

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 March 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 MARCH 2013

Item No	Application Ref/ Officer	Proposal/Site Description
1	12/02575/FUL Mr J Howe Page No. 3	Part demolition and alterations to existing filling station kiosk, car sales showroom and repair garage to form a convenience store with associated staff and stock facilities For: James Hall and Co Ltd. At: John Gill Ltd Aiskew Garage 74 Bedale Road Aiskew RECOMMENDATION: GRANTED
2	13/00040/OUT Mr A Cunningham Page No. 10	Change of use of agricultural land to camping and caravanning site including demolition of 2 agricultural buildings and alterations to existing agricultural building to form a workshop and store to be used in connection with existing holiday accommodation, and improvements to existing vehicular access For: Mr and Mrs Nathan Harrison At: Far Shires Farm Forest Lane Alne RECOMMENDATION: GRANTED
3	12/02474/FUL Mr J Saddington Page no. 16 SV	Construction of 40 dwellings with associated garaging, access, landscaping and pumping station For: Taylor Wimpey (North Yorkshire) Limited At: Land off Ripon Way Carlton Miniott RECOMMENDATION: GRANTED
4	08/02840/OUT Mr J Saddington Page no. 41 SV	Outline application for extension to existing business park For: Armstrong Richardson, At: Land off Mount Pleasant Way Stokesley RECOMMENDATION: GRANTED

<p>5</p>	<p>13/00325/FUL Mrs B Robinson</p> <p>Page No. 54</p>	<p>Construction of an equine clinic with associated vehicle hardstanding and parking</p> <p>For: Mr Jerome Harforth At: Stanley Grange Stud Yarm Lane Great Ayton</p> <p>RECOMMENDATION: GRANTED</p>
<p>6</p>	<p>13/00172/FUL Mrs B Robinson</p> <p>Page No. 59</p> <p>SV</p>	<p>Change of use of existing domestic garage block to form a workshop and store. Construction of a boundary fence and gates.</p> <p>For: Broadacres Housing Association At: Prospect Garages Prospect View Northallerton</p> <p>RECOMMENDATION: REFUSED</p>
<p>7</p>	<p>13/00398/FUL Mr J Howe</p> <p>Page No. 62</p>	<p>Change of use from an A1 use (shop) to a mixed A1/A3 use (shop and cafe)</p> <p>For: Clervaux Artisan Bakery At: 127 High Street Northallerton</p> <p>RECOMMENDATION: GRANTED</p>
<p>8</p>	<p>12/01328/FUL Miss A Peel</p> <p>Page no. 65</p> <p>SV</p>	<p>Retrospective application for a change of use of an agricultural building to storage (B8) as amended by email received by Hambleton District Council on 14 September 2012.</p> <p>For: Mr and Mrs I Crick At: High House Farm Oulston</p> <p>RECOMMENDATION: GRANTED</p>
<p>9</p>	<p>13/00120/FUL Miss A Peel</p> <p>Page No. 70</p>	<p>Construction of a pig finishing building</p> <p>For: R E Philips and Son At: Hall Farm Warlaby</p> <p>RECOMMENDATION: GRANTED</p>

Parish: Aiskew
Ward: Bedale

Committee Date : 28 March 2013
Officer dealing : Mr J E Howe
Target Date: 6 February 2013

1.

12/02575/FUL

Part demolition and alterations to existing filling station kiosk, car sales showroom and repair garage to form a convenience store with associated staff and stock facilities. at John Gill Ltd Aiskew Garage 74 Bedale Road Aiskew for James Hall & Co. Ltd.

APPLICATION DETAIL

Part demolition and alterations to existing filling station kiosk, car sales showroom and repair garage to form a convenience store with associated staff and stock facilities

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for alterations to the car showroom and petrol filling station (with a small ancillary retail facility) to form a larger convenience retail unit at Aiskew Garage which lies on the southern side of the A684 in Aiskew approximately 550m south west of the Wensleydale Railway level crossing and approximately 1km north east of Bedale town centre. The existing four pump petrol forecourt would remain in use and be run in association with the retail outlet.

1.2 The site at present comprises a four pump filling station with a small convenience store/kiosk, car sales and dealership showroom area and a small vehicle repair workshop. To the rear (outside current application site area) is a large vehicle repair/spray shop and MoT garage which would remain operational by John Gill Ltd with access across the western side of the forecourt area.

1.3 The new facility would comprise a 285sq.m convenience store with associated stock storage and staff facilities together with two new jet car wash enclosures and associated vehicle parking. The site would be re-organised to provide a one-way in and out system with 23 car parking spaces, including two for disabled drivers, and three for staff.

1.4 The applicant has stated in support of the proposal that : "The proposal will reduce the visual impact of the site on the streetscene by demolishing sections of the front of the building as well as the side and rear lean-to additions and constructing a new frontage to provide a more aesthetically pleasing shop front and entrance... The forecourt canopy will be raised by 900mm to accommodate vehicles of all types, however the overall shape, size and location will remain the same with the exception of the covered walkway to the entrance which will be removed and replaced with a new entrance portico feature... To the side and rear where the lean-to(s) are to be demolished, any redundant openings will be blocked up and rendered to suit the existing wall finish. Furthermore the asbestos sheet roofing and cladding will be removed by a specialist and replaced with Kingspan insulated panels in Merlin Grey."

1.5 Although the existing operator (Gills) has indicated that 2 jobs of theirs in this part of the enterprise would be lost, the new proposal would create 6 full-time and 14 part-time posts, achieving a net gain. The remainder of Gill's services would continue as at present.

1.6 The existing petrol pump service/facility has been run on a 24 hour basis and this is to continue. The proposed new store would be open each day from 6.30am to 11pm.

2.0 PREVIOUS PLANNING HISTORY

2.1 There have been 23 applications within the whole site since 1975 relating to alterations, extensions and additional facilities at the garage complex. None are directly relevant to this application.

2.2 Planning permission has been granted for the construction of dwellings on land to the east of the site that is allocated for Housing use (LDF Allocation BH4) Ref 10/00484/OUT and 12/00842/REM and work has commenced.

RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP3 - Community assets
- Core Strategy Policy CP13 - Market towns regeneration
- Core Strategy Policy CP14 - Retail and town centre development
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP5 - Community facilities
- Development Policies DP19 - Specific measures to assist market town regeneration
- Development Policies DP24 - Other retail (and non-retail commercial) issues
- Development Policies DP32 - General design
- Allocations Document Policy BH4 - The Abattoir, Aiskew - adopted 21 December 2010
- Allocations Document Policy BM2 - North East of Aiskew Pig Farm, Aiskew - adopted 21 December 2010
- National Planning Policy Framework - published 27 March 2012

3.2 In addition, the Council published a policy document on "Developer Contributions for the Bedale Footpath and Cycleway" in September 2011. This provides a framework for financial contributions towards a footpath and cycleway link connecting Aiskew with Bedale. The policy document makes clear, at paragraph 2.5, that contributions will be sought from all windfall sites within a defined contribution zone and this includes the Aiskew Garage site.

4.0 CONSULTATIONS

4.1 Aiskew Parish Council: No response received.

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

4.3 Environmental Health Officer: No objections subject to conditions.

4.4 Economic Development Officer: No observations.

4.5 The application was advertised by site notice and the 11 closest neighbours were notified. No representations have been received.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the scale, design and materials proposed in respect of the building alterations (Policies CP17 and DP32) together with the potential benefits to local residents of an improved retail outlet on the site (CP3 and DP5). The justification for the siting of such a facility outside the Primary Retail Area boundaries of Bedale and its possible impact on the vitality of the main (Bedale) town centre is appraised in terms of Policies CP14 and DP24. The site is also in the Contribution Zone wherein a

contribution is required towards provision and maintenance of the Bedale Footway and Cyclepath Links.

5.2 Unusually, this scheme proposes a reduction in the scale and overall footprint of the existing building with the frontages of the reduced areas being restored sympathetically to match. The removal of part of the forecourt canopy and front two bays of the building would reduce the overall visual impact and comprise an aesthetic improvement.

5.3 Other than the existing small kiosk on the site there are no other convenience retail outlets anywhere in Aiskew. The provision of the new retail facility would benefit not only the existing population but also the future residents of Brookfield (a site of 90 dwellings adjacent to the garage which is currently being developed by Taylor Wimpey) and two other allocated housing sites in the immediate vicinity. Although this site is not an allocation in the Local Development Framework Allocations document it is directly adjacent to allocated site BM2 which requires in paragraph iii) of that allocation that 'provision is to be made for a small scale convenience facility (approx 0.25ha) to serve the local community being located on the A684 frontage.'

5.4 In terms of Local Development Framework Policies Aiskew is linked with Bedale as a Service centre in the context of Policy CP4 and, consequently, the potential impact of the proposal on the Primary retail Area of Bedale should be considered. Policy CP14 seeks to give support to the maintenance and enhancement of the vitality and viability of the District's Service Centres. In this case the site is within Aiskew rather than Bedale itself and will not, consequently, positively maintain the town centre retail function. Policy DP24, however, states that proposals for small scale retail developments (normally considered to be less than 500sq.m) will be permitted outside the Primary Retail Area boundaries where they will serve neighbourhoods and residential areas (i.e. as 'corner shops') without jeopardising the vitality and viability of that Primary Retail Area. As noted above this is precisely the purpose of this proposal. Although the LDF had envisaged convenience shopping on the nearby BM2 site, this proposal would achieve that aim on an appropriate alternative site and should not prejudice the development of site BM2. In addition the proposal is in accordance with the content of paragraph 70 of the National Planning Policy Framework which states that "To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: ... ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community." The presence of this unit would mean that many Aiskew residents would no longer need to drive into Bedale for some convenience purchases.

5.5 The retail sales of fuels and other products available at the kiosk are noted to currently be offered 24 hours per day. The proposal would change the nature of visits to the site and, given the changing character of the area to one which is more residential, consideration has been given to the need to restrict the opening hours, to reduce the potential for noise resulting in disturbance to neighbours to be caused by the comings and goings of customers at the store. Although the fuel sales may continue throughout the 24 hour period, at least until the proposed Bedale and Leeming Bar By-pass opens, it is considered that shopping visits should be restricted so that the noise and other activity does not increase.

5.6 The delivery of goods to the convenience store has the potential to cause noise nuisance particularly for chilled or frozen goods. A condition can be applied to require that no deliveries to the store are made through the night.

5.7 The drawings show alterations to the building, reducing the size and forming the shop entrance canopy. No details are supplied of the altered fuel forecourt canopy other than an increase in the clearance to 5.2 metres and illustration within the Design and Access statement. As the alteration to the canopy is development that requires planning permission an informative can be added to this permission explaining the need for a further planning application for approval to be made.

5.8 The application drawings refer to a "Deli Prep" room. This room is on the eastern side of the building and any ventilation, air extraction or cooling plant could give rise to noise to near neighbours. No details of the need for ventilation etc. are provided with the application. Whilst it may not be an operator's intention to undertake any baking or activities that would give rise to odour or noise it is considered appropriate to apply conditions regarding the need for ventilation and extraction and cooling plant and equipment as a precaution.

5.9 The former use of the site may have given rise to contamination of the ground. It is appropriate to apply a condition to require steps to be taken to prevent harm from ground contamination.

5.10 The requirement for a contribution towards the provision and maintenance of the Bedale Cycleway and Footpath Scheme has been referred to above. The report on this aspect adopted in September 2011 states that "All sites and development in the defined Contribution Zone will contribute towards the delivery of the scheme in proportion to the impact that development is likely to have on the transport network, providing infrastructure which will bring a sustainable option to the use of the private car. This will ensure funding is secured in a manner that is consistent and fair and in line with the principles underpinning the Community Infrastructure Levy (CIL)." The document sets out a mechanism for calculating contributions for various uses and developments and lists the allocated sites within Aiskew and Bedale which will attract a contribution. The document also states that "In addition, all 'windfall' sites within the identified 'Contribution Zone' will also be expected to make contributions" And therefore it applies to this proposal.

5.11 Detailed discussions have been held, and are currently continuing, with the applicant on the precise figure to be contributed in this case. The applicants have agreed that a contribution is necessary but they are seeking a reduction to the standard figures set out in the September 2011 Policy because they believe that:

- (a) Due to the particular nature of this site and its current and previous uses, traffic generation would be less than is suggested by the 'standard' calculations normally used. This is based on their contention that some visits would be linked trips by people using the existing fuel facility and also buying groceries at the same time; and
- (b) A proportion of trips would be people stopping off on trips they are already making for other purposes.

5.12 Both these points are valid considerations that could lead to a reduction in the total contributions. However, detailed evidence supporting the contentions has been requested and is awaited. The applicant, whilst in the process of calculating their final figures, has also indicated that they would appreciate a decision on the general principle of the proposal to enable them to pursue a final decision.

5.13 It is, consequently, recommended that the Committee agree that the principle of the development is acceptable, subject to the conditions shown, and delegate authority to the Planning Manager to issue a decision upon the completion of a planning obligation ensuring the payment of an appropriate sum towards the Footway and Cycleway Scheme in accordance with Council policy. Conversely, should agreement not be forthcoming on an appropriate sum within a specified period from the date of the Committee (28 days being considered a suitable period) it is recommended that the Planning Manager be Authorised to refuse the application on the ground that the required contribution has not been secured.

SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy, the Development Policies document and the content of the National Planning Policy Framework in that the alterations proposed are appropriate in scale and form to the site location and the retail facility to be provided will be beneficial to local residents in Aiskew without having any adverse impact on the retail function of Bedale town centre.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including LDF 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 Subject to the satisfactory prior completion of a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended) to secure an appropriate contribution towards the Bedale Footpath and Cycleway within 28 days of this resolution, planning permission is **GRANTED** subject to the conditions set out below; or

6.2 In the event that a satisfactory planning obligation is not completed within 28 days of this resolution, the Planning Manager be authorised to refuse permission on the grounds that the proposal has failed to deliver the necessary infrastructure contribution.

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

2. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented in full accordance with the approved details and programme.

3. If ground 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 the Environment Agency Model Standard Requirement 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.

4. The retail convenience store shall be open for sales only between the hours of 06.30 and 23.00

5. No deliveries shall be made to the convenience store outside of the hours 06.00 and 20.00.

6. 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.

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

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

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

8. No ventilation, extraction or cooling plant, flues, cowls or equipment shall be sited or installed without the prior written approval of the Local Planning Authority. Subsequently any siting or installation shall be undertaken in accordance with the approved details and shall be retained in accordance with the approval thereafter.

9. The use of the convenience store hereby approved shall not commence unless the bin storage area shown on drawing PL-01 has been formed. The bin store shall be kept available for its intended purpose at all times.

10. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (ref 227/PL-01 attached to e-mail dated 21.12.12 ; 227/PL-02) attached to planning application 12/02575/FUL received by Hambleton District Council on 6th December 2012 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

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

2. In the interest of highway safety.

3. 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 Policies CP21 and DP42.

4. In the interest of the amenity of adjacent residents in accordance with Local Development Framework Policy CP1 and DP1.

5. In the interest of the amenity of adjacent residents in accordance with Local Development Framework Policy CP1 and DP1.

6. In accordance with Policy CP1 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

7. In accordance with Policy CP1 and DP1 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

8. In the interest of the amenity of adjacent residents in accordance with Local Development Framework Policy CP1 and DP1.

9. In order to ensure that bin storage facilities are available appropriate to the use to avoid obstruction to other access and circulation space and in the interests of

the appearance of the site, in accordance with Local Development Framework Policies CP17 and DP32.

10. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP17, and DP32.

Attention is drawn to the following Informative:

1. For the avoidance of doubt it is noted that the any alteration to the forecourt canopy, which is illustrated in the Design and Access statement but which was not included in the application form or application drawings, does not form part of this planning permission.

2.

13/00040/FUL

Change of use of agricultural land to camping and caravanning site, change of use and works to agricultural building to form store and workshop area to service tourist accommodation, demolition of 2 agricultural buildings and improvements to existing vehicular access.

**at Far Shires Farm Forest Lane Alne North Yorkshire
for Mr & Mrs N Harrison.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for the change of use of agricultural land to camping and caravanning site including demolition of two agricultural buildings and alterations to existing agricultural building to form a workshop and store to be used in connection with existing holiday accommodation, and improvements to existing vehicular access at Far Shires Farm, Forest Lane, Alne. The buildings and associated grounds are sited to the west of the complex. Far Shires Farm is located immediately to the west of the A19, approximately 2 miles south of Easingwold and 11 miles north of the centre of York. The property is accessed off Forest Lane, a principle road which runs west from the A19 to Main Street, Alne.

1.2 For the avoidance of doubt it is highlighted that planning consent is not required for the demolition of the agricultural buildings, which had partly been removed at the time of the application site visit on 6 February 2013. In addition it is also noted that the proposed application site partly encompasses an area the subject of 2/92/006/0123 for the use of the land as a site for ten touring caravans and one static caravan, granted in 1992. A block plan demonstrating the extent of the works was received following the validation of this current application and a further consultation undertaken with regard to this additional detail.

1.3 The works comprise the demolition of one agricultural building to the western portion of the farm complex immediately south of Forest Lane to leave a hardstanding area. A further agricultural building to the south is to be demolished to allow for the construction of an access track from the farmstead to the east, a free standing toilet unit and the area to accommodate the static and touring caravans. An area for tented accommodation is to be provided to the north-western corner of the site. The remaining agricultural building, the western portion of which is proposed for demolition, as above, is to be modified through the addition of openings to the eastern and western elevation to permit the provision of a store, workshop and maintenance area to service the tourist accommodation facilities.

1.4 Access to the proposed caravanning and camping site would be via an existing track running north-south adjacent the agricultural field to the west. A further track from this is proposed to serve the site, dissecting it in two. A public right of way exists along the north-south access track that it positioned to the west of the site.

1.5 The site is surrounded by fragmented vegetation screening to the north, west, and southern boundaries. The applicant is proposing additional landscaping to the eastern boundary fronting the existing farm complex and adjacent the former agricultural building nearest Forest Lane.

1.6 A protected species survey was included within the application submission and concludes: 'No signs of use by bats were found during a thorough inspection. The structure of the buildings provides very few potential roosting opportunities and the risk of detrimental impacts on bats is negligible. No further survey work or mitigation is recommended. The inspection did not reveal any signs of barn owl presence. Two old swallow nests were found

in a small room within a disused agricultural building to be removed. This area should not be demolished whilst any active nests are present. The swallow breeding season runs from approximately April to August / September. No compensatory measures are recommended as there is an abundance of suitable nesting sites in the many surrounding buildings at the farm'.

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

1.8 Further clarification has been requested on 15 March 2013 from the applicant on the design of the proposed static caravans and toilet block. Additional details have been received on 16 March 2013 setting out the design of these proposed structures. The caravans would measure 3.6m x 12.2m and the toilet block would measure approximately 4.8m (length) x 2.7m (width) x 2.5m (height). Both structures would be formed of pre-fabricated coloured cladding.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/74/006/0003 - Construction Of Agricultural Buildings; Granted 1974.

2.2 2/92/006/0123 - Use Of Land As A Site For Ten Touring Caravans And One Static Caravan; Granted 1992.

2.3 2/01/006/0003B - Alterations and extension to existing agricultural building for use as light industrial, office and storage accommodation as amended by plans received by Hambleton District Council 18th June 2003; Granted 2003.

2.4 05/02550/MRC - Alterations and single storey link extension to existing offices as amended by plans as received by Hambleton District Council on 17 January 2006; Granted 2006.

2.5 06/00828/FUL - Construction of an office and storage building as amended by plan as received by Hambleton District Council on 30 May 2006; Refused 2006.

2.6 07/02540/FUL - Alterations to existing poultry buildings to form two holiday units, siting of a static caravan and a log cabin. Retrospective application for improvement works to existing vehicular access; Withdrawn 2007.

2.7 12/01080/FUL - Change of use from office to residential holiday let; Granted 2012.

2.8 13/00270/FUL - Construction of an agricultural building for broiler production together with 3 no. feed bins, control room, hardstanding, access road and new vehicular access; Pending Consideration.

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP25 - Rural employment

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

4.0 CONSULTATIONS

4.1 Alne Parish Council - Wish to see the application approved.

4.2 NYCC Highways - Conditions recommended regarding private access/verge crossings: construction requirements, provision of approved access, turning and parking areas, and two informatives regarding the requirement to obtain a licence from NYCC Highways to undertake work in the public highway and that the public right of way should remain unobstructed.

4.3 Environmental Health - Environmental Health has no objections to the above planning application. However, I would recommend that the following condition is attached should planning permission be granted: The occupier of the land will be required to obtain a Caravan Site Licence under the provisions of the Caravan Sites Control of Development Act 1960, which would be granted subject to conditions being met. Further information can be obtained from Environmental Health, Residential services.

4.4 Neighbours notified and site notice posted; expired 28.02.13 - No responses received as at 15.03.13.

5.0 OBSERVATIONS

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

5.2 The NPPF supports sustainable rural tourism that benefits businesses in rural areas, communities and visitors. The NPPF also supports the sustainable growth of all types of business and enterprise in rural areas through the conversion of existing buildings. Local Authorities are required to support schemes that comply with sustainable development objectives, taking into account the need to protect landscapes and environmentally sensitive sites. The importance of following sustainable development objectives in the provision of self catering accommodation is also reiterated in the Good Practice Guide on Planning for Tourism.

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

5.4 Far Shires Farm is not within the development limits of a sustainable settlement as is designated in policy CP4 of the Hambleton Local Development Framework. A statement in support of the sustainability credentials of the previous scheme for tourist accommodation at this site (12/01080/FUL) set out the local context and the relationship of the site to nearby amenities. Given the short time frame since this was produced the Local Planning Authority has not considered necessary to request an additional supporting statement to accompany this application submission. It is clear that the premises are well related to surrounding tourist attractions and sustainable settlements, and are well connected by a regular bus service with a request stop very near to the site. Similarly a National Cycle Network Route runs through Alne village and Far Shires Farm is connected via public footpath to Alne and Tollerton villages. It is therefore considered that the proposal satisfactorily complies with policies CP1 and CP2.

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

5.6 Far Shires Farm encompasses a range of uses, from a working farm complex, office use, and holiday accommodation. The site of the proposed tourist accommodation would be away from the bulk of the farm complex and would be compatible with the adjacent uses and consequently would adhere to the policy criteria set out in DP1 in regard to neighbour amenity. The existing and proposed boundary screening and the proposed use and size and appearance of the proposed structures on site are such that there would be no adverse impact on the visual amenity of the surrounding landscape and therefore the scheme would be in compliance with policy DP30 of the Hambleton Local Development Framework.

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

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

SUMMARY

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

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 7 January 2013, 8 January 2013, 17 January 2013, 31 January 2013, 1 February 2013 and 6 February 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.
4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative

works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(ii)(b) The existing access shall be improved by widening to give a minimum carriageway width of 4.5 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E6VAR. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

5. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted drawing (Reference H305/5). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

6. The occupation of the tourist accommodation hereby approved shall be as follows: (i) the holiday accommodation is occupied for holiday purposes only; (ii) the holiday accommodation shall not be occupied as a person's sole, or main place of residence; (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the holiday accommodation on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

7. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs and the retention and improvement of the existing planting (particularly on the north and western boundaries) and future management plan has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

The reasons for the above conditions are:-

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

2. 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, CP16, CP17, DP1, DP30 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.

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

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

6. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health

services etc, and in accordance with the objectives of the Hambleton Local Development Framework.

7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16 and DP30.

Parish: Carlton Miniott
Ward: Thirsk

Committee Date: 28 March 2013
Officer dealing: Mr Jonathan Saddington
Target Date: 24 April 2013

3.

12/02474/FUL

**Construction of 40 dwellings with associated garaging, access, landscaping and pumping station as per amended plans received by Hambleton District Council on 22nd January 2013 and 5th March 2013
at Land off Ripon Way, Carlton Miniott, North Yorkshire
for Taylor Wimpey (North Yorkshire) Limited**

1.0 SUMMARY

- 1.1 Full planning permission is sought for the construction of 40 dwellings with associated garages and parking, access, landscaping and a pumping station on land to the west of Ripon Way, Carlton Miniott. This would deliver a development of approximately 28.5 dwellings per hectare. The amount of affordable housing has yet to be agreed.
- 1.2 The proposed dwellings are all two-storeys in height and would provide a mix of 2, 3 and 4 bedroom dwellings in terraced, semi-detached and detached form, all with private amenity space.
- 1.3 The application site is allocated for housing development under Local Development Framework policy TH5 with an estimated 36 dwellings. The allocation is in two phases: the northern part of the site (24 dwellings) in Phase 2 (2016-2021) and the southern part of the site (12 dwellings) in Phase 3 (2021-2026).
- 1.4 The Annual Monitoring Report (AMR), 2011/12 shows that the Thirsk Sub-Area has a sufficient 5 year housing supply. The NPPF requires an additional 5% buffer, which is also met. However, in the last 5 years there has been significant District wide under delivery with an average net completion rate of 185 dwellings against target of 280. This amounts to only 66% delivery against the target. Also, due to a delay on works starting on some Phase 1 sites and slow delivery within Northallerton it is considered justified to bring this small site forward to contribute towards housing supply overall. Development of the site within Phase 1 will add to the choice and range of sites within the housing market.
- 1.5 The proposed development has been examined by the Regional Design Review Panel at both pre-application and application stage. The Applicant has responded positively to the Panel's recommendations and the Panel has commended the Applicant's pro-active approach.
- 1.6 The amended layout and housetypes would result in an appropriately scaled and attractive development in this edge of settlement location and is therefore considered to be in accordance with policies CP17 and DP32 of the Hambleton Local Development Framework and design guidance contained within the NPPF.
- 1.7 In accordance with adopted policy and procedure, the development should make a contribution of approximately £278,522 towards the provision of essential infrastructure within the Thirsk area.
- 1.8 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be granted for the application as amended subject to an agreement on the level of affordable housing to be delivered. The

Applicant has indicated a wish to seek a reduction in contributions by means of a viability assessment but this has not been submitted. In the event of an assessment being submitted it is recommended that the Planning Manager be authorised to agree an appropriate sum, subject to independent valuation advice.

