms with en-suite facilities to the first floor. Access into the existing house would be created through the north-western wall at ground floor level. A first floor balcony to the main (rear) bedroom which will not be visible from the highway or neighbouring dwellings is also proposed.

1.3 The existing dwelling is constructed in facing brickwork with a clay pantiled roof and white upvc windows and doors. Matching materials are proposed for the extensions although white painted timber doors are to be used for openings to the lounge and main bedroom.

1.4 The site curtilage is well screened by existing hedges and hedgerow trees. The closest neighbours to the west are across the B6265 in excess of 35m away. The closest neighbour to the south is at the other side of the private access and is in excess of 25m away and screened by its own hedge and that on the application site boundary. The closest neighbour of all is directly to the south-east 14m away (to the existing part of the house) although that is also screened by mature hedging and trees on the site boundary and the extended portion will not be visible as it will be screened by the body of the existing dwelling.

1.5 The application is for determination by the Committee as the applicant is a Member of the Council.

### 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 The dwelling was permitted in 1972. There have been no further works within the site since that date.

### 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 DP32 - General design  
Supplementary Planning Document - Domestic Extensions - Adopted 22  
December 2009  
Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made  
assets

#### 4.0 CONSULTATIONS

4.1 Burneston Parish Council: Wishes to support the application.

4.2 The application was advertised by site notice at the front of the site and the three closest neighbours were consulted. No objections have been received.

#### 5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the scale, design and materials proposed (Policies CP17 and DP32) together with the impact, if any, on local visual, and adjacent residential, amenity (Policies DP1, CP16 and DP30).

5.2 The proposed extensions are significant in scale in comparison to the floor area of the existing dwelling. However, the site curtilage is substantial and well screened from adjacent views. The siting and orientation of the extended part of the building is such that there will be no demonstrable adverse impact on the light, amenity or privacy of adjacent neighbours. The design proposed is simple in form and the use of sympathetic materials will ensure that the extended dwelling will not be visually dominant from local views.

#### SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that, although significant in scale, the design and materials proposed for the extensions, taking into account the existing screening within the site, are such that they will not be conspicuous within the local landscape nor have an adverse impact on adjacent residential amenity.

#### 6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details attached to planning application 13/00083/FUL received by Hambleton District Council on 9th January 2013 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order 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 CP17, DP32, CP16 and DP30.

**Parish:** Morton on Swale  
**Ward:** Morton on Swale

**Committee Date:** 28 February 2013  
**Officer dealing:** Mr Jonathan Saddington  
**Target Date:** 11 November 2011

### **3.**

**11/01506/FUL**

**Demolition of former public house and construction of 12 dwellings with garages served by a new access road as amended by plans received by Hambleton District Council on 1<sup>st</sup> & 2<sup>nd</sup> November 2011  
at the Swaledale Arms, Morton on Swale, North Yorkshire  
for Yorvik Homes**

#### **1.0 SUMMARY**

- 1.1 Consideration of this application was deferred at Planning Committee on 10<sup>th</sup> November 2011. Members requested that the application and its accompanying Economic Viability Appraisal (EVA) be referred to the District Valuer for scrutiny.
- 1.2 The application has been held in abeyance since then in order to allow for the resolution of some sensitive land ownership matters.
- 1.3 The application site is located within the 'Development Limits' of Morton on Swale, which is identified as a Service Village within the adopted Core Strategy's Settlement Hierarchy. The site measures 0.33 hectares.
- 1.4 The 'Swaledale Arms' has been closed since the beginning of July 2006. The site is currently vacant and has deteriorated significantly in recent years due to a lack of maintenance. The 'Swaledale Arms' is not considered to be a community asset worthy of protection under LDF policy DP5.
- 1.5 The Applicant's EVA provides evidence of the scheme's ability to deliver affordable housing and other developer contributions. The application proposes 3 affordable homes (25% of the total, against the LDF target of 40%). The EVA has been referred to the District Valuer for scrutiny. There is a shortfall of £31,000 between the Applicant's offer and the District Valuer's recommendation. However, all planning applications should be considered "in the round" taking into account all relevant material considerations.
- 1.6 The pub has been empty since 2006, whilst the Applicant has tried to bring the site forward for development since 2011. The Parish Council and local residents are keen to see the site regenerated in order to bring about visual improvements to a village which suffers from two stalled sites in key locations on the A684. In this context, the opportunity to achieve speedy regeneration of the site is a significant consideration.
- 1.7 To this end, the Applicant has agreed to covenant, through a s.106 planning obligation, to complete specified works by 31<sup>st</sup> December 2013 subject to being able to start on site by the end of April. These works would include: site clearance, construction of roads and pavements to base course and completion of the five frontage dwellings.
- 1.8 In light of the above considerations, it is recommended that the Applicant's offer be accepted and planning permission be granted subject to a satisfactory s.106 obligation in respect of early delivery, affordable housing and proportionate financial contributions towards public open space and education provision in the locality.

## **2.0 PROPOSAL AND SITE DESCRIPTION**

- 2.1 Full planning permission is sought for the construction of 12 dwellings and associated infrastructure, which equates to a density of approximately 37 dwellings per hectare. The existing public house would be demolished in order to make way for the proposed development.
- 2.2 The proposed accommodation would be two-storeys in height and comprise three two-bedroom terraced dwellings with parking; two three-bedroom semi-detached dwellings; two three-bedroom detached dwellings and five four-bedroom detached dwellings, all with private amenity space.
- 2.3 Each new property would have a minimum of 2 designated car parking spaces, with plots 3 to 7 also having a garage space. Plots 8 & 9 would have car port arrangements to allow them to be plotted closer to the road. The overall parking ratio equates to 2 spaces per dwelling, with an additional 5 integral garages provided.
- 2.4 A single point of vehicular and pedestrian access is proposed off the A684. An existing bus stop will need to be relocated to accommodate the proposed access arrangements.
- 2.5 The proposed dwellings would be constructed using a mix of red brick and render with pantiles and grey slate above. Windows would be white Upvc whilst doors would be coloured steel faced composite.
- 2.6 It is proposed to develop three affordable housing units, which equates to 25% of the proposed dwellings. The proposed affordable units comprise two two-bedroom and one three-bedroom terraced dwellings. Discussions are ongoing with the Housing Services Manager with regards to the tenure mix. In addition, the partnering Housing Association has yet to be selected, although the Applicant has indicated that it is likely to be Broadacres.
- 2.7 It is proposed to retain the existing trees, hedges and fences to the north, east and west boundaries, which would be supplemented with additional new vertically boarded timber fencing and landscaping. The artificial stone retaining wall adjacent to the A684 would be replaced by a new brickwork retaining wall.
- 2.8 The application site is located within the 'Development Limits' of Morton on Swale which is identified as a Service Village within the Core Strategy's settlement hierarchy. The overall site dimensions are approximately 36 metres wide by 88 metres deep, extending to 0.33 hectares in a rectangular shape.
- 2.9 The site is generally flat and is currently occupied by the vacant former public house and a large tarmac car park. The existing building was constructed in the 1850's although it has been repeatedly extended over the years with numerous pitched and flat roof extensions thus creating a large and unattractive building. The building generally comprises neutrally painted rendered walls beneath a natural grey slate duo pitch roof and has white Upvc split casement windows.
- 2.10 Apart from the existing Public House, properties in the immediate area are residential with a mixture of detached, semi-detached and terraced units and converted farm buildings to the west. There is a mixture of bungalows and two-storey cottages and dwellings which vary considerably in architectural style and age.
- 2.11 The site's north boundary is adjacent open countryside and is formed by a mature hawthorn hedge approximately 2.3m in height with a timber post and rail fence. The east boundary is made up of mature hedges and a couple of trees against timber fences with private residential gardens beyond. The south boundary adjoins the A684 and allows vehicular and pedestrian access into the application site with the