2.0 PROPOSAL AND SITE DESCRIPTION

- 2.1 Full planning permission is sought for the construction of 40 dwellings with associated garages and parking, access, landscaping and a pumping station on land to the west of Ripon Way, Carlton Miniott. This would deliver a development of approximately 28.5 dwellings per hectare (dph). The amount of affordable housing has yet to be agreed.
- 2.2 The proposed dwellings are all two-storeys in height and would provide a mix of 2, 3 and 4 bedroom dwellings in terraced, semi-detached and detached form, all with private amenity space.
- 2.3 The proposed dwellings would be constructed using red-multi brickwork, pantiles and concrete tiles. Architectural detailing is of traditional form and incorporates: chimneys; header courses to windows; timber and tiled canopies above front doors; black rainwater goods mounted on fascia boards and timber-style panelled doors. Window profiles also reflect local character. A total of 80 car parking spaces (excluding garages) are proposed which equates to approximately 2 spaces per dwelling. 17 integral/detached garages are proposed.
- 2.4 Private defensible spaces would be separated from the public domain by a series of 1.8m high enclosures ranging from full height timber fences to screen walls. Bins/ recycling receptacles can be stored to rear of properties without difficulty.
- 2.5 There is a relatively thin woodland planting belt running east-west across the central part of the site with mature trees generally planted in staggered rows. A substantial proportion of these trees would be retained. An informal pedestrian route with stepping logs and other natural play equipment would be created within this planting belt.
- 2.6 The development would be served by a single point of access off Ripon Way. Most of the internal layout would function as a shared surface for both pedestrians and vehicles.
- 2.7 Carlton Miniott village has two distinct areas of concentrated residential settlement located along the A61 main road. The two areas are visually divided by a central area of more rural open fields. The proposed development site is located at the western side of the 'eastern' area of the village settlement and covers an area of 1.46 hectares. It currently comprises of level area of paddock, bisected by an existing row of trees.
- 2.8 The Design & Access Statement describes the site as two adjacent land parcels which are both visually and physically divided by a post and wire fence and a belt of existing trees. Both land parcels are laid mainly to rough grass, however, within the southern land parcel close to the trees there is a small poly-tunnel and three small sheds.
- 2.9 The application site is contained on its eastern and southern boundaries by the existing village development. The western boundary comprises of an arable field and the northern boundary abuts the tree bounded Carlton Miniott Caravan Park. Beyond the northern boundary and a bank of mature trees lies the Carlton Miniott Park Lakeside Caravan Park a 27 acre Camping and Caravanning Club site with a 7 acre deep water lake. To the west a large arable field extends from Carlton Road, along the full length of the site's western boundary to Carlton Miniott Park at the north.

- 2.10 The application site is allocated for housing development in two phases: the northern part of the site (24 dwellings) in Phase 2 (2016-2021) and the southern part of the site (12 dwellings) in Phase 3 (2021-2026), subject to:-
- i) development being at density of approximately 30 dwellings per hectare, resulting in a capacity of around 36 dwellings (of which a target 40% should be affordable);
 - ii) types and tenure of housing developed meeting the latest evidence on local needs;
 - iii) access being taken from Ripon Way;
 - iv) necessary infrastructure improvements (drainage in particular) being funded by developer contributions; and
 - v) contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

3.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

3.1 None relevant.

4.0 RELEVANT PLANNING POLICIES

The National Planning Policy Framework – March 2012

- 4.1 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied.
- 4.2 The relevant policies of the Development Plan and any supplementary planning policy advice are as follows:

Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development
CP2 - Access
CP3 - Community Assets
CP4 - Settlement hierarchy
CP5 - The scale of new housing
CP5a - The scale of new housing by sub-area
CP6 - Distribution of housing
CP7 - Phasing of housing
CP8 - Type, size and tenure of housing
CP9 - Affordable housing
CP16 - Protecting and enhancing natural and man-made assets
CP17 - Promoting high quality design
CP18 - Prudent use of natural resources
CP19 - Recreational facilities and amenity open space
CP20 - Design and reduction of crime
CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP13 - Achieving and maintaining the right mix of housing

DP11 - Phasing of new housing
DP15 - Promoting and maintaining affordable housing
DP29 - Archaeology
DP30 - Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links
DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

TH5 – Ripon Way, Carlton Miniott (1.2ha)

Other Relevant Documents

Affordable Housing SPD
By Design (Commission for Architecture and the Built Environment)
Public Open Space, Sport & Recreation SPD
Sustainable Development SPD
Hambleton Biodiversity Action Plan

5.0 CONSULTATIONS

Carlton Miniott Parish Council

5.1 Wish to see the application refused for the following reasons (comments made in relation to the original proposal):

1) The application is for 40 dwellings, but the Parish Council recall that, according to the Hambleton District Wide Local Plan, provision was made on the land in question for 33 dwellings and these were to be phased over the period 2011-2021. The Parish Council would therefore request that, if there is to be any development on this piece of land it should be restricted to the 33 dwellings for which it was originally allocated and these should be phased as per the Local Plan.

2) The development in question is to be accessed from the Ripon Way spur and it is felt that accessing a large development such as this from a small cul-de-sac is unacceptable and will cause problems for the residents of the Ripon Way spur, both during the construction period when heavy lorries will be going through and also once the properties are occupied.

3) There is concern at the impact on the sewerage system - this is already overloaded and there are frequently problems with blocked drains and sewers backing up.

4) There is a question as to whether Carlton Miniott Community Primary School will be able to cope with the extra children from this new development.

5.2 Comments on the amended scheme are awaited.

NYCC Highways

5.3 No objection subject to conditions.

- 5.4 The Local Highway Authority (LHA) has carried out an assessment of the available visibility from the junction of the cul-de-sac and can confirm that a splay of 2 metres x 32 metres is available to the north.
- 5.5 The LHA has also undertaken a short speed survey and based on this survey, the LHA advise that this splay is commensurate with the visibility guidance in Manual for Streets. There were no parked cars on the street during the surveys but if there were, it is expected that vehicle speeds would be lower than those surveyed. Visibility to the south exceeds the guidance. The cul-de-sac measures 5.7m wide which is adequate for two heavy goods vehicles to pass each other.
- 5.6 The LHA note that concern has been raised relating to construction traffic possibly parking outside the site. The Area Highway Inspector would be making regular visits to the site to inspect the highway works and would respond to this if it were to occur.

NYCC Education

- 5.7 Require a developer contribution of £135,960 towards the anticipated need for 10 new primary school places arising from the development (comment based upon 40 dwellings).

HDC Leisure Services Officer

- 5.8 The site is in very close proximity to the Carlton Miniott Playing Field. The Playing Field Association responsible for the playing field has a comprehensive improvement plan, including: improving the play equipment, drainage and levelling of the football pitch, development of a multi-use games area and eventually the building of a pavilion so recommend that any off site contribution is put towards this scheme.

HDC Senior Scientific Officer (and contamination issues)

- 5.9 Agrees with the findings of the Phase 1 Desk Study report (project No.12-0391.02) prepared by Delta-Simons, who recommend further intrusive site investigation. These works are required in order to assess the presence of contamination from previously unidentified sources, particularly if re-use of soils is proposed, the presence of any contamination associated with allotments (including water sampling) and to identify whether potential sources of ground gas may be present. The further works should also focus on the southern part of the site which was not accessible at the time of the site inspection as potential sources of contamination may exist that have not been identified due to the access restrictions.

HDC Senior Engineer (drainage issues)

- 5.10 The developer has provided a drainage strategy document which sets out the principles of the site drainage.
- 5.11 The proposed development is on land currently used as a paddock. Disposal of both foul and surface water will be by means of newly constructed pumping stations due to the shallow depth of the existing public foul sewerage system and the shallow depth of the drainage ditch identified for disposal of surface water from the site.
- 5.12 The Environment Agency Flood Maps indicate that the proposed development site and neighbouring land is located in Flood Zone 1, this is the lowest category of flood risk identified by the EA. All land in England being in one of three flood zones, one the lowest and flood zone three the areas of highest estimated flood risk.
- 5.12 In respect of foul drainage, the developer has proposed a new foul pumping. There are a number of consultation responses expressing concern about the capacity of the public sewerage network to accept additional foul flows. Yorkshire Water as owners

and operators of the public sewerage system should be best positioned to understand the capacity available within their system. There is however a potential opportunity for developer and water company to work together to arrange the discharge of the foul flows from the proposed new development to a point where it has least adverse impact or is to the best advantage of the existing network.

- 5.12 It is proposed that surface water flows are discharged direct to ordinary watercourse/drainage ditch located approximately 150 metres west of the site as there is no capacity within the existing public surface water sewerage system. This section of ordinary watercourse/drainage ditch is located at the top end of the catchment so flows in dry weather conditions or when in periods when rain has been absent, can be very low or almost non-existent. Consultation responses state and this is acknowledged in the Developers Flood Risk Assessment and Drainage Strategy that this watercourse/drainage ditch was subject to flooding in late 2012. In 2012 as a whole North Yorkshire received record quantities of rainfall, this was condensed into the latter 8/9 months of the year, the subsoil became saturated and standing and run-off surface water were features of the autumn and early winter of 2012 flooding, so the reported flooding would not be unusual, though is not to be underestimated.
- 5.13 The site investigation reveals that the water table depth is of variable depth, though deeper towards the pond located to the north of the development site. The investigations were undertaken in November 2012 when the ground was at its most saturated. The developer will need to ensure that it does not interrupt natural ground water flows during and post the construction of the development and that any changes in site levels do not direct surface water run-off to existing neighbouring properties.
- 5.14 Yorkshire Water does not usually accept the discharge of newly built public surface water sewers to ordinary watercourses. They usually wish to see surface water sewer discharge to a watercourse/drainage ditch over which a statutory authority has powers, i.e. Drainage Board or Environment Agency. Maintenance of the ditch currently rests with the riparian owner i.e. owners of land adjacent the ditch.
- 5.15 The Swale and Ure Drainage Board have commented on this application and advise that the proposed rate of surface water discharge (practical minimum of 5li/sec) to a watercourse which with flow to their designated area is acceptable.
- 5.16 The proposed receiving watercourse is however relatively small, so is less able to manage larger flows that can occur during flash flooding or during periods of prolonged rainfall like that suffered in 2012. There should be discussions between developer/Yorkshire Water and Swale and Ure Drainage Board to ensure that the proposed surface water discharge point is appropriate and that there are means in place to ensure the sustainable maintenance of the receiving watercourse. It would be preferable to discharge the surface water to a point within the Drainage Boards area, again there is an opportunity with a pumped discharge for more flexibility in the ultimate discharge point.

Yorkshire Water

- 5.17 YWS has no objection in principle subject to drainage conditions being imposed.
- 5.18 The development of the site should take place with separate systems for foul and surface water drainage.
- 5.19 Foul water domestic waste should discharge to the 150mm diameter public foul water sewer recorded crossing the site.

- 5.20 The local public sewer network does not have capacity to accept any discharge of surface water from the proposal site.
- 5.21 Sustainable Urban Drainage Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be an alternative solution for surface water disposal that is appropriate in this situation. The use of SUDS should be encouraged.
- 5.22 The developer is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water. It is understood that a watercourse is located to the west of the site. This appears to be the obvious place for surface water disposal.

Environment Agency

- 5.23 The Agency agrees with the Swale and Ure Internal Drainage Board's comments. As it appears that surface water is being discharged into a watercourse that drains into the IDB system, a surface water drainage scheme should be agreed with the IDB before development commences.

Swale & Ure Internal Drainage Board

- 5.24 No objections. Accept the minimum practical discharge rate at 5 litres per second which complies with Yorkshire Water custom and practice.

Police Architectural Liaison Officer

- 5.25 Comment is made that although there was a Design Review for this application, the Police were not present and yet security criteria was established that there would not be any fencing on the north side of this estate to provide amenity value.
- 5.26 The ALO argues that having the northern side of this site open to this lake is poor for security as any residents from the adjacent site would simply walk through this estate to gain access to the Lake.
- 5.27 The ALO believes that this would give legitimacy for criminals being on the estate and also an escape route from the estate into the unlit lake area. It would also bring anti-social behaviour with noise into this estate with youths coming and going from the lake in the summer months, sometimes late into the evening.
- 5.28 There is 40% affordable housing on this estate; young families with toddlers and children. By opening the northern side of this estate to the lake provides a danger to children and toddlers wandering off and drowning in the lake, which is very close by. The risk can be reduced by placing a fence along the northern edge. Children can drown in just a few inches of water.
- 5.29 The Caravan Park operator does not want any access at all from this proposed development onto the lakes or the Caravan Park. Sandhutton Lane is not used by the public to access the lakes and has gates on it which are locked at night.
- 5.30 Recommendation 1 - that the northern side of this site is fenced off with fencing 1.8m high. There are various types of fencing which will give amenity value as well as security.
- 5.31 Recommendation 2 - that all the houses on this proposed development attain Secured By Design certification and not just meet the principles of Secured By Design which has been shown in the past to be interpreted greatly from that of the ALO and creates confusion. There should not be a two tier system of housing

whereby the 40% affordable homes attain SBD leaving the rest without that enhanced security.