remainder made up by a low artificial stone retaining wall defining the back of the footpath. Finally the west boundary is made up of mature shrubs, hedges and the occasional tree set against vertically boarded and post and rail timber fences with the redeveloped Morton Hall farm buildings beyond.

### **3.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

3.1 None relevant.

### **4.0 RELEVANT PLANNING POLICIES**

4.1 The relevant National and Development Plan Policies are as follows: -

#### The National Planning Policy Framework – March 2012

4.2 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 it expects them to be applied.

#### Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development  
CP2 - Access  
CP4 - Settlement hierarchy  
CP6 - Distribution of housing  
CP8 - Type, size and tenure of housing  
CP9 - Affordable housing  
CP16 - Protecting and enhancing natural and man-made assets  
CP17 - Promoting high quality design  
CP18 - Prudent use of natural resources  
CP19 - Recreational facilities and amenity open space  
CP21 - Safe response to natural and other forces

#### 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  
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  
DP38 - Major outdoor recreation  
DP39 - Recreational links  
DP43 - Flooding and floodplains

#### Other Relevant Documents



Affordable Housing SPD  
Public Open Space, Sport & Recreation SPD  
Sustainable Development SPD  
Secured By Design  
Council Plan  
Hambleton Biodiversity Action Plan  
Sustainable Communities Strategy

## **5.0 CONSULTATIONS**

### **Morton-on-Swale Parish Council**

- 5.1 Wish to see the application approved. The site is a derelict eyesore. Anything would be an improvement. Now empty since around November 2006. The Applicant should be given every assistance to develop.

### **NYCC Highways**

- 5.2 No objections subject to conditions.

### **NYCC Education**

- 5.3 Has identified an anticipated need for three new school places arising from the development. This would contribute to a projected shortfall of seven school places and therefore a contribution towards new school places has been requested.

### **Yorkshire Water**

- 5.4 Recommend conditions. However, foul sewer cannot accept any surface water drainage. The Applicant should investigate surface water drainage options including the overflow arrangements.

### **Bedale and Upper Swale Internal Drainage Board**

- 5.5 Note the comments on the Utilities Report and the lack of capacity on the 150mm diameter sewer which is believed to take some of the existing surface water. The site lies outside the drainage district but the Board's Byelaws preclude any increase in run-off as a result of the development. Therefore the planned use of a sustainable system of drainage is supported. Any run-off from development draining into the IDB will be attenuated at 1.4 litres per second per hectare of newly developed area.

### **Police Architectural Liaison Officer**

- 5.6 Recommendation 1 – should make a formal application for “Secured By Design” accreditation.
- 5.7 Recommendation 2 - that the houses for Plots 1 & 2, and 10 to 12, be re-designed to incorporate in-curtilage car parking and not communal parking, even if this means the loss of a house to accommodate this.
- 5.8 Recommendation 3 - That the car ports be changed to a formal garage with lockable doors for Plots 8 & 9.
- 5.9 Recommendation 4 - Doors and windows should meet the specified standards.

## **Network Rail**

- 5.10 With reference to the protection of the railway, Network Rail has no objection in principle to the development; its only comment is that the Applicant should be aware that any development for residential use adjacent/close to an operational railway may achieve reduced levels of residential amenity. Consequently every endeavour should be made by the developer to provide adequate soundproofing for the dwelling. Please note that in a worst-case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.
- 5.11 Network Rail advises that soundproofing should be the subject of a condition, the reasons for which can include the safety, operational needs and integrity of the railway.

## **Campaign for Real Ale (CAMRA)**

- 5.12 Object to the application on the grounds of loss of a rural amenity and the lack of any attempt to market the property by the current owners - a development company - as a going concern.
- 5.13 The application is incorrect as it describes the building as the "former Swaledale Arms public house" - in fact, it continues to be the Swaledale Arms which is currently not trading. The owners could reopen the business as a going concern following suitable renovation works but have chosen not to do so.
- 5.14 The Planning Support Statement does not provide any supporting evidence of what the owners or their predecessors have done to operate or market the public house as a going concern for a realistic price.
- 5.15 The current owners have never had any interest in operating the Swaledale Arms as a business. There is no evidence of any investment by them in its upkeep or of efforts to retain what could be a valuable local amenity.
- 5.16 Located as it is in a prominent location on the main A684 within close proximity to the catchment area of Northallerton, Leeming, Bedale and the A1, there is no reason why the Swaledale Arms could not operate as a viable business with suitable imaginative operation and management.

## **Publicity**

- 5.17 The application was advertised within the local press, by site notices and directly to the neighbouring residents. The period for replies expired on 20<sup>th</sup> September 2011. One letter of objection and one providing general comment have been received and are summarised as follows:-
- a) The Swaledale Arms should be retained.
  - b) The site is outside the development limits.
  - c) Loss of privacy to Stone Bowers Cottages.
  - d) The side elevation of 1 Stone Bowers Cottage will become exposed following the demolition of the pub. The side elevation is not designed or finished to the specification which lends itself to being exposed, i.e. concrete block work rather than a stone finish. Concerned that expense may be incurred in addressing this if the existing building is removed. Therefore, request that the treatment of this side elevation is considered carefully in the design of the scheme and the demolition of the existing building as both properties are attached in places.

## **6.0 OBSERVATIONS**

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

- a) Loss of a Community Facility
- b) Location of New Housing
- c) Design & Density
- d) Protecting Amenity
- e) Sustainable Construction
- f) Highway Safety & Car Parking
- g) Drainage
- h) Affordable Housing
- i) Public Open Space & Other Developer Contributions

### **Loss of a Community Facility**

6.2 The 'Swaledale Arms' has been closed since the beginning of July 2006. The site is currently vacant and has deteriorated significantly in recent years due to a lack of maintenance. The Applicant claims that the 'Swaledale Arms' became economically viable having suffered a legacy of closure and failed businesses.

6.3 Policy DP5 (Community Facilities) of the adopted Development Policies DPD stipulates that proposals that will lead to a loss of community facilities will only be permitted if:

- i) there is a demonstrable lack of community need for the facility and the site or building is not needed for an alternative community use; or
- ii) retention of the community facility is clearly demonstrated not to be financially viable when operated either by the current occupier or by any alternative occupier; or
- iii) an alternative facility is provided or facilities are combined with other facilities which meets identified needs in an appropriately accessible location.