- 5.32 Recommendation 3 - that 1.8m high fencing be installed to the whole site perimeter, whether that be rear garden fencing for the new houses or infill fencing. This fencing can be supplemented by planting to 'soften' it, but at least the site would be secure on being handed over. Supplementary planting would not be robust enough to create a barrier on site handover, and that any planting would take several years to mature to create a significant boundary.
- 5.33 Recommendation 4 - adequate security should be in place during the construction phase. This should include robust perimeter fencing of the site and a monitored alarm system for the site cabins, including those cabins housing materials. Security of plant equipment and security of any fuel storage should be demonstrated. There should be a dedicated secure area in which contractors can park their vehicles, in which there may be a significant value of tools stored in them when the contractor is working on site.

Network Rail

- 5.34 No observations.

Regional Design Review Panel

- 5.35 The following paragraphs provide a summary of the Panel's views on the application as submitted in the context of having previously commented on a different layout at pre-application stage:
- 5.36 The Panel feels straightaway that the layout is much improved and more efficient. The Panel applauds the project team for listening to their previous comments and coming up with a refined scheme. Whilst dwelling numbers have increased, the high provision of affordable homes is commended; although this could be seen as putting pressure on the site to accommodate both types of dwellings and adequate parking solutions.
- 5.37 There are also a few elements that appear a little unresolved, and the Panel suggests there are details that would benefit from being looked at further to add refinement. In particular:
- exploring how the lake and area to the north will be integrated into the site beyond the site boundary;
 - looking again at the parking courts;
 - enhancing the site entrance vista, which now terminates in a parking court;
 - rebalancing the distribution of planting across the site;
 - re-examining footpath and parking arrangements;
 - showing the location of various boundary treatments.
- 5.38 The sustainability aspirations of the development come across as rather disappointing; surpassing building regulation requirements by a small amount to just exceed policy requirements. The Panel really encourages the design team to push this further.
- 5.39 The Panel has not been reconsulted on the most recent site layout received on 5th March 2013, as a relatively straightforward comparison between the Panel's previous recommendations and the latest site layout can be undertaken by the Case Officer.

Publicity

- 5.40 The application was advertised within local press, by site notice and directly to the neighbouring residents. The original consultation period expired on 13th February 2013 and 23 separate objections have been received which are summarised as follows:

Location & Principle of Development

- 1) Feel that enough new houses for the area are already being built at Sowerby.
- 2) 42% affordable housing is too much.
- 3) There is no need for this type of affordable housing within Carlton Miniott, especially following the Station road development and the substantial housing numbers.
- 4) Who will buy these properties and where will they work?
- 5) Estates Agents are finding it difficult to sell houses, housing market being very slow for the past five years. Would be far more appropriate to direct funding to help businesses in Thirsk and relieve them from rates as many shops are closing down due to ever higher overheads. The town has been hit very badly for the past few years, without mentioning parking charges.

Design

- 6) 40 dwellings represents over development of the site.
- 7) The estate like nature of this development is not in keeping with the locality and will impact on the rural character of Carlton Miniott.
- 8) The proposal to build 40 properties on a relatively small piece of land will not be in keeping with the already established estate where properties are all set on much larger plots.

Trees

- 9) The line of trees running west to east is of the utmost importance and should be retained. They absorb water, which is vital as this land has a very high water table. Their value as habitat for wildlife and they have huge amenity value to the residents as they will provide some measure of cover from the development.
- 10) Tree protection conditions should be appropriately monitored and enforced.
- 11) Work to existing trees and hedges should not be carried out during the nesting season i.e. March to September.
- 12) Concerned that a row of trees between Manfield Terrace and the development of 24 houses. This provides a screen and therefore the trees should be protected from removal.

Residential Amenity

- 13) The very significant increase in traffic will produce noise nuisance and a degree of environmental pollution for existing residents.
- 14) The proposal will result in a less safe environment on Ripon Way for young children to play.
- 15) The noise and mess from the work vehicles will be very distressing and dangerous.
- 16) Several of the new dwellings will look directly in to the bedrooms, kitchen, bathrooms and rear garden of Glencoe, Carlton Road resulting in a loss of privacy.
- 17) The pumping station will be positioned within 30 metres of the gardens of Manfield Terrace. This raises concerns regarding the control of odours and may compromise the amenity value of the adjacent gardens.

Drainage

- 18) Increased flood risk to surrounding properties due to the high water table and

therefore the inability of the site to drain properly, which is acknowledged by the need for a pumping station.

- 19) The proposed development, including roads and other hardstandings, and the removal of mature trees on the site, together with increased rainfall will make the existing problems worse.
- 20) During heavy rain the main drain on Carlton Road floods, with water gushing up through the inspection cover. Yorkshire Water has confirmed that there is no additional capacity within the surface water network to accept flow from the development', and that 'the local treatment works may have limited capacity'.
- 21) The pumping station would have to be big enough to provide storage to control a 1 in 100 year event. The size of the pumping station and the noise would impact on the amenity value of the gardens of the properties in Manfield Terrace.
- 22) All indications are that adverse weather conditions are going to increase. While we cannot do anything about rainfall levels we can reduce the amount of building on saturated sites.
- 23) Residents are very concerned about the sewerage pipes of our old sewerage system, there are too old and over worked already. The new development would mean more use of these.
- 24) The sewerage system serving Manfield Terrace and adjacent properties is a combined sewer and is regularly overwhelmed during heavy rainfall causing manholes to discharge on Carlton Road. Further properties connecting into this system will only exacerbate this situation.
- 25) Existing sewerage problems have been exacerbated by the recent additional input from Carlton Miniott Caravan Park.
- 26) Unconvinced by the Flood Risk Assessment and Surface Water Management Strategy. During the site investigation, many of the pits collapsed and that where readings were taken the water table was frequently only 0.4m below the surface. At Manfield Terrace, the water table was only 0.45m below the surface when it was checked several years ago, before the impact of more frequent rainfall in recent years.
- 27) Surface drainage is proposed into a ditch which has already flooded recently in late 2012.

Highway

- 28) The junction from the cul de sac onto the main run of Ripon Way has very restricted viability to the left. Cars parked on Ripon Way further restrict this view. If there is no improvement to this junction, it will potentially cause accidents with the proposed extra traffic.
- 29) Highways state that no construction traffic will be allowed to park on the approach roads to the site. Who will police this?
- 30) Ripon Way already suffers from displacement parking from Thirsk Railway Station with cars parked on the road side.
- 31) Car parking provision is inadequate.
- 32) The increased traffic will cause problems at the mini-roundabout at the end of Ripon Way, where there have already been numerous incidents.
- 33) The site access should be off the main A61 to the west of the proposed development.
- 34) The access onto the A61 would also need widening, so destroying what is at present a safe and expansive junction marshaled by a mini roundabout.
- 35) An alternative access route, created running southwards from the development and joining the A61 further west would be far less intrusive and, being a new access way, could be designed and landscaped so as to minimise the impact upon the neighbourly relationships of the residents of the new development.
- 36) The scheme will result in a substantial increase of traffic on an existing residential street likely to be of the magnitude of 30% past all houses up to the A61.
- 37) A clear alternative access route is available beyond "Stone Haven" in the form of a spur route from the A61. To provide such an independent spur access would be far more in keeping with the general existing layout of Carlton Miniott.
- 38) If an independent access were provided this would suggest a second mini

roundabout at the location of the 30 limit entry and that this would have a very significant improvement on reducing speeding past the Carlton Terrace houses on the A61.

- 39) The current road there is unable to stand the increased traffic - it is already cracking and potholing under the current residents use.
- 40) The road is not wide enough - particularly for all the heavy plant and lorries required for the building process.
- 41) There are already enough complaints by residents about cars at the Primary School. Parents block driveways and park incorrectly. There is hardly any parking and no dropping off area at the School and if more families live here then the school would need to be bigger. This will in turn cause more complaints and traffic problems.
- 42) An additional 80+ cars will cause delays at the mini roundabout, which will back up and block Ripon Way.
- 43) The traffic predictions that form part of the application are, in our view, very wide of the mark. With the proposed 40 dwellings and an assumed average of only 1.5 vehicles per household, there would be 60 additional vehicles using the road and all of that traffic will pass by 25 Ripon Way.
- 44) When the lane leading to the farm was opened up a few years ago, an assurance was given that the volume of traffic would be minimal. Only a few properties are served by the lane, but the number of vehicle movements is significant – far more than anyone would have ever imagined.
- 45) The cul-de-sac arm of Ripon Way is less wide than the north-south section, acknowledging the fact that it was never intended as access to 40 or more additional properties; had it been so, it would have been constructed to a specification similar to that of the north-south section.
- 46) The mini-roundabout on Carlton Road is not fit-for-purpose.
- 47) An alternative access should be used during the construction; the thought of heavy lorries and contractors' vehicles using the proposed access is extremely worrying for us. Aside from the likely queues of vehicles delivering materials or waiting to take away site waste, it is anticipated that Ripon Way will become the area where contractors will park their vehicles. Mud control at the site entrance, should it be on Carlton Road or Ripon Way, is also paramount.
- 48) The mini roundabout at the end of Ripon Way should be redesigned as at the moment very few vehicles negotiate the roundabout correctly or reduce speed. Vehicles bouncing over the roundabout have already caused damage to nearby properties due to vibration. Speed obstructions similar to those on the other 3 roundabouts on Station Road by the racecourse & Tesco's could be constructed.
- 49) Suggest a complete redesign of the Ripon Way/Carlton Road entrance be built with the cost being born by the developers.

Other

- 50) Can the school, health facilities cope with the extra population?
 - 51) The proposed development will devalue the current properties in Ripon Way.
 - 52) The existence of the proposed development has blighted property sale on Ripon Way.
- 5.41 A further round of consultation on the amended scheme expires on 21stMarch 2013. No representations have been received to date.

6.0 OBSERVATIONS

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

- a) Location & Phased Delivery of New Housing
- b) Design & Layout
- c) Residential Amenity
- d) Sustainable Construction

- e) Highway Safety & Car Parking
- f) Drainage & Flood Risk
- g) Ecology & Trees
- h) Public Open Space
- i) Affordable Housing
- j) Other Developer Contributions

Location & Phased Delivery of New Housing

- 6.2 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton including the requirements for affordable housing. Following this the Allocations DPD was adopted in 2010 and identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 6.3 This site forms allocation TH5 of the Allocations DPD. The allocation splits the development into two phases, which span phases 2 (2016-2021) and 3 (2021-2026). The site was phased in this way due to the calculation of housing numbers at that time, with the aim of achieving a regular supply of new housing across the plan period.
- 6.4 The allocation states that the site can accommodate 36 dwellings in total with a provision of 40% affordable housing. The total number of dwellings has increased marginally within this current application, but subject to being of good design this is considered acceptable.
- 6.5 The Annual Monitoring Report (AMR), 2011/12 shows that the Thirsk Sub-Area has a sufficient 5 year housing supply. The NPPF requires an additional 5% buffer, which is also met. However, in the last 5 years there has been significant District wide under delivery with an average net completion rate of 185 dwellings against target of 280. This amounts to only 66% delivery against the target. Also, due to a delay on works starting on some Phase 1 sites and slow delivery within Northallerton it is considered justified to bring this small site forward to contribute towards housing supply overall. Development of the site within Phase 1 will add to the choice and range of sites within the housing market, in accordance with the NPPF.
- 6.6 Within the Thirsk Sub-Area the development of the phase 1 Dalton Turkey Factory site is nearing completion of 30 dwellings, although other sites have yet to begin. South West Thirsk (Sowerby Gateway) has planning permission for 107 dwellings at phase 1; however work has just begun on the provision of initial infrastructure. An application for the construction of 47 dwellings on the Buffer Depot, Melbourne Place site has been refused and its delivery within phase 1 is uncertain. The delivery of extra care at Cherry Garth TH1 is due to begin early 2013 and should deliver 52 apartments.
- 6.7 In light of the above considerations, the location of the proposed development is considered to be acceptable in the context of the Allocations DPD and early delivery of the site would make a positive contribution towards housing supply in the District.

Design & Layout

- 6.8 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness.
- 6.9 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that “The Government attaches great

importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

- 6.10 Paragraph 62 of the NPPF states that “Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for a national design review...In assessing applications, local planning authorities should have regard to the recommendations from the design review panel.”
- 6.11 At pre-application stage, the Applicant chose to refer their initial design concept to the Regional Design Review Panel for comment and is commended for this approach. The Panel issued its initial recommendations in a report dated 5th December 2012. In summary, the report advised the Applicant to take a flexible approach to highways design by using shared surfaces and to deliver a braver and more forward-thinking solution with greater sustainability and place making ambitions. Specific design suggestions included:
- Retaining the west to east tree belt as a focal point and incorporating the trees as part of the public realm.
 - Creating a hard landscaped square at the site entrance.
 - Fronting dwellings directly onto lake.
 - Not fencing off the lake.
 - Repositioning those plots with south facing gardens adjacent to the central tree belt.
 - Widening plots to provide future opportunities for domestic extensions.
- 6.12 The submitted application incorporates many of these suggestions, including the use of shared surfaces throughout the development. The Panel has reviewed the application and applauds the Applicant for listening to their previous comments and coming up with a refined scheme. However, the Panel also considers a few elements to be a little unresolved and suggests that the following amendments would add refinement:
- exploring how the lake and area to the north will be integrated into the site beyond the site boundary;
 - looking again at the parking courts;
 - enhancing the site entrance vista, which now terminates in a parking court;
 - rebalancing the distribution of planting across the site;
 - ex-examining footpath and parking arrangements
 - showing the location of various boundary treatments.
- 6.13 In response, the Applicant submitted a revised site layout on 5th March 2013. The Panel has not been reconsulted on this because it is clear to see that the Applicant has addressed these outstanding points by rationalising the car parking distribution across the site and identifying attractive and appropriately positioned boundary treatment which clarifies the site’s relationship with the lake and strengthens the site’s entrance vista.
- 6.14 The site now incorporates a defined gateway, enhanced incidental amenity space and shared surfaces and substantially retains the west to east tree belt. Furthermore, the proposed house types provide an attractive and complimentary mix of dwellings whilst surface materials for private driveways and territory routes have been improved in terms of quality.
- 6.15 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.

- 6.16 In terms of density, the minimum range of between 30 dwellings per hectare is no longer quoted within national planning policy. Nonetheless, the NPPF requires Local Planning Authorities to have regard to: the characteristics of the area; the desirability of achieving high quality, well-designed housing; the current and future level and capacity of infrastructure, services and facilities; the desirability of using land efficiently and current and future levels of public transport.
- 6.17 The proposed allocation TH5 specifies a gross density of about 30dph. Excluding public open space and other areas of landscaping, the proposed scheme equates to a density of 28.5dph which sits slightly below the density expectations of TH5. However, being mindful of the anticipated yield of 36 dwellings across the whole site (4 less than proposed) in the LDF allocation, the proposed density is appropriately positioned between the LDF and the NPPF's expectations and therefore considered to be acceptable.
- 6.18 The amended layout and housetypes will result in an appropriately scaled and attractive development in this edge of settlement location and is therefore considered to be in accordance with policies CP17 and DP32 of the Hambleton Local Development Framework and design guidance contained within the NPPF.

Residential Amenity

- 6.19 Policy DP1 of the Development Policies DPD stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 6.20 The Council applies indicative separation distances of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. This is based upon those standards contained within the time expired *Supplementary Planning Guidance Note 3: Residential Infill*. Despite this guidance being time expired, SPG3 continues to be a useful tool for assessing the likely impact of a proposed development upon residential amenity in a case-by-case basis. Similar guidance relating to separation distances is contained within *By Design* (Design Guidance produced by CABI). Notwithstanding the usefulness of these documents, their standards should not be slavishly adhered to but judgement should be used on a case-by-case basis.
- 6.21 The nearest neighbouring dwelling is 'Glen Coe' which stands immediately to the south on Carlton Road. The rear elevations of Plots 35 and 36 would be positioned approximately 23m away from the rear elevation of 'Glen Coe' which exceeds the 14m distance usually expected. To the east, the front elevation of Plot 1 would be positioned over 20m from the end of Manfield Terrace (no 14) whilst the nearest property on Ripon Way (no.25) would stand over 25m away from Plot 1.
- 6.22 14 Manfield Terrace is likely to be the most affected neighbouring dwelling by virtue of the proposed access arrangements which would run alongside its side elevation and side garden space. The occupiers of 14 Manfield Terrace would experience a change in environment as a consequence of vehicle movements along the side boundary, particularly during peak hours. Nevertheless, the loss of amenity experience has been mitigated by the retention of the west to east tree belt and can be further mitigated by additional planting and secure boundary treatment. These details can be secured via planning condition.
- 6.23 The amended layout achieves adequate levels of space about the proposed dwellings in order to avoid problems of overlooking and overshadowing between the proposed properties. The revised layout is considered to comply with Policy DP1.

Sustainable Construction

- 6.24 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 6.25 In response to the requirements of DP34, the submitted 'Sustainability Report' produced by FES (Environmental Consultants) confirms that the 10% energy saving can be delivered via improvements to the fabric of the buildings above Building Regulations. This approach is generally supported. However, no firm proposals have been presented to the Council.
- 6.26 Consequently, it is recommended that a suitably worded condition be applied in order to secure a scheme for suitable design improvements to the approved housetypes.

Highway Safety & Car Parking

- 6.27 Concerns have been raised by local residents about the proposed development's impact on highway safety and in particular the use of Ripon Way as the main point of access. The Local Highway Authority has considered the application and has raised no objection in relation access arrangements, pedestrian safety or the capacity of the highway network to accommodate additional trips. The Local Highway Authority's consultation response is contained at paragraphs 5.3 to 5.6 of this report. Furthermore, access via Ripon Way is a requirement of the adopted Allocations DPD and, as a result, the likely impacts have previously been assessed and deemed to be acceptable.
- 6.28 The Applicant has been asked to consider the provision of a temporary construction access across land to the west linking onto Carlton Road. The Applicant has rejected this requested on the basis that the land to the west is outside of their control and that the provision of a temporary access road would be prohibitive in terms of cost. Condition 17 relates to temporary access via Ripon Way rather than Carlton Road.
- 6.29 Paragraph 39 of the NPPF states that:

"If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

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

- 6.30 The proposed development contains approximately 80 car parking spaces which equates to approximately 2 parking spaces per dwelling. In addition, 17 garage spaces will be provided. In having regard to guidance contained within the NPPF, this level of provision is considered to be acceptable, in the interests of avoiding on-street car parking.

Drainage & Flood Risk

- 6.31 Flood risk was carefully considered before the site was allocated for development under policy TH5. Therefore this is not an issue of principle but a detail to be resolved using best endeavours. A Flood Risk Assessment (FRA) produced by iD Civils Design Ltd has been submitted with the application. The FRA confirms that the site is within Flood Zone 1 and is therefore at the lowest risk of flooding.

- 6.32 The development of the site requires a new drainage system designed to suit the final approved layout, and in compliance with current Building Regulations and Sewers for Adoption. The system would be adopted by Yorkshire Water under a section 104 agreement.
- 6.33 Foul water from the development would discharge to the existing foul sewer crossing the south of the site. A gravity sewer connection is not possible due to the depth of the existing sewer (1.2m to 1.4m), the size of the site and other practical design considerations. Consequently, the foul network would drain to a new pumping station located underground on the site's eastern boundary behind Manfield Terrace.
- 6.34 Yorkshire Water has confirmed that there is no additional capacity within the surface water network to accept flow from the development. As a result, surface water would need to drain to a watercourse located approximately 150m to the west. A new outfall structure would be required to connect to the watercourse. On site storage would also be provided in the form of oversized pipework. The pumping station would also manage surface water flows, although these would be kept separate from the surface water drainage.
- 6.35 Due to the generally flat topography the level of development in relation to the watercourse to the west, the proposed dwellings would be elevated by around 600mm to reduce any risk from the watercourse to the west.
- 6.36 Yorkshire Water and the Environment Agency have raised no objections to the proposed means of drainage. The Internal Drainage Board has advised that it will accept a discharge rate of 5 litres per second into the watercourse.
- 6.37 It is recommended that pre-commencement conditions be applied to any planning permission to ensure the implementation of suitable foul and surface water drainage schemes.
- 6.38 The developer has provided a drainage strategy document which sets out the principles of the site drainage.
- 6.39 The Council's engineers comments are contained in the Consultations section of the report.

Ecology & Trees

- 6.40 Policy DP31 of the LDF states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation value...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'.
- 6.41 An Ecological Survey & Assessment produced by Delta-Simons (Environmental Consultants) was submitted in support of the application. The Survey concludes that the site contains no ecological constraints on residential development. However, the survey gives five recommendations which are summarised as follows:-
- 6.42 Recommendation 1 - Any works involving the removal of trees and hedgerows present on the site should be undertaken either before early March or after late July in order to avoid affecting any birds during the main period in which they are nesting. If, however, site clearance works are deemed necessary during the nesting period, a suitably qualified ecologist will be required to check the site habitats to confirm that no nesting birds will be affected by vegetation removal works.
- 6.43 Recommendation 2 (Bats): The tree lines and hedgerows at the site provide a linear corridor suitable for foraging and commuting bats. Where possible these features are

retained or replaced following the development. Although some species of bat are light tolerant, such as pipistrelle bats, it can also deter other species. It is, therefore, recommended that a sensitive lighting plan is developed so that following the development, light spill onto these habitats is kept to a minimum.

- 6.44 Recommendation 3 (Otters): Whilst the site was considered unsuitable to support otters, the ditches adjacent to the eastern and southern site boundaries may provide suitable habitat and connectivity to other suitable water bodies, and there is the potential for otters, a naturally inquisitive species, to venture on to Site during construction works. A precautionary approach should be taken such that no excavations are left uncovered overnight during the development works in order to avoid any otters becoming trapped.
- 6.45 Recommendation 4 (Pollution): It is recommended that the Environment Alliance's Pollution Prevention Guidelines are followed to avoid polluting the large pond during the construction works.
- 6.46 Recommendation 5 (Biodiversity Gain): The use of native plant species sourced from local nurseries is recommended in landscape proposals to enhance foraging opportunities for local birds and bats, by increasing the invertebrate diversity on-site. Furthermore, recommendations are made for the installation of a range of bird boxes on trees at the site.
- 6.47 In light of the findings and recommendations of the Ecological Survey & Assessment, it is recommended that a condition be imposed to secure the submission and implementation of a Habitat Management and Enhancement Plan which responds to these recommendations.
- 6.48 A Tree Survey produced by TPM Landscape (Chartered Landscape Architects) has been submitted with the application. The Survey categorises all trees on the site and identified four trees for removal in the interests of sound agricultural management. The survey also recommends that:
- Development proposals should adequately compensate for the loss of existing trees.
 - Any replacement tree planting should be predominantly native trees (e.g. Oak, Ash, Sycamore) sited around the perimeter of the site.
 - The Leylandii trees running along Sandhutton Lane should be removed to allow the trees either side to develop better.
 - The large belt of trees running east-west across the site is extremely dense with mature trees. There are smaller trees that are restricted in growth that could be removed to allow greater light and help the other trees grow. Deadwood within the trees should be removed.
 - Mature apple trees in the rough grass land could be incorporated within rear gardens.
- 6.49 The site contains a woodland planting belt running east-west across the central part of the site with mature trees generally planted in staggered rows. The majority of this planting belt would be retained, although a group of trees within the planting belt would be removed in order to create access to the southern part of the site. The Tree Preservation Order will be placed on the retained trees.

Public Open Space

- 6.50 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards for public open space 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.

- 6.51 The proposed layout does not incorporate a formal area of public open space. However, the amended layout shows an informal pedestrian route with stepping logs and other natural play equipment within the existing planting belt. A scheme for the installation of natural play equipment and landscaping can be secured via condition.
- 6.52 The Council's Leisure Services Officer has raised no objection to the limited provision of public open space on site due to the very close proximity of the Carlton Miniott Playing Field.
- 6.53 Policy DP37 also requires a financial contribution towards improving off-site provision elsewhere within the Thirsk Hinterland. The Council's sports and recreation priorities are contained in the Sport and Recreation Area Action Plan approved by Cabinet. The Applicant has agreed to make a contribution of £142,562 in accordance with this policy.

Affordable Housing

- 6.54 The provision of affordable housing is a Council priority, being identified in the Council Plan as such. Successive Housing Need Studies have pointed to the need to ensure a supply of affordable housing within the District, both in terms of the overall scale of provision and also its distribution.
- 6.55 Criterion i) of Policy TH5 of the adopted Allocations Development Plan Document stipulates that the development should be "...at a density of approximately 30 dwellings per hectare, resulting in a capacity of around 36 dwellings (of which a target of 40% should be affordable." Policy TH5 reflects Policy CP9 of the adopted Core Strategy which requires developments of 15 dwellings or more (or sites of 0.5ha or more) within Thirsk to make provision for 40% affordable housing.
- 6.56 The Application was originally submitted on the basis of 40% affordable housing being delivered. However, the Applicant advised the Council on 14th March 2013 that the affordable housing offer will be reduced due to abnormal costs not previously identified. These costs are primarily due to ground conditions (granular strata (sand) with a very high water table up to 700mm BGL), topography (need to pump foul & surface water) and service upgrades (electricity & gas connection). A revised affordable housing proposal has yet to be received.
- 6.57 The Council is currently awaiting the submission of an Economic Viability Appraisal to support the Applicant's case for reduced provision which will be passed to the Council's Consultant Valuer for scrutiny. Following the receipt of the Consultant Valuer's findings, the Council will decide whether or not to agree a reduction in the level of affordable housing or whether alternative concessions should be made e.g. reducing developer contributions. Should Members be minded to grant planning permission, it is recommended that this outstanding matter be deferred to the Planning Manager for determination.

Other Developer Contributions

- 6.58 In addition to delivering affordable housing and public open space, Policy TH5 of the Allocations DPD identifies contributions from the developer towards infrastructure improvements, including additional school places (if required) and increased or improved access to local healthcare facilities.
- 6.59 As detailed within paragraph 5.7 of this report, NYCC Children & Young People's Service has confirmed that 10 pupils would be generated by the development which local primary schools cannot currently accommodate. The Applicant has agreed to make a contribution of £135,960 in accordance with this policy.