6.4 The Applicant states that the pub has been marketed as a going concern for a number of years without success. However, no evidence to support this claim has been submitted with the application.

6.5 CAMRA has objected to the application on the grounds that redevelopment of the site would result in a loss of a rural amenity and that the pub business should be properly marketed as a going concern. CAMRA identifies that the 'Planning Support Statement' does not provide any supporting evidence of what the owners or their predecessors have done to operate or market the public house as a going concern for a realistic price.

6.6 It is important to note that only one of the criteria contained within Policy DP5 needs to be satisfied in order to justify the loss of a community facility. The views of the Parish Council and the local community have been sought in order to identify the importance of the existing pub. The Parish Council is actively in support of the site being redeveloped for housing, whilst only one local resident objects to the application. Furthermore, two pubs currently operate within close proximity to the application site, the 'Wellington Heifer' in Ainderby Steeple and the 'Old Royal George' in Morton on Swale itself. It would be difficult to argue that three village pubs in such close proximity to each other are essential to the continued vitality and viability of village life within Morton on Swale. Consequently, it is considered that there is a demonstrable lack of community need and Policy DP5 is satisfied.

## **Location of New Housing**

- 6.7 Policy DP8 of the Development Policies DPD states that *“Permission for development will be granted within the settlement Development Limits as defined on the Proposals Map, provided that it is consistent with other LDF policies”*.
- 6.8 The application site is located within the development limits of Morton on Swale as defined on the Proposals Map of the adopted Allocations DPD.
- 6.9 In addition, the proposed development constitutes reuse of a brownfield site within a sustainable location close to existing services and amenities. Consequently, the location of the proposed development is considered to be acceptable.

## **Design & Density**

- 6.10 Policy DP32 of the adopted Development Policies DPD stipulates that *“the design of all development must be of the highest quality. Attention to the design quality of all development will be essential...Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings and promote local identity and distinctiveness.”*
- 6.11 Generally, the proposed scheme is considered to be of good design in accordance with the principles of the NPPF. The design reflects the more traditional vernacular of Morton on Swale but meets modern aspirations whilst sufficient car parking and private amenity space would be provided. Clear steps have been taken by the developer to produce an innovative and attractive scheme that would add to the value of the village’s built environment.
- 6.12 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.
- 6.13 A minimum of 30 dwellings per hectare is no longer quoted within national planning policy. Nonetheless, the NPPF states that local planning authorities should have regard to, inter alia: the characteristics of the area; the desirability of achieving high quality, well-designed housing; the current and future level and capacity of infrastructure, services and facilities; the desirability of using land efficiently and current and future levels of public transport. The proposed scheme equates to a density of 37 dwellings per hectare, which in the context of the site’s central location and the nature of the accommodation proposed is not considered to represent over-development.
- 6.14 The Police Architectural Liaison Officer has expressed concern that the car parking to the rear of plots 1, 2, 10, 11 and 12 should be redesigned so that the spaces can be seen from the ground floor windows of the proposed dwellings. Whilst this general principle of design is supported, the proposed development is relatively small cul-de-sac arrangement and will have the feel of a private development. Consequently, natural surveillance will come about as resident move through the site and via neighbouring properties. Therefore, the proposed layout is considered to be acceptable without this proposed change.
- 6.15 The side elevation of the adjoining dwelling (1 Stone Bowers Cottages) would be exposed following demolition of the pub. This side elevation is unlikely to be have been designed or finished to the specification which lends itself to being exposed, i.e. concrete block work rather than a stone finish. The neighbour has requested that the treatment of this side elevation is considered carefully in the design of the scheme. It is recommended that a condition be imposed which requires the submission and implementation of a scheme of works to this side elevation in order to protect visual amenity.

- 6.16 The broad principles of the site layout and the proposed house types are considered to be acceptable and in compliance with Policy DP32.

### **Protecting Amenity**

- 6.17 Policy DP1 of the adopted Development Policies DPD requires all development proposals to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, odours and daylight.
- 6.18 To the west, Plots 1 and 3 would stand over 18m from 1 and 2 Swaledale Court, which exceeds the Council's best practice separation distance of 14m between side and rear elevations.
- 6.19 To the east, Plot 9 stands approximately 7m from the side boundary of 1 Stone Bowers Cottage whilst Plot 8 stands approximately 8m from the same boundary. An objection has been received from a resident of Stone Bowers Cottages that Plots 8 and 9 will overlook their rear garden space.
- 6.20 Amended plans show the first floor bedroom windows repositioned to the side elevation of Plots 8 and 9 and obscure glazing in both the bedroom and landing windows. As a result of these amendments, there would not be loss of amenity through overlooking of the rear garden space of Stone Bowers Cottages and the proposed development is considered to comply with Policy DP1.
- 6.21 The soundproofing requested by Network Rail can be secured if a noise assessment shows it is needed, although this would be in order to protect the amenity of future occupiers rather than for the reasons requested by Network Rail.

### **Sustainable Construction**

- 6.22 Policy DP34 of the adopted Development Policies DPD 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.
- 6.23 The application does not include firm proposals that demonstrate compliance with Policy DP34. However, a suitably worded condition could be imposed in order to deliver energy savings via sustainable construction techniques and/or infrastructure.

### **Highway Safety & Car Parking**

- 6.24 The site would be accessed directly off the A684. The proposed visibility splays accord with the guidance of "Manual for Streets" and no objections to the highway design and layout have been raised by the Local Highway Authority.
- 6.25 The NYCC parking standards require two spaces for two and three-bedroom dwellings, three spaces per four-bedroom dwelling and one visitor space per five dwellings within rural areas, which equates to approximately 31 spaces. The proposed layout incorporates 25 car parking spaces and 5 garages, 1 less this standard. The overall level of car parking is considered to be acceptable.

## **Drainage**

- 6.26 It is important to note that Yorkshire Water has not objected to foul drainage being accepted into the existing system, however it must not exceed 6 (six) litres per second. Surface water would need to be drained to soakaway and via other Sustainable Urban Drainage System methods. An appropriate method of foul and surface water drainage can be secured via planning condition.

## **Affordable Housing**

- 6.27 Policy CP9 stipulates that housing development of 2 dwellings or more within the Northallerton hinterland should make provision for 40% affordable housing which is accessible to those unable to compete on the local housing market. However, the actual provision on a given site will be determined through negotiation, taking into account viability and the economics of provision.
- 6.28 An EVA has been submitted with the application which provides evidence of the scheme's ability to deliver affordable housing and other developer contributions but not at the levels normally sought. The application proposes 3 affordable homes, which equates to 25% of the total.
- 6.29 The EVA has been referred to the District Valuer for scrutiny. The District Valuer has concluded that the scheme can support 3 affordable homes (25%) in addition to the other developer contributions identified within this report.