- 6.60 The Primary Care Trust has not identified a need for enhanced healthcare provision to accommodate the development and its responsibilities are currently being transferred to a Clinical Commissioning Group (CCG). The CCG is not yet in a position to respond to planning application consultations. The formulae for calculating the majority of planning benefits are drawn from policy and Council priorities and therefore these take precedence. However, the contribution required for the local health care facilities is not prescribed and therefore no sum has been sought.
- 6.61 Service providers tend to adopt a re-active approach to service delivery rather than a pro-active approach and generally allocate resources when the need arises. Whilst the aim of the planning system is to promote sustainable development and economic growth, it can only go so far in co-ordinating service delivery. Ultimately, it is the responsibility of service providers to plan effectively for the needs of the existing and future community and to identify where enhanced infrastructure is needed to support new development.

7.0 CONCLUSION

- 7.1 The principle of development has been established as the site is allocated for residential development within the adopted Allocations Development Plan Document as Policy TH5. The amended scheme would deliver an attractive and sustainable development and deliver much needed homes. The development would make a contribution of approximately £278,522 towards the provision of essential infrastructure within Thirsk.
- 7.2 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be granted for the application as amended subject to an agreement on the level of affordable housing to be delivered.
- 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 RECOMMENDATIONS

- 8.1 Subject to the satisfactory prior completion of a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended) to secure an appropriate proportion of affordable housing and appropriate contributions to local infrastructure within 2 months of this resolution, planning permission is **GRANTED** subject to the conditions set out below; or
- 8.2 In the event that a satisfactory planning obligation is not completed within 2 months of this resolution, the Planning Manager be authorised to refuse permission on the grounds that the proposal has failed to deliver the necessary affordable housing and infrastructure contributions.

1. Commencement

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

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

2. **Approved Plans**

The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered: (all prefixed Y81.853.23) 01 received by Hambleton District Council on 1st November 2012 and 11; 12; 13; 14; 15; 16; 21 and 22 received by Hambleton District Council on 22nd January 2013 and 02 Rev.B; 10 Rev.A; 17; 18 Rev.A; 23 Rev.A; 24 and 25 received by Hambleton District Council on 5th March 2013 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**

No dwelling hereby approved shall be occupied until its associated boundary treatment has been constructed / planted in accordance with the details shown on drawings Y81.853.23 Rev.A and Y81.853.02 Rev.B received by Hambleton District Council on 5th March 2013. 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 occupiers and 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. **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 in accordance with a timescale to be agreed with the Local Planning Authority 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.

6. **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

7. 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 not less than 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 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.

8. 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.

9. 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.

10. 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 the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

11. No Piped Discharge of Surface Water 2

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

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

12. Foul Drainage Scheme

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

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

13. Habitat Management & Enhancement Plan

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

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

14. Land Contamination

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

15. 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 with the Local Planning Authority in consultation with the Highway 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.

16. Construction of Roads and Footways Prior to Occupation of Dwellings (Residential)

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.

17. Temporary Construction Site Access

Other than for the purposes of creating the temporary access no vehicles shall be allowed onto the construction site. Once created no vehicles shall access the site except via the approved access as shown on Drawing Reference Y81:853:02. The

access shall be constructed in accordance with details approved in writing by the Local Planning Authority for a minimum distance of 20 metres into the site. Any damage to the existing adopted highway occurring during use of the access until the completion of all the permanent works shall be repaired immediately. Before the development is first brought into use the highway verge/footway shall be fully reinstated in accordance with the scheme approved in writing by the Local Planning Authority.

Reason: In the interests of both vehicle and pedestrian safety and the visual amenity of the area.

18. Discharge of Surface Water

There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In the interests of highway safety.

19. Visibility Splays

No dwelling shall be occupied until a visibility splay is provided giving clear visibility of 25 metres measured along the channel line of the estate road in a westerly direction from a point measured 2 metres down the centre line of the track adjacent to the eastern boundary of the site. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, this visibility area shall be maintained clear of any obstruction and retained for its intended purpose at all times.

Reason: In the interests of road safety.

20. Works in the Highway

Prior to the occupation of the 1st dwelling, a continuous footway/footpath linking the proposed development with the existing footway on the northern side of the village main street and a pedestrian crossing point shall be constructed in accordance with details and programme of works submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

21. Garage Conversion to Habitable Room

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development.

22. 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.

23. 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.

4.

08/02840/OUT

Outline application for extension to existing business park as amended by correspondence received by Hambleton District Council on 15th February 2013 at Land Off Mount Pleasant Way Stokesley North Yorkshire TS9 5NZ for Armstrong Richardson

1.0 PROPOSAL & SITE DESCRIPTION

- 1.1 At Planning Committee on 18 August 2011, Members resolved to grant planning permission subject to an objection from the Environment Agency being resolved. This resolution was reached prior to the introduction of the National Planning Policy Framework (NPPF) in March 2012. Consequently, Members are asked to reconsider the application having regard to the provisions of the NPPF, up to date consultation responses and additional information submitted to address the Environment Agency's concerns.
- 1.2 Outline planning permission is sought for an extension to the existing Stokesley Business Park for blanket B1, B2 and B8 (light and general industry, research and development, offices and storage & distribution) with all matters reserved. This represents a change of approach from the application as submitted, which sought approval for access, layout and scale. The application was amended on 15th February 2013.
- 1.3 The issues raised by the Environment Agency have been addressed by a revised Flood Risk Assessment received by the Council on 29th October 2012. An indicative layout has been submitted with the application to show how the site could be developed taking into account flood risk issues, i.e. siting buildings outside of the functional flood plain. However, the Applicant does not wish to draw up revised details of access, layout and scale and therefore has amended the application to have all matters reserved.
- 1.4 The application site is allocated for employment uses (B1, B2 and B8) within the adopted Allocations Development Plan Document (DPD) as Policy SE1 (East of Stokesley Business Park – 6.7ha), subject to:
- i) development being of high quality in terms of business uses, design and landscape settings;
 - ii) access being via the existing industrial estate;
 - iii) a 10m wide mixed plant landscaping strip being provided to screen this site from the B1257, the south and south east;
 - iv) contributions from the developer towards providing improved footpath and cycle links to Stokesley town centre and to Great Ayton, improvements to public transport infrastructure and, if necessary, upgrading of the potable water network to enable a suitable supply to be made available to the new development; and
 - v) no development, other than essential infrastructure and water compatible uses, should take place within Flood Zone 3b, as defined by Environment Agency Flood Maps.
- 1.5 The application site extends to approximately to 2 hectares of cropped agricultural land that is bound on the north-east and south-east by mature hedging and trees whilst the new Armstrong Richardson building stands immediately adjacent to the south-west. Arable farmland extends beyond the site to south-east.

2.0 RELEVANT HISTORY

- 2.1 06/01236/FUL – Erection of three buildings to be used for offices, production and workshops on the site (Granted – December 2006).

3.0 RELEVANT PLANNING POLICIES

The National Planning Policy Framework – March 2012

- 3.1 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied.
- 3.2 The relevant policies of the Development Plan and any supplementary planning policy advice are as follows:

Core Strategy Development Plan Document – Adopted April 2007

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP10 - The scale and distribution of new employment development
Core Strategy Policy CP10A - The scale of new employment development by sub-area
Core Strategy Policy CP11 - Distribution of new employment development
Core Strategy Policy CP12 - Priorities for employment development
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP20 - Design and the reduction of crime

Development Policies Development Plan Document – Adopted February 2008

Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
Development Policies DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

SE1 (East of Stokesley Business Park – 6.7ha)

Other Relevant Documents

Council Plan
Hambleton Biodiversity Action Plan
Sustainable Development SPD

4.0 CONSULTATIONS

Great & Little Broughton Parish Council – 14th September 2008

- 4.1 Wish to see the application refused. This is 'creeping' development and reduces the open nature of landscape. It will be difficult to conceal even with extra

trees/landscaping, which if the application is approved should be evergreens. A three storey building is inappropriate for the site.

NYCC Highways – 13th January 2009

- 4.2 The Transport Assessment (TA) for the proposed development has identified that the existing junction at Ellerbeck Road and B1257 will not operate efficiently from the opening year of the application. Operation of the junction is likely to be effected before this development is established due to existing and committed development.
- 4.3 As the site already has permission for B2 use with a small proportion of B1 development it is considered that the most appropriate option is to minimise the effects of vehicular traffic generated both from the proposed development and the rest of the site.
- 4.4 The developer has been asked to investigate mitigation measures to reduce the impact of traffic generated by the proposed development and the wider site on the highway network. The developer has identified a number of schemes which are either in the County Council programme or on its reserve list which could contribute to reducing vehicular trips. These include: an on road cycle route along Station Road and footway improvements around the A170 roundabout and along B1257 to Ellerbeck Road.
- 4.5 Improvements to the public transport network have also been identified as likely to help reduce the vehicular impact. The developer will also need to promote use and encourage sustainable modes of travel by establishing the travel plan which has been outlined in the T.A.
- 4.6 It is considered that the proposed 'soft' mitigation measures to reduce overall traffic generation from Stokesley Industrial estate are an appropriate alternative to engineering works to improve junction capacity.
- 4.7 Comments are awaited in respect of the amended plans.

NYCC Highways – 19th January 2013

- 4.8 Made the following additional comments:
- 4.9 Request that a footway link is provided from the site to Ellerbeck Bridge to reduce the walking distance to the main road.
- 4.10 The proposed layout appears to have no internal footways. Suggest that the site layout is amended to an adoptable standard which means including footway provision.
- 4.11 Note that no turning area has been provided at the end of the main estate road. This will need addressing.
- 4.12 NYCC parking standards have changed to minimum standards so allowing more car parking for the site.

NYCC Highways – 15th March 2013

- 4.13 No objection subject to various conditions, including a requirement to construct a public footway/cycleway along the verge of the B1257 County Road from the A170 roundabout to the junction with Ellerbeck Road and proposals for improvements to passenger transport network serving the industrial estate.

HDC Planning Policy Officer – 21st February 2013

- 4.14 It is recognised that this is an outline application and therefore not all matters are to be considered. Allocation SE1 of the Hambleton LDF Allocations DPD requires the submission of a landscaping scheme to provide a 10 metre landscaping strip. I understand that this matter will be dealt with at Reserved Matters; however it should be ensured that the proposed plans leave enough space to accommodate this landscaping at a later stage.
- 4.15 Contributions will be required from the developer towards providing improved footpath and cycle links to Stokesley town centre and to Great Ayton in accordance with Policy SE1 and presented in the Stokesley and Villages Regeneration Group Cycleways Report August 2010. Please note that there is an additional section of proposed cycleway currently being costed. This section would link SE1 to the proposed route, enabling cycle access to this site once complete. The further section of the allocated site to the south should also contribute towards this link which would benefit future users of the site.
- 4.16 The Travel Plan shows a commitment to improving public transport infrastructure by re-routing the existing bus service and the provision of additional stops.

HDC Economic Development Officer – 10th January 2013

- 4.17 Previously commented about the level of parking provision on the site and recommend that this is re-visited. The application is seeking to provide 6,435 sq m of office space alone (nearly 70,000 sq ft). Based on Economic Development's experiences at two of the Council properties (Evolution and Springboard), the car parking provision has been inadequate at both; Springboard car park having recently been extended to provide 47 spaces from the original 35. Springboard is 6,700 sq ft therefore a simple extrapolation would suggest nearer 500 spaces are required not including any spaces for the industrial units. 500 spaces may well be regarded as excessive but 220 should be regarded as inadequate - it would be good to ensure the provision is in place before development commences.

Environment Agency – 11th January 2013

- 4.18 No objections subject to conditions.
- 4.19 It is highlighted within the Flood Risk Assessment (FRA) that fencing is to be provided around the car parking areas. Eller Beck and Broughton Beck are classed as main rivers. Any fencing provided must be sited 5 metres away from the landward toe of the flood defence or top of river bank if no flood bank exists. This is to allow access by the Environment Agency for maintenance purposes. Any proposed encroachment into this 5 metres byelaw distance will require the prior written consent of the Environment Agency under the Water Resources Act 1991, which is unlikely to be given in this location.
- 4.20 The FRA has concluded that the access road lies within functional floodplain, which therefore will flood on a more regular basis than the site as a whole. This will mean that access and exit from the site may be difficult in lower flow events. In high flows, the emergency procedures should be acted upon at the earliest possible opportunity to ensure safe exit from the site prior to the onset of flooding.
- 4.21 It may also be prudent for the developer to install their own flood warning system rather than rely solely on warnings from the Environment Agency.
- 4.22 The FRA also indicates on page 16 that "the car parking area cannot be considered as essential infrastructure...and therefore be re provided in another part of the site if possible or omitted". It is unsure if this relates to the previous site layout or as

suggested in drawing SO58 SK001 Rev E. Clarification of this point may be required from the developer prior to any permissions being given on layout.

Environment Agency – 28th February 2013

- 4.23 Confirmed no further comments.

Northumbrian Water – 3rd August 2011

- 4.24 No objections to the development.

Northumbrian Water – 19th January 2013

- 4.25 Previous comments still valid.

Publicity

- 4.26 A site notice was erected and neighbours were notified in writing. The latest publicity period expired on 28th February 2013. No replies have been received.

5.0 OBSERVATIONS

- 5.1 In view of the LDF allocation, the principle of employment development of the site is accepted. The issues to be considered when determining this application are identified in the policies within the Hambleton Local Development Framework, as set out above, and relate in this case to: flood risk; transport issues; landscaping and developer contributions.

Flood Risk

- 5.2 Policy DP43 of the adopted Development Policies DPD details the Council's approach to development and flooding. The policy requires a demonstration that the sequential and exceptions tests required by national guidance (NPPF) have been undertaken.
- 5.3 A revised Flood Risk Assessment (FRA) was received by the Council on 29th October 2012, which details the likely risks and suggests proposed mitigation. The northern part of the site is close to Flood Zone 2 as identified on the Environment Agency (EA) Flood Risk Maps. The indicative site layout moves the proposed buildings further away from the Flood Zone in order to minimise risk. Other forms of mitigation suggested within the FRA include:
- Open fencing to be provided in parking areas near Eller Beck.
 - Provide a Finished Floor Levels of 70.412m AOD or higher allowing freeboard and climate change allowance above the 1in100 year defended flood level.
 - Flood resilience measures to be integrated into building design.
 - Provide dedicated and signposted pathways within the site to allow safe evacuation in a flood emergency.
 - Ensure post development site levels allow cut and fill to provide compensatory storage on a level for level basis where land raising would otherwise displace floodplain.
 - Signing up to the Flood Warning Service and develop an Emergency Flood Plan to be agreed with the Council and EA and implemented by a Management

Company or similar to ensure safe evacuation is sustainable for the development in a flood emergency.

- 5.4 The Environment Agency has removed its initial objection in response to the findings and recommendations contained within the revised FRA.

Design & Layout

- 5.5 Whilst external appearance and layout remain reserved matters, the proposed units would be required to respond the positive elements of urban design found on the more attractive sites within the Business Park.
- 5.6 The proposed development would have a strong physical relationship with neighbouring employment uses, which is to be expected for an expansion of the Business Park. Whilst the proposals maximise the available land, the development would be set within an established landscape framework and would be laid out to ensure a good standard of design in regards to the creation of a high quality business environment.
- 5.7 An adequate separation from the adjacent Armstrong Richardson site would be required. Other industrial units to the west of Ellerbeck Way are well divorced from the development and nearby industrial users should not be significantly affected by the project. In addition, as noted above, the development will need to maintain adequate distances between buildings and the flood zone and a 10m landscaping strip. However, the amended application makes clear in the Design & Access Statement that "As layout is reserved for future consideration a quantum of development has not been formulated". Accordingly it is possible to grant outline permission without the risk of an unacceptably high building resulting and the issue that gave rise to the Parish Council's concerns about a three-storey building does not arise.

Transport Issues

- 5.8 Access is reserved for future consideration but it is envisaged that proposed pedestrian and vehicular access would be taken from Mount Pleasant Way as shown on the indicative layout. The suitability of the proposed access has already been considered and deemed acceptable.
- 5.9 The amount of car parking provided on site would be determined at Reserved Matters stage.
- 5.10 Criterion iv. of Policy SE1 requires contributions from the developer towards providing improved footpath and cycle links to Stokesley town centre and to Great Ayton. The Applicant has agreed to make a contribution of £30,000 towards the footpath and cycleway which is currently being devised by Sustrans and the Stokesley and Villages Regeneration Group.

Landscaping

- 5.11 As part of the allocation at SE1 (the application site and adjoining land to the south) a 10m wide mixed species landscaping strip is required to the east, south east and southern boundaries of the allocation site. Where a landscaping strip exists this should be made up to 10m. The applicant has indicated a willingness to satisfy this requirement. A suitable landscaping condition can be imposed to secure this.

6.0 SUMMARY

- 6.1 Subject to the signing of a s.106 agreement to secure the developer contributions detailed within this report, the proposed extension to Stokesley Business Park is

considered to be acceptable in principle. The proposal therefore accords with the aims and policies of the Hambleton Local Development Framework.

- 6.2 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.

7.0 RECOMMENDATION

- 7.1 That planning permission be **GRANTED** subject the satisfactory prior completion of a planning obligation under S106 of the Town and Country Planning Act 1990 (as amended) to secure a suitable contribution towards improved footpath and cycle links to Stokesley and Great Ayton and subject to the following conditions:

1. Reserved Matters - Time

Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun before the expiry of which ever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. Reserved Matters - Details

The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: the siting, design and external appearance of each building, including a schedule of external materials to be used; means of access to the site and the landscaping of the site.

Reason: To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.

3. Approved Plans

The permission hereby granted shall not be undertaken other than in complete accordance with the drawing numbered: 08.029 100 Rev.A received by Hambleton District Council on received by Hambleton District Council on 3rd September 2008 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.

4. Foul & Surface Water Drainage - Details

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.

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

5. Foul & Surface Water Drainage - Implementation

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 6 above.

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

6. Flood Risk - Environment Agency

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by BDN (ref: R0853 Rev 1 October 2012) and the following mitigation measures it details.

1. The surface water run-off generated by the site to be designed as highlighted within the FRA; providing storage and maintenance regime to ensure no increase in flood risk due to the increase of hardstanding areas.
2. There must be no ground raising in the areas shown to be at risk from flooding, particularly in the areas shown to be within functional floodplain.
3. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
4. Finished floor levels are set no lower than 70.412 m above Ordnance Datum (AOD).
5. The layout of the buildings are as indicated on drawing no: SO58 SK001 Rev E. (The largest of the drawings on this drawing)

The mitigation measures shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may be agreed, in writing, by the local planning authority.

Reasons:

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To prevent flooding elsewhere by ensuring that areas which are shown to flood continue to do so.
3. To ensure safe access and egress from and to the site.
4. To reduce the risk of flooding to the proposed development and future occupants.
5. To ensure that buildings are kept out of the flood zones and are sited in the safest possible location.

7. 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) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and sewerage system
 - (g) lining and signing
 - (h) traffic calming measures
 - (i) 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 with the Local Planning Authority in consultation with the Highway 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.

8. Construction of Roads and Footways

No part of the development to which this permission relates shall be brought into use until the carriageway and any footway/footpath from which it gains access shall be 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 any part of the development is brought into use.

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

9. Discharge of Surface Water

There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In the interests of highway safety.

10. Private Access/Verge Crossings: Construction Requirements

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

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

11. Permanent Site Construction Access

There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access extending 15m metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and/or the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

Reason: In the interests of highway safety.

12. Visibility Splays

Prior to the commencement of the development hereby permitted visibility splays providing clear visibility of 45 metres by 2.4 metres measured down the centre line of the access road and the nearside channel line of the major road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

13. Pedestrian Visibility Splays

There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

14. 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 building(s) or other works until:

- (i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- (ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.
- (iii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

- a. Provision of tactile paving
- b. Provide for a footway/cycleway along the verge of the B1257 County Road from the A170 roundabout to the junction with Ellerbeck Road.
- c. proposals for improvements to passenger transport network serving the industrial estate

Reason: To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

15. Completion of Works in the Highway

Unless otherwise approved in writing by the Local Planning Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 23: Provide for a footway/cycleway along the verge of the B1257 County Road from the A170 roundabout to the junction with Ellerbeck Road and proposals for improvements to passenger transport network serving the industrial estate.

Reason: In the interests of the safety and convenience of highway users.

16. Details of Access, Turning and Parking

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 hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) tactile paving
- (ii) vehicular, cycle, and pedestrian accesses

- (iii) vehicular and cycle parking
- (iv) vehicular turning arrangements
- (v) manoeuvring arrangements
- (vi) loading and unloading arrangements

Reason: To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

17. Provision of Approved Access, Turning and Parking Areas

No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition 25 are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

18. 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.

19. Glare from Site Lighting

No external lighting equipment shall be used other than in accordance with details previously approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and visual amenity.

20. 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
- (iv) on-site materials storage area capable of accommodating all materials required for the operation of the site.
- (v) 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.

21. Travel Plans

Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include:

- (i) the appointment of a travel co-ordinator
- (ii) a partnership approach to influence travel behaviour
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (iv) provision of up-to-date details of public transport services
- (v) continual appraisal of travel patterns and measures provided through the travel plan
- (vi) improved safety for vulnerable road users
- (vii) a reduction in all vehicle trips and mileage
- (viii) a programme for the implementation of such measures and any proposed physical works
- (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

Parish: Great Ayton

Ward: Great Ayton

Committee Date : 28 March 2013

Officer dealing : Mrs B Robinson

Target Date: 12 April 2013

5.

13/00325/FUL

Construction of an equine clinic with associated vehicle hardstanding and parking. at Stanley Grange Stud Yarm Lane Great Ayton North Yorkshire for Mr Jerome Harforth.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is alongside an existing group of buildings including a two storey farm house and a range of traditional and modern buildings, which are in use as a stud. The existing buildings form a close group, located on land slightly elevated from the public road and are located approximately 1 mile from the north eastern edge of Stokesley, along the A172. They are accessed by a surfaced track approximately 300 metres long, with gates at the entrance inset by approximately 10 metres. The land in the immediate surroundings is in use for the grazing of horses, and is subdivided into paddocks along the access track. There is a public right of way approximately 300 metres to the west, and approximately 200 metres to the north.

1.2 The site concerned is a field dimensions 100 x 57 metres, immediately to the west of the existing group. The field is level near the existing buildings and slopes down slightly to the west side. The field is hedged on the north and south boundaries. The proposal is to construct a building 19 x 25 metres, located towards the western boundary. The height of the building is 6 metres to eaves and 8.3 metres to ridge. Externally the building is brick on the lower parts and timber cladding to upper parts, and fibre cement sheeting to the roof. An area of hard standing (1375 sq metres total) is provided on the eastern approach, including an area for parking to the front (south) of the building. Provision is indicated for 4 cars and 4 lorries. The building is served by a septic tank, and surface water is disposed of by soakaway.

1.3 Also proposed is a new access track to serve the building. The track leaves the existing drive approximately 100 metres short of the existing buildings and follows an existing fence line westwards before turning north and following the line of the hedge towards the proposed hardstanding area.

1.4 The building is intended to be used as a base for an equine veterinary practise. The building includes facilities for equine surgery and related equine investigation facilities, together with ancillary offices. A business plan is submitted with the application indicating that the users of the building will be an independent specialist veterinary practise, offering services to horses in the area, including the adjacent stud. Wherever possible, services are to be offered on an ambulatory basis, with horses brought to this site as and when required. When operational the clinic will initially employ 3 vets, 1 nurse and 1 receptionist. The clinic will be made available to other vets without access to an operating clinic.

1.5 It has been indicated that for the majority of the time horses will receiving on-site attention will be on a day-visit basis, but where necessary the existing paddocks and stables will be used to accommodate horses pre- or post-operatively and supervised as required by stud staff.

1.6 This application is to be considered by the Planning Committee as the applicant's agent is a recent former employee of the Council.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/01/058/0892 Change of use of agricultural land and agricultural building to the keeping of horses. Granted 02.05.2001

2.2 12/00462/FUL Proposed demolition of outbuilding and garage and construction of two storey extension to existing farmhouse. Withdrawn.09.07.2012

2.3 12/01414/FUL Demolition of existing outbuilding and garage and construction of two storey extension to existing farmhouse to provide ancillary accommodation and managers flat. Granted 06.02.2013

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

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

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP32 - General design

National Planning Policy Framework - published 27 March 2012

Development Policies DP33 - Landscaping

4.0 CONSULTATIONS

4.1 Parish Council - expiry 08.03.2013 - awaited

4.2 Neighbours and Site notice - last expiry 19.03.2013

No observations received to the above.

5.0 OBSERVATIONS

5.1 The location is rural, where as an exception to the principles of CP1 and CP2, CP4 allows consideration of (amongst other criteria) development with an essential need to locate in the countryside and will help support a sustainable rural economy, if also acceptable under other relevant policies of the LDF.

5.2 Equine activity is considered to be part of the rural scene which cannot usually be supported other than outside Development Limits, and by the nature of the employment generated, and the needs of the livestock in terms of food bedding and other requisites, it will help support a sustainable rural economy. Due to this strong connection with the rural surroundings, the proposal has only limited conflict with the principles of CP1, and is considered an acceptable exception to this principle, subject to other relevant policies.

5.3 It can also be noted that whilst the location is such that car use is the most likely means of transport, the location is relatively close to Stokesley to which there is good access, and there is potential for services there to be supported by the development, without significant harm to the principles of CP2, due to the short distances involved. There is no evidence to conclude that the use would give rise to a significant increase in journeys on the local highway network overall.

5.4 The NPPF gives support to the sustainable growth and expansion of all types of business and enterprise in rural areas, including through the provision of new buildings. It also promotes the development and diversification of land-based rural businesses (in addition to agriculture). This proposal is considered to fall within the definition of the growth

and expansion of an existing business as despite the new primary use that the proposal introduces it has close relationship with the existing business at Stanley Grange Stud.

5.5 The development is therefore considered to be acceptable in principle and can be considered against the other relevant policies of the LDF, in this case whether it is an acceptable form of rural employment (CP15 DP25), design (CP17 DP32) and the effect on the rural surroundings (CP16 DP32) and any highway issues.