## **Public Open Space & Other Developer Contributions**

- 6.30 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. Given that no public open space can be provided on site, the Applicant has agreed to pay a commuted sum towards off-site provision.
- 6.31 Policy DP2 requires contributions from developers towards additional children's services/facilities where existing services in the area have insufficient capacity to cater for the potential increase in the number of children (criterion v). The Local Education Authority has identified an anticipated need for three new school places arising from the development. Again, the Applicant has agreed to pay a commuted sum towards education.
- 6.32 As with any s.106 contribution, the exact amount will be determined through negotiations, taking into account viability and the economics of provision.
- 6.33 There is a shortfall of £31,000 between the Applicant's offer and the District Valuer's recommendation. However, all planning applications should be determined "in the round" taking into account all relevant material considerations. The District Valuer's Assessment has drawn on data about developer profit margins across a range of developers and development types. However, the Applicant has argued that the financial models that might allow lower profit margins are not available to them as a smaller house builder reliant on bank funding. They advise that banks will only provide funding for developers that set profit margins of 20% and above because that gives confidence of low financial risk on the part of the developer.
- 6.34 The pub has been empty since 2006, whilst the Applicant has tried to bring the site forward for development since 2011. The Parish Council and local residents are keen to see the site regenerated in order to bring about visual improvements to a village that suffers from two stalled sites in key locations. The application site is

prominent and forms a “gateway” when approaching from the A1 and the west. In this context, speedy regeneration of the site would improve the appearance of the village. This is considered to be an overriding priority in the assessment of the application in these circumstances.

- 6.35 To this end, the Applicant has agreed to covenant to complete specified works by 1<sup>st</sup> January 2014 by means of a s.106 planning obligation. These works would include: site clearance, construction of roads and pavements to base course and completion of the five frontage dwellings, the three affordable units ready for occupation and the two market units ready except for internal finish to the purchaser’s specification.

## **7.0 CONCLUSION**

- 7.1 For the reasons given above and having regard to all other matters raised, it is recommended that the Applicant’s offer be accepted and planning permission be granted for the application as amended subject to the satisfactory completion of a s.106 obligation in respect of early delivery, affordable housing and developer contributions towards education and public open space, sport and recreation.
- 7.2 The proposed development is considered to be in accordance with the above policies of the Hambleton Local Development Framework. The scheme involves the use of brownfield land within a sustainable location and is appropriate in terms of design, scale and massing to its location without detriment to established residential amenity.
- 7.3 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **8.0 RECOMMENDATION**

**GRANTED** subject to the following conditions:-

### **1. Commencement**

The development hereby permitted shall be begun within 12 months of the date of this permission.

**Reason:** In order to secure the early redevelopment of an unattractive site in a visually prominent location, in accordance with policies CP1, CP17 and DP32 of the Hambleton Local Development Framework.

### **2. Approved Plans**

The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered: (all prefixed 3443) 00 Rev.B; 08; 09 and 10 received by Hambleton District Council on 14<sup>th</sup> July 2011 and 02 Rev.C received by Hambleton District Council on 1<sup>st</sup> November 2011 and 11 Rev.A received by Hambleton District Council on 2<sup>nd</sup> November 2011 unless otherwise agreed in writing by the Local Planning Authority.

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

### 3. **Materials**

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

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

### 4. **Boundary Treatments**

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

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

### 5. **Boundary Treatment Construction**

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

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

### 6. **Permitted Development Rights Removed – Boundary Treatment**

Notwithstanding the provisions of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development', no fences, gates or walls shall be erected within the curtilage of any dwellinghouse between any wall of that dwellinghouse and a road.

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

### 7. **Landscaping Scheme**

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

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



**8. Secured By Design**

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

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

**9. Sustainable Construction**

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

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

**10. Levels**

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

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

**11. Separate Drainage Systems**

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

**Reason:** In the interest of satisfactory and sustainable drainage.

**12. No Piped Discharge of Surface Water**

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

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

**13. Foul Water Drainage**

No development shall take place until details of the proposed means of disposal of foul drainage have been submitted to and approved by the local planning authority.

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

**14. Implementation of Foul Drainage Works**

Unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

**15. Land Contamination Condition**

If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

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

**16. Noise Impact Assessment**

Prior to the development commencing, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall contain details of any mitigation measures required which shall be implemented in full prior to the occupation of the relevant dwelling.

**Reason:** To safeguard the amenity of the future residents from noise generated by the nearby Wensleydale Railway Line in accordance with Policy DP1 of the Hambleton Local Development Framework.

**17. Detailed Plans of Road and Footway Layout**

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:

- (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
  - (a) the proposed highway layout including the highway boundary
  - (b) dimensions of any carriageway, cycleway, footway, and verges
  - (c) visibility splays
  - (d) accesses and driveways

- (e) drainage and sewerage system
  - (f) lining and signing
  - (g) traffic calming measures
  - (h) all types of surfacing (including tactiles), kerbing and edging.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
- (a) the existing ground level
  - (b) the proposed road channel and centre line levels
  - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
- (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
  - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
  - (c) kerb and edging construction details
  - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority.

**Reason:** To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

#### **18. Construction of Roads and Footways Prior to Occupation of Dwellings**

No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.

**Reason:** To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

**19. Approval of Details for Works in the Highway**

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works until details of proposals to prevent vehicular parking on the footway or carriageway of the A684 fronting the site have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** in the interests of the safety and convenience of highway users.

**20. Completion of works in the highway (before occupation)**

Unless otherwise approved in writing by the Local Planning Authority, the development shall not be brought into use until the proposals to prevent vehicular parking on the footway or carriageway of the A684 fronting the site are constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 19 above.

**Reason:** in the interests of the safety and convenience of highway users.

**28. Provision of Approved Access, Turning and Parking**

No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 3443-02 RevC) Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

**29. Precautions to Prevent Mud on the Highway**

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

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

**30. On-site Parking, on-site Storage and construction traffic during Development**

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

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required

for the operation of the site.

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

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

**31. Treatment of exposed elevation of 1 Stone Bowers Cottage**

Prior to the commencement of development a scheme for treatment of the west facing (side) elevation of the adjoining 1 Stone Bowers Cottage, Morton on Swale exposed by demolition of the Swaledale Arms shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented prior to the occupation of the 1<sup>st</sup> dwelling.

**Reason:** In the interests of the visual amenity of the locality in accordance with Policies CP17 and DP32 of the Hambleton Local Development Framework.

**Parish: Northallerton**  
Ward: Northallerton North

Committee Date : 28 February 2013  
Officer dealing : Mr A J Cunningham  
Target Date: 20 March 2013

**4.**

**13/00157/FUL**

**Alterations and extensions to existing dwelling..  
at 45 Mowbray Road Northallerton North Yorkshire DL6 1QT  
for Mr & Mrs R Cullen.**

#### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for a number of domestic alterations to the detached dwelling of 45 Mowbray Road, Northallerton. The property is located within a residential area to the northern periphery of Northallerton.

1.2 The proposed alterations comprise the formation of a mono-pitch cantilever canopy extending across the entire front (south-western) elevation of the dwelling. The scheme also proposes a dual pitched entrance lobby within the centre of the frontage which would measure approximately 1.2m x 3.6m, with a total height of approximately 3.6m. The proposal also involves the formation of a pitched roof above the existing flat roof attached garage, positioned to the side (north-western) elevation. The proposed roof would measure approximately 8.7m x 2.8m, with a total height of approximately 4.2m. The works to the property also comprise the addition of a single storey extension to be used as a sun lounge to the rear (north-eastern) elevation of the dwelling. This structure would measure approximately 4.5m x 6.5m, with a total height of approximately 4m. The single storey rear extension would be linked by a cantilever mono-pitch roof to the proposed pitched roof to the side of the property.

1.3 Materials for the proposed works would comprise brickwork and tiles to match with the existing dwelling. Windows would be formed of UPVC and doors would be formed of UPVC or timber.

1.4 The proposed roof works to the side elevation would be formed approximately 1m from the north-western boundary of the property to 43 Mowbray Road. This boundary is formed of a brick wall extending to a height of approximately 1.2m. The single storey extension to the rear elevation would be positioned approximately 1m from the south-eastern boundary of the property. This is formed of a timber panelled fence extending to approximately 2m in height.

1.5 The scheme is brought before Members as the applicant is an employee of the Council.

#### 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/84/110/0653 - Extension To An Existing Dwellinghouse; Granted 1984.

2.2 There is no enforcement history.

#### 3.0 RELEVANT PLANNING POLICIES:

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

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

#### 4.0 CONSULTATIONS

4.1 Northallerton Town Council; expires 21.02.2013 - Response awaited.

4.2 Neighbours notified and site notice posted; expires 21.02.2013 - One response received as at 12.02.13 concerning neighbour consultation and accessing details of the proposed application.

#### 5.0 OBSERVATIONS

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

5.2 The design, scale and materials of the proposed works accord with the host dwelling and serve to maintain the visual amenity of the surrounding street scene. The relationship of 45 Mowbray Road to adjacent dwellings has been considered along with the overall scale of the works when assessing their impact on neighbour amenity. The works to the front elevation are of a design that would not impact neighbour amenity. The roof works to the side elevation are appropriate in design and scale and are separated from the dwelling of no.43 by its driveway. Consequently it is not considered that this portion of the proposal would harm neighbour amenity. The rear single storey extension is a sizeable addition to the dwelling although it is noted that it projects only 0.5m more than could be achieved under permitted development rights. Its overall design, particularly its hipped roof, the south-western boundary treatment and the way in which it is related to 47 Mowbray Road are such that it is not considered that this portion of the scheme would erode neighbour amenity.

5.3 Having taken the above into account it is considered that the scheme accords with the policies of the Hambleton Local Development Framework, and subject to the outstanding consultation responses this application is recommended for approval.

#### SUMMARY

The proposed development would not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area. The proposal accords with the policies set out in the Local Development Framework and is therefore considered acceptable.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### 6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 23 January 2013 unless otherwise agreed in writing by the Local Planning Authority.

3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

The reasons for the above conditions are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1, CP17, DP1 and DP32.

3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.



## 5.

12/00006/TPO

**Hambleton District Council (Scruton) Tree Preservation Order 2012 No 6  
at Old Manor House, Scruton  
For Mr M Exelby**

### **1.0 PURPOSE AND BACKGROUND:**

- 1.1 The purpose of this report is to inform the Committee of objections to the making of TPO No. 2012/6 at Scruton
- 1.2 In October 2012 Mr Exelby of Old Manor House, Scruton, submitted a Conservation Area Tree Notification to fell three trees, a Willow, Silver Birch and Beech, located to the front and rear of Old Manor House, Scruton (ref. no. 12/02315/CAT).
- 1.3 Due to the fact that the Willow and Beech trees are considered to contribute greatly to the character and appearance of the Conservation Area, because of their large size and attractive appearance, the Willow and Beech trees were made the subject of Tree Preservation Order No. 2012/6 served on 19 December 2012. The details were sent to the Council's arboricultural consultants, Elliot Consultancy, for an independent review of the proposal. Based on the conclusions within this report the Willow tree is recommended to be removed from the Tree Preservation Order.

### **2.0 DECISIONS SOUGHT:**

- 2.1 To confirm 2012/6 in respect of the Beech tree following the consideration of the objections received and to remove the Willow tree from the Order.

### **3.0 RISK ASSESSMENT:**

- 3.1 The risk is that if the TPO is not confirmed the Beech tree will be felled.

### **4.0 LEGAL IMPLICATIONS:**

- 4.1 The general purpose of a TPO is to protect the character and amenity of the area. A TPO may prohibit the unauthorised cutting down, lopping, uprooting, wilful damage, or wilful destruction of trees.
- 4.2 The effect of confirming a TPO is to make unlawful any actions referred to in the TPO.
- 4.3 Following confirmation of a TPO an application can be made to the Local Authority for consent to carry out works on the tree (including cutting it down). If the Local Authority refuses the application for consent the applicant has a right of appeal to the Secretary of State.
- 4.4 In certain limited circumstances (e.g. where the tree is causing damage to the applicant's property) the applicant may make a claim for compensation for any loss or

damage suffered as a result of the refusal to grant consent. This is limited however to damage that was reasonably foreseeable when the application was made.

- 4.5 If the claim for compensation is refused by the Local Authority, or the level of compensation offered is disputed, the applicant has a right to appeal to the Lands Tribunal for determination.

## **5.0 OBJECTIONS TO THE TPO:**

- 5.1 A letter of objection to the making of the TPO was received from Mrs Exelby of Old Manor House on 4 January 2013. Three reports were also submitted from Braithwaite & Sons Retail Nurseries and Florists, A G Eaton Artisan Tree Management and Tom Duffield local tree surgeon. A copy of this letter and the reports are appended to this report and this clarifies the applicant's concerns about the size of the trees and the impact of the tree roots and branches on the dwellinghouse and services.
- 5.2 A copy of the letter of objection was sent to Elliot Consultancy Ltd, Arboricultural Consultants who have visited the site and submitted a report on the tree. This report is appended and it confirms that the Beech tree is in good physiological and reasonable structural condition. Due to its proximity to the dwelling it is likely to require future pruning but it is located in a prominent position and with good aesthetic value the tree meets with the criteria for a Tree Preservation Order.
- 5.3 It is considered that the concerns raised regarding the size and relative proximity of the Beech tree to the owners home have been properly considered by the Council's consultant arboriculturalist.

## **6.0 RECOMMENDATION(S):**

- 6.1 The visual amenity value of the Beech tree within its Conservation Area setting is considered to be high due to its size, health and prominent position. It is in good condition and is in a prominent position with good aesthetic value.
- 6.2 It is recommended that TPO No. 2012/6 at Old Manor House, Scruton is confirmed.

ALEX PEEL

**Background papers:** Objection letter received with reports  
Elliot Consultancy Ltd report

**Author ref:** AJP

*(Converted from original format)*

Thursday 3 January 2013  
Your ref: 12/00006/TPOI  
The Manor House  
Scruton  
Northallerton  
N Yorkshire  
DL7 ORE

Dear Sir  
Hambleton and District Council (Scruton) Tree Preservation Order 2012 No 6

Further to your letter dated 12 December 2012, your ref 12/00006/TPO, informing me that you have placed a temporary preservation order on the two trees which we have applied for permission to take down I would like to let you know the reasons why we would like to have them removed.

I have been very concerned for some time that these trees have grown so much over the last 23 years that we have lived at our home and are now posing a significant danger to our property if they blew down or a bow was to break off because of their close proximity to the house.

The willow tree is very old, one section of it is dead and one very large bow has a big crack through the middle of it which you can see daylight through. We are surprised that it has not already broken off. Some large branches have already broken off without warning on windy days which has been very dangerous and because of its close proximity to the house it is causing risks to the foundations and drains. There is one large bow that if it breaks it will hit the house which could have severe consequences.

The beech tree is situated one metre from the house and I am very worried that if a bow broke in a strong wind and landed on the house it would cause severe damage to the property and possible injury. The tree overhangs the house and is making the house damp, obstructing the chimney so that it does not draw properly, when in full leaf it obstructs any light through the bedroom window. It is disturbing the foundations and drains because it is so near the house and interferes with power lines. We feel it is much too near our house to have such a large tree. The tree is also split into two trunks rather than one which may mean it is less stable. It could also pose problems for our house insurance because of the risk of a branch falling on it.

Our neighbours have known about our concern about the safety of the trees for some time and are in support of our application to apply for permission to have the two trees taken down. We already have quite a lot of mature trees on our property which are fine and not causing any risk to our house as they are further away in the garden. We also have the support of our

Parish Council who have no objections to us having these two trees taken down.  
A local tree surgeon has looked at the trees and he is going to send me a report of why he feels the trees are dangerous and need to come down which I will forward to you this week.

We would really appreciate it very much if you felt you could remove the temporary tree preservation order and allow us to take the two trees down.

Many thanks for your help with this matter and I look forward to your reply.  
Yours faithfully

Josephine Exelby

I enclose report from our Arborist with this letter

*(Converted from original format)*

2nd January 2013

T. Duffield  
Eddystone  
Great Fencote  
Northallerton  
017 ORS

To: Hambleton District Council

Dear Sir /Madam.

I am a local Arborist and an acquaintance of Mr and Mrs Exelby, Old Manor House, Scruton.

I write this letter with reference to the tree preservation orders placed on two trees at the above address in Scruton.

The first of which is a mature Willow, situated to the East of The Old Manor House. Being local and spending much time in Scruton, I have noticed Chlorosis (yellowing of leaves) since June 2012, and later thinning of the crown. The tree now shows dead branches in the upper crown, has storm damage to the house side and a major limb with a large split. The overall health of this tree is poor and in my opinion should be felled.

The second tree is a Beech and is situated to the front of the house. This tree is large and is in very close proximity to the house. The heavy shade cast by the tree is undoubtedly to blame for the green tinge now visible on that side of the building: While this specimen is in good condition, it is not yet fully grown and thus if let, will grow much bigger. It is my opinion that this tree is too close to the house.

Hopefully my views are of some use to your decision on this matter.

Regards,

Tom Duffield

*(Converted from original format)*

## W Braithwaite & Sons

Retail Nurseries and Florists

Floral Nurseries, Leeming Bar, Northallerton

North Yorkshire, DL7 9BG

[www.wbraithwaitesnursery.co.uk](http://www.wbraithwaitesnursery.co.uk) [sales@wbraithwaitesnursery.co.uk](mailto:sales@wbraithwaitesnursery.co.uk)

Tel: 01677 422861 Fax: 01677 426847

VAT No 257616049

Mr T .1 Wood.

Development manager.

Planning Dept. Trees.

Hambleton District Council

Stone Cross.

Northallerton

North Yorkshire

Your Ref. 12/00006/TPOI

Proposed removal of *Fagus Sylvatica* (Beech) and *Salix vit. Pendula*, (golden weeping Willow) at The Old Manor House Scruton.

04.01.13

Dear Sir

I have been asked to offer my opinion on the safety and suitability of the two above mentioned trees, situated at The Old Manor House, Scruton Village.

With reference to the Beech I consider this tree to be well into maturity and therefore at risk of breaking off or at least starting to loose limbs should it be subjected to a strong wind. This situation would not cause concern if this tree was in the middle of a field however when it is hanging over a residence, should it break off or drop a major limb the consequences would be most serious and may even cause harm to any residents.

The Willow is also maturing and has started to die back with the death of some limbs, which although not likely to cause damage to the immediate property unless it blew over completely, none the less is now causing a nuisance with its invasive root system, which is notorious for damaging drains, and its proximity to the house.

Definitely a case of a tree in the wrong place.

In both cases I would recommend felling and removal.

Yours

(Converted from original format)

*Mr M Exelby  
Old Manor House  
Scruton  
Northallerton  
North Yorkshire*

*21 December 2012*

*Dear Mr Exelby,*

*RE: TREE INSPECTION AT OLD MANOR HOUSE*

*Further to my recent visit to your property I report as follows:*

*Over mature beech —Health and safety and also damage to property risk.*

*Over mature willow —showing signs of decay, could also potentially cause damage to drainage and poses a health and safety risk.*

*In my opinion these trees should be removed to prevent any further risk.*

*Yours sincerely*

*—  
—/.*

**A G EATON**  
Artisan Tree Management

Wrens Nest, Underhill, Glaisdale, North Yorkshire, YO21 2PF  
Tel – 01947 897001 Email: enquiries@elliottconsultancy.com  
www.elliottconsultancy.com  
Company Registration No: 5515572 VAT No: 89226571

Location:

**The Old Manor,  
Scruton**

Report Type:

**Arboricultural Report**

**Ref: ARB/CP/749**

Date January 2013

## **Contents**

- 1 Introduction
- 2 Site Information
- 3 Tree Data
- 4 Discussion

### **Appendices**

- 1 Photos
- 2 Arboricultural Glossary

## **1 Introduction**

1.1 Acting upon the request of Alex Peel of Hambleton District Council an arboricultural inspection of two trees within at The Old Manor, Scruton was undertaken. The inspection was completed on the 29<sup>th</sup> January 2013 by Charles Prowse of Elliott Consultancy Ltd.

1.2 Scope of the report:

This report provides arboricultural information and advice in relation to the current physiological and structural condition of the trees inspected. Comments are made as to the trees' suitability for protection by Tree Preservation Order.

This report relates only to the conditions prevailing on the date that the site was surveyed. At the time of inspection the sky was overcast giving reasonable light levels.

1.3 A glossary is included within the report, covering terms that may be specific to arboriculture.

## **2 Site Information**

2.1 The trees inspected are located within the grounds of The Old Manor, Scruton. Figure 1 shows the tree locations.

2.2 The first tree is situated within the gravel-covered driveway approximately 2 metres to the north of the house. The second tree is located approximately 10 metres to the east of the house and set within a lawn.

2.3 The property is comprised of a detached dwelling with out-buildings to the west. Vehicular access is taken from Common Lane to the north via a gravel driveway.



2.4 There are numerous additional trees to those covered by this report within the property.

### 3 Tree Data

**Tree Number:** 1

**Species:** Beech (*Fagus sylvatica*)

**Age Class:** Mature

**Height:** 15 to 20 metres

**PSULE:** 20+ years

**Condition:**

3.1 The tree is single stemmed until approximately 2 metres above ground level at which point it divides into two co-dominant stems (refer to Photo 1, Appendix 1). The union between the two stems contains included bark. Included bark is a growth characteristic, inherent in some species, whereby two, or more, limbs growing in close proximity and often at acute angles 'fuse' together entrapping bark from when they were separate. Whilst this can result in a weaker union than one without included bark some trees respond by producing 'reaction wood' or additional growth in an attempt to strengthen the area.

3.2 There are numerous pruning wounds throughout the canopy, most of which appear to have been undertaken correctly. There are a number of small diameter limbs which are crossing and in contact with each other. Many of the branch unions within the crown contain included bark.

3.3 The tree stands within the gravel-covered driveway approximately 2 metres north of the house. A large percentage of the tree's root system will be located within the gravel-covered area which is likely to be compacted ground. The physiological condition of the crown, however, appeared good, indicating that the tree is currently functioning well in its environment. Much of the southern portion of the crown overhangs the roof of the building which will no doubt affect the light levels of the closest rooms. Mrs Exelby, the property owner, noted that the draw of the chimney is also affected by the tree.

**Tree Number:** 2

**Species:** Willow (*Salix spp.*)

**Age Class:** Mature

**Height:** 10 to 15 metres

**PSULE:** <10 years

**Condition:**

3.4 The tree is single stemmed until approximately 1.3 metres above ground level at which point it divides into three stems, one of which is larger than the other two. There is a 5° lean from vertical of the stem towards the house (west).

3.5 Wounded surface roots are visible to the east and southwest of the tree. Decay has colonised the wounded tissue, particularly to that of the eastern root. Necrotic bark is present where the wounded root to the east joins the stem (refer to Photo 4, Appendix 1). The bark could be peeled away but currently the wood beneath appears sound when tested with a mallet.

3.6 A delaminated limb is present within the lower section of the northern canopy area (refer to Photo 3, Appendix 1). The limb is significant in diameter and length, and liable to sudden failure.

3.7 Broken stubs within the crown, particularly on the limb extending towards the west indicate previous branch failures. There is a minor amount of deadwood present within the crown.

3.8 To the southwest of the tree and within its potential rooting area is a ha-ha. It is not

know if the ha-ha predates the tree or whether it was installed with the tree in-situ. If the latter, it is possible that root tissue of the tree would have been damaged when it was constructed.

## 4 Discussion

4.1 Tree 1, the beech, appears to be of good physiological and reasonable structural condition. The included bark unions and co-dominant stems detract from its overall structural form but there were no visible signs of weakening unions. The proximity of the tree to the house is such that future pruning is likely to be required to prevent damage to the building and possibly to ensure safe usage of the chimney.

4.2 Located in a reasonably prominent position and with good aesthetic value Tree 1 certainly meets the criteria for protection by a Tree Preservation Order. It should be noted however that the trees proximity to the dwelling may reduce its longevity over a similar tree without a high value permanent target so close.

4.3 Tree 2, the willow, appears to be of reasonable physiological but slightly poor structural condition. The crown tissue appears healthy for a willow of this size and age, albeit with a small amount of deadwood. The tree has begun to shed branches, particularly from the arching limb growing to the west (and towards the house) which is common for mature willow and expected to continue as this species readily self-propagates by shedding limbs. A further limb, located within the lower level of the north crown area, has delaminated and is highly likely to fail. The decay visible within the surface roots and the necrotic bark at the stem base, although not appearing to be immediately serious will undoubtedly have a bearing on the longevity of this tree. The tree is mature and approaching the end of its safe useful life expectancy.

4.4 The tree, whilst visible in part from the highway, is not as prominent as Tree 1 and although having visual amenity value the question mark over how long it can be safely retained should be taken into account when deciding its Tree Preservation Order status. If protected and retained it is expected that remedial pruning would be required to remove the delaminated limb and possibly to reduce the length of the western limb (perhaps to a position indicated by the red line of Photo 2, Appendix 1).

### **Appendix 1 Photographs –** *(to be shown in the Committee meeting)*

Photo 1: Tree 1. Co-dominant stems and proximity to building.

Photo 2: Tree 2

Photo 3: Tree 2. Delaminated limb (yellow arrow) and branch failure stubs (red arrows)

Photo 4: Tree 2. Necrotic bark at stem base

**Parish: Sowerby**

Ward: Sowerby

Committee Date : 28 February 2013

Officer dealing : S Leeming

Target Date: 18 March 2013

**6.**

**13/00066/FUL**

**Revised application for the demolition of existing domestic garages and construction of one dwelling with a detached garage, associated parking and landscaping.  
at Garages At Danum Avenue Sowerby North Yorkshire  
for Mr & Mrs Haworth.**

#### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This revised application seeks permission for the demolition of existing domestic garages and the construction of one dormer bungalow on the site at Danum Avenue Sowerby.

1.2 The proposal is for the construction of a largely single storey property with living accommodation and 2 bedrooms downstairs and one bedroom within the roof space served by a dormer window. Vehicular access is proposed to the western side of the proposed dwelling with a single domestic garage proposed to be constructed at the end of the driveway. Tree planting is proposed within the rear garden area and some shrubs proposed to the front garden.

#### 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 12/00861/FUL -Demolition of existing domestic garages and construction of two dwellings with a detached shared garage, associated parking and landscaping - Refused 2012 for the following reasons

1. The proposed development by reason of its inappropriate design and layout fails to respect the residential character and appearance of the surrounding area and would cause harm to the street scene and character of the space and is contrary to Policies CP17 and DP32 of the Local Development Framework

2. The proposed development is contrary to Policies CP1 and DP1 of the Local Development Framework due to its harmful impact upon the amenities of the neighbours as a result of its overbearing impact.

#### 3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP4 - Settlement hierarchy  
Development Policies DP8 - Development Limits  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Core Strategy Policy CP19 - Recreational facilities and amenity open space  
Development Policies DP37 - Open space, sport and recreation

#### 4.0 CONSULTATIONS

4.1 Parish Council - wish to see approved.

4.2 NYCC Highways - note that Danum Avenue is a private road. Recommend conditions.

4.3 Yorkshire Water note that some issues require further clarification relating to drainage details and also recommend conditions.

4.4 Neighbours/site notice - expired 13 February. No response.

## 5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of the proposed residential development on this site together with its visual impact and any impact it may have upon the neighbours' amenities and highway safety. It is also important to consider whether the previous reasons for refusal of permission for development of this site have been overcome.

5.2 The site is within development limits of Sowerby which together with Thirsk is a main Service Centre. Residential development is therefore allowed in principle on this site in accordance with Policy CP4.

5.3 The dwelling now proposed on the site is, unlike the previously refused proposal, a predominantly single storey property with just one bedroom within its roof space. It is of a fairly traditional design with a hipped roof and this is typical of the area and will therefore satisfactorily reflect the design and appearance of the neighbouring dwellings. The use of red brick and concrete slates is also considered appropriate for this area.

5.4 The triangular shape of the site has resulted in the siting of the dwelling being parallel to the eastern boundary with the access running along and parallel to the western boundary of the site. Whilst this does not reflect exactly the existing block pattern and siting of dwellings along Danum Avenue it is considered that it does ensure that the amenities of the neighbours are now satisfactorily protected. The proposed dwelling will be sited approximately 10m away from the side of 1 Danum Avenue and 17m away from the rear of dwellings on Topcliffe Road. The positioning of windows within the proposed dwellings also ensures that there is no direct overlooking of the neighbouring dwellings. As such it is concluded that the proposed siting of the dwelling is acceptable and will result in no significant adverse impact upon the neighbours' amenities.

5.5 Existing boundary fences will be retained to the perimeter boundaries of the site and the additional tree and shrub planting proposed is considered to overall have a positive visual impact upon the appearance of the site.

5.6 It is noted that NYCC Highways have no objections to the proposal in terms of highway safety and have recommended conditions. In relation to Policy DP37 and the Public Open Space provision it is noted that a draft Unilateral Undertaking has been submitted. (Presently under consideration by the Legal section).

## SUMMARY

The proposed development is considered acceptable in terms of its siting, design and general appearance and it will not have any significant adverse impact upon the neighbours' amenities or highway safety.

The above policies are therefore satisfactorily complied with.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## 6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered H\_DA-03 C, 04 B and 05 B received by Hambleton District Council on 10 January 2013 unless otherwise agreed in writing by the Local Planning Authority.
3. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 10 January 2013 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.
4. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or garage building hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
5. 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 application site area discharging on to the existing highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
6. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference H\_DA-03 rev. C). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on the highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
8. 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 highway
  - (ii) on-site materials storage

area capable of accommodating all materials required for the operation of the site. (iii) The approved areas shall be kept available for their intended use at all times that construction works are in operation.

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

10. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

The reasons for the above conditions are:-

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

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

3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP1 and DP32.

4. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.

5. In the interests of highway safety.

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

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

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

9. In the interest of satisfactory and sustainable drainage

10. To ensure that the development can be properly drained

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

# 7.

12/01851/FUL

**Construction of an agricultural livestock building.  
at Canada Fields Moor Lane Yafforth North Yorkshire  
for Mr K Tiplady.**

## 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is located to the south-west of the B6271 and includes a set of 3 portal framed buildings located and an existing static caravan with attached timber outbuilding, located nearby. There is a tree belt separating the agricultural buildings and residential caravan/cabin from the roadside. To the rear of the existing buildings, the land falls away to the south west. The site is served by an unmade track, which also serves a 5 pitch caravan site and fishing lakes in the adjacent field to the north-west; also operated by the applicant. A pig-raising business is operated in the existing buildings. The caravan/cabin has temporary consent as a dwelling.

1.2 The proposal is an agricultural building 40 x 13 metres, located immediately to the rear of the existing range. The structure is concrete panels at the lower part, and fibre cement sheeting above, coloured 'juniper' green. The building is part of a planned expansion in the existing pig raising business to include an additional 776 pigs in the rearing cycle. Also proposed is a new slurry tank, located in the adjacent field, to the south of the building. The tank is 3m diameter, internally and 1.5 metres deep.

## 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

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

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

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

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

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

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

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

2.8 10/02889/FUL - Revised retrospective application for the siting of a caravan (as altered) to be used as an agricultural workers dwelling. Refused Appeal dismissed 22.12.2011

2.9 11/00061/FUL Revised application for the construction of a general purpose agricultural storage building. Refused.

2.10 12/01131/ADV - Application for advertisement consent for the retention of 2 non illuminated signs. Granted.

2.11 12/01132/FUL - Change of use of existing wildlife lake to a wildlife/fishing lake and retrospective application for the change of use agricultural land to a site for touring caravans. Formation of caravan hardstandings, access track, car parking, waste disposal point and construction of a reception building and amenity building. Granted.

2.12 12/01401/FUL Retrospective application for the siting of a caravan to be used as a temporary agricultural workers dwelling and extensions to form additional living accommodation. Granted 15.10.2012 This permission is valid until 31st December 2014 for occupancy by a person to care for livestock at Canada Fields.

### 3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design

### 4.0 CONSULTATIONS

4.1 Parish Council - expiry 08.10.2012 - no response has been received.

4.2 NYCC Highways - comment that condition relating to a previous approvals remains to be finalised. Recommend repeat condition.

4.3 Environment Agency - no objection. Advisory note. + Slurry facility is a permitting issue (applicants to contact the appropriate part of Environment Agency).

4.4 Neighbours - expiry 08.10.2012. No observations received.

### 5.0 OBSERVATIONS

5.1 As an agricultural livestock building with a need to locate in the countryside, and in connection with a livestock business which is established and ongoing. The principle of the building in this location is therefore acceptable under policy CP4 as an exception to Policies CP1 and CP2; subject to other relevant policy issues including design, and in particular whether the building is appropriate for the purpose and to the rural surroundings (CP16, DP30, CP17 and DP32), together with amenity concerns for neighbouring occupiers (CP1 DP1), and any highway safety issues.

5.2 The building is a simple shed and reflects the standard type of building existing on the site and amongst modern agricultural buildings generally. The colouring is dark green and will blend with both the existing buildings and the natural surroundings. The location is immediately adjacent to existing buildings, where its impact in the wider surroundings will be minimal.

5.3 The proposed slurry facility is discretely located and in the context of the existing livestock business is appropriate to the local setting.

5.4 The normal operation of the existing livestock system does not have significant offensive odour outside the site, and the development does not give rise to particular concerns on this point. The location is in open countryside and is separated by approximately 350 metres from any non-agricultural residence, and overall the existing domestic amenities will not be unacceptably compromised by the development.



5.5 The building is served by an existing access, and the Highway Authority have drawn attention to conditions imposed on previous development. It is understood that the previous conditions are not implemented correctly, primarily in terms of the surfacing details, and lack of information regarding the treatment of the ditch and these are matters it will be appropriate to pursue through the enforcement process, as required. It is not suggested that there is a hazard that will result from the use of the access in association with the present proposal and the proposal is considered acceptable in terms of highway safety.

## SUMMARY

Due to its siting and design the proposal is appropriate to the purpose and the rural setting and is able to comply with the above policies.

## 6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 4 September 2012 unless otherwise agreed in writing by the Local Planning Authority.
3. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
4. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 3 above.

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) CP17 and DP32.
3. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43