5.6 Criteria for acceptable rural employment are set out in DP25, and require to be small in scale; appropriate extension of an existing use which is otherwise acceptable in policy terms; not capable of location in settlement limits; has an appropriate business case demonstrating support to the local economy which will help sustain rural communities; will not adversely impact on the economy of the service centre.

5.7 In scale, the building is similar to other agricultural buildings that are commonly 'permitted development' or receive planning permission. It is smaller than each of the existing building-groups on the premises, and if appropriate under other criteria can be considered to be acceptably small in scale.

5.8 There is a strong horse-related connection between the nature of the proposed use and the existing enterprise. There is an established connection with the stud in that the vets concerned attend existing horses there, and on occasion bring horses from elsewhere to utilise facilities at the stud.

There will be an ongoing business connection in that the clinic will attend resident and visiting horses at the stud, and the ownership of the building is retained by the stud owner. There is scope for skilled supervision of clinic horses kept overnight on site, if required. Therefore, whilst the clinic is a separate business as noted above, as a result of their strong connection in type, and the mutual benefit attendant on this location, the proposal is an acceptable complementary addition to the existing use.

5.9 The application notes that the proposal supports a well established element of the rural economy which is horse related, through the number of horses kept for sport and recreation, stud and specialist racing yards, and which involves a large number of people in their care and well being. The equine clinical services proposed will support this element of the rural economy. The proposal also introduces employment in a location with good accessibility to a settlement with a wide range of services and will encourage support of the local economy there.

5.10 The nature of the use as a large-animal veterinary clinic is such that it is not a service which would normally be offered within the service centre, and thus it will not adversely impact on the economy of the service centres.

5.11 In terms of design the building has a simple shed form that would typically be found on agricultural holdings. Its use of brick at a lower level makes a visual link with the traditional ranges at Stanley Grange, and the timber finish at upper levels will provide a natural finish that will weather over time and increasingly blend into the surroundings.

5.12 In the wider landscape, the building is such that would be commonly expected in this location, as noted above. It is distant from the road and the nearest public footpaths by 200 - 300 metres respectively and whilst it maintains some separation from the existing buildings, it will be visually part of the existing group. The part of the site on which the building is located is slightly lower than the existing Stanley Grange buildings, increasing the subservience of the new building to the existing development. Control over the precise level of the building can be retained by a suitable condition.

5.13 Parking of vehicles and lorries currently takes place in front of the existing buildings, and a similar arrangement in front of the proposed building will minimise their impact on the rural surroundings, particularly if supported by a landscape plan which will ensure that the rural amenities of the area are retained in the longer term.

5.14 With regard to the proposed access road and hardstanding areas, due to the alignment of the road on existing fence and hedge lines, the impact will be modest and in the context of the nearby buildings the hardstanding will not be obtrusive in the rural surroundings. The track is intended to be surfaced with stone and will have an informal character appropriate to this rural area.

5.14 With regard to highway safety, the site currently has a relatively high numbers of journeys associated it by existing staff and by visiting horses, and associated visits by people attending for training and lessons, prospective purchasers etc. The additional daily traffic arising from the vets and other staff associated with this proposal is not considered to be so great as to raise concerns about highway safety, particularly as concerns have not be raised on this account by the Highway Authority.

SUMMARY

The proposal would support the growth of the local economy and by use of appropriate design, siting and materials the development will not have a harmful effect on the rural surroundings and is able to comply with the above policies.

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)

- . 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 PR01, PR02 received by Hambleton District Council on 15 February 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.
4. 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.
5. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously

damaged or diseased, shall be replaced with others of similar size and species.

6. The building hereby approved shall be only used in as an equine veterinary clinic, as set out in the application, and for no other use without the prior written consent of the local planning authority.

The reasons for the above conditions are:-

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

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

4. To ensure that the development is appropriate to environment in terms of amenity and design in accordance with Local Development Framework Policies CP17 DP32.

5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16, DP30..

6. To enable the Local Planning Authority to assess the impact of any different use under the relevant local and national planning policies.

6.

13/00172/FUL

**Change of use of existing domestic garage block to form a workshop and store.
Construction of a boundary fence and gates..
at Prospect Garages Prospect View Northallerton North Yorkshire
for Broadacres Housing Association.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is a small court of 8 domestic garages, located on a short 'limb' of Prospect View, and opposite the access lane between Cotcliffe Avenue and Greenhill Crescent. The garages are laid out in a cranked row at the rear of the site. The buildings are brick on the outer side, with double timber doors, and corrugated sheeting roof. The site is open to the front. On the northwest side the rear of the garages back onto the rear garden boundary of houses in Prospect View. There is thick conifer hedge on this side. On the north east side there is high row of conifers backing onto a narrow path to the rear of properties on Trinity Gardens. Prospect View has footpaths on each side. The road terminates just east of the site, and the highway footpath continues eastwards to form a pedestrian link with Trinity Gardens. Informal parking takes place on the footways opposite the site.

1.2 The proposal is to change the use of the site to a workshop and store. A new close boarded timber fence 1.9 metres high is constructed on the front boundary, with double gates opening into the compound formed. An 8 cu yd skip is sited within the compound.

1.3 The use is intended to be for a sub-business of Broadacres, engaged in carrying out repairs and adaptations to property, including NYCC premises, to accommodate accessibility and safety needs of people with disability. The nature of the use has been explained as being primarily to store building materials such as paving slabs bricks and sand. Some small joinery work would be carried out at the site, such as hand sawing handrails and fixing timber plinths together, using battery operated hand tools, also some painting (with hand brushes). Additional information has been submitted indicating that the site will be attended by up to 7 handymen, and vehicles, each morning, between 8.30 and 10.00am to load up for their days work. The site would not be occupied for the majority of the day. Materials delivery is expected to be once per 2 months. The skip would be changed every two months also. There is no power or water facilities on the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 No previous relevant planning applications. This application was submitted in response to enforcement investigations (13/00011/CAT3).

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
Development Policies DP3 - Site accessibility
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Parish Council - Refused - More in keeping with an industrial estate, not a residential area

4.2 NYCC Highways - conditions requested.

Additional comment following further information regarding on no of vehicles visiting, is awaited. Verbal discussions indicate that refusal is likely to be recommended.

4.3 Environmental Health - conditions requested - hours, use of power tools. However with regard to further information supplied, there are concerns about noise arising from 7 vans visiting the site to load up on a daily basis, complaints which under the Environmental Health legislation are difficult or impossible to control.

4.4 Neighbours and site notice - responses received:

i. Conifers are retained and probably an improvement to the area. Main concern is daytime noise, and use of machinery in the site. Not a problem in the winter but on a hot summer day when children are at school, could be quite disruptive and annoying to have a high volume of noise so close to the property. Information regarding this is lacking in the application information.

ii. Very, very concerned about the amount of noise coming from workshop area. Currently the noise is bad enough due to children playing nearby and foot traffic past the house. Good that the site is to be cleaned up, but noise of workmen using machinery would be unbearable when at home during the week, and absolutely object to a workshop being built.

iii Appreciate that new building will clean up a very untidy area, but concerned about parking - site currently used for cars and vans to park - if this is not available to them, where will they go. Remain upset that when home during the day will have to put up with noise that is generated.

5.0 OBSERVATIONS

5.1 The proposed use is required in connection with housing provision to meet the needs for all sectors of the community and is supported in principle under Policy CP8, and the main issues to consider will be the effects on amenity for local residential occupiers (CP1 DP1), any effects on the amenity or character of the physical surroundings (CP16 DP32), together with issues of Highway Safety.

5.2 With regard to the amenity of residents, the proposed workshop use has the potential to cause disturbance by noise. Further information has been submitted pointing out the works intended are small scale adaptations and will not involve the use of other than battery-powered tools, however there is potential for the level of noise arising, and its persistence on a daily basis, to be disturbing to the residential amenities of the surroundings. It is considered that conditions could not be used to safeguard the amenity of neighbours as such measures as preventing the use of mains electricity power tools or only allowing small scale adaptations would either be insufficient to prevent noise likely to cause a loss of amenity to neighbours or would be imprecise and unenforceable and therefore fail the tests set for planning conditions in Circular 1/95. The proposal for the introduction of a use that is a "B2 Use" is therefore inappropriate on a site that is immediately adjacent to residential property and is therefore contrary to the LDF Policies CP1 and DP1.

5.3 Visits to the site by handymen in vehicles, and the noise associated with arrival, manoeuvring and loading up of construction materials is very likely to cause significant additional disturbance, on a daily basis. Such impacts are also not capable of control by means of a planning condition and would also be unacceptable under the terms of Policies CP1 and DP1.

5.4 Within the streetscene, the main effect will arise from the timber fence enclosing the site. The fence is similar to boundary fences commonly found on housing developments, and particularly as it is effectively on a side street, will not be harmful to the character of the surroundings.

5.5 With regard to highway safety, the use as a workshop to the extent indicated does not give rise to significant concerns about the capacity of the highway network, however the

views of the of NYCC Highways have been sought with regard to the further information regarding the number of vehicles visiting the site during a relatively short time in the morning. The level of congestion around the entrance to the site at peak times is cause for concern on road safety grounds, due to the lack of scope to park vehicles within the site and the conflict with the users of the footpath and cycleway that link through to adjoining residential areas.

6.0 RECOMMENDATION:

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

1. The proposed development is contrary to the Hambleton Local Development Framework Policies CP1 and DP1 due to the potential disturbance to residential neighbours in the vicinity arising from the activities at the site.
2. The proposed development is contrary to the Hambleton Local Development Framework Policies CP1 and DP3 due to the potential level of congestion causing an obstruction to the footway and cycleways in the vicinity of the site and loss of safety to pedestrians and cyclist and other highway users.

7.

13/00398/FUL

**Change of use from an A1 use (shop) to a mixed A1/A3 use (shop and cafe).
at 127 High Street Northallerton North Yorkshire DL7 8PQ
for Clervaux Artisan Bakery.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the change of use of an A1 retail unit (which is currently vacant, the previous occupiers having moved to other premises within the Primary Retail Area of the High Street) to form a mixed A1/A3 use within the existing floor area. The front of the premises will remain in retail use with approximately 33% to the rear being used as a cafe area.

1.2 A statement submitted in support of the application indicates that the premises will be occupied by a business which specialises in the production and sale of specialist artisan breads and associated products. All ingredients used are, where possible, sourced from biodynamic, organic, local, fair or direct trade suppliers. The business is run by The Clervaux Trust which seeks, inter alia, to reconnect young people with nature and low impact technologies, pioneer new and sustainable technologies for the 21st century. It is stated that alongside the commercial activity are a wide range of educational, work experience and work placement opportunities for students and numerous community based activities.

1.3 The business was begun in Darlington where all baking and cooking will still take place. The primary use of the premises will be the retail sale of the products referred to above although the rear portion will allow customers to have tea/coffee together with a small selection of hot food such as panini's, toasted bread as well as sandwiches and other related cold dishes.

1.4 This application is reported to the Committee for decision in view of the previous recent employment of the applicant's agent with the Council.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 01/50597/A : Display of illuminated fascia sign : Granted May 2001.

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 CP13 - Market towns regeneration
Development Policies DP19 - Specific measures to assist market town regeneration
Core Strategy Policy CP14 - Retail and town centre development
Development Policies DP20 - Approach to town centre development
Development Policies DP21 - Support for town centre shopping
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Northallerton Town Council : No response received.

4.2 Environmental Health Officer : No objections in view of the nature of the cafe operation (ie no primary cooking or baking).

4.3 The application was advertised in the local press, by site notice at the front of the premises and the eight closest neighbours/businesses were consulted. No representations have been received.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy, the Development Policies document and the contents of the National Planning Policy Framework (NPPF) as set out above and relate, in this case, to the impact of the proposal on the vitality and viability of the Northallerton town centre (Policies CP14 and DP20) together with the current proportions of retail uses within the Northallerton Primary Retail Shopping Frontage (Policy DP21). The content of paragraph 23 of the NPPF is also relevant in this case.

5.2 Policies CP14 and DP20 both seek to support the provision of services which lead to the regeneration, maintenance and enhancement of the District's Service Centre functions. Policy DP20 specifically gives support for uses, activities and investment which will sustain or enhance their character, attractiveness, conservation heritage, vitality and viability and lead to the centres being more vibrant and successful. The establishment of an independent business of this type, is considered to meet the aims of these policies.

5.3 Policy DP21 seeks to maintain and improve the vitality and viability of the Service Centres and, in particular, their Primary Retail Areas. The Policy specifically states that a balance between retail and non-retail commercial uses (including cafes) will be maintained to secure the vitality of such areas. In Northallerton control over non-retail commercial uses is sought by seeking to restrict them to not more than 25% of the frontage. At present (on the basis of the 2011/2012 Annual Monitoring Report) just over 30% of the frontage is occupied by such uses. However, in this case, as explained above, the premises 'frontage will remain in A1 retail use with only a subordinate proportion at the rear being a cafe use. In view of this layout, and the direct relationship between the retail and cafe uses, it is considered that the proposal is not contrary to the Policies appraised.

5.4 Paragraph 23 of the NPPF states that local authorities should promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. It is, again, considered that the current proposal is in accordance with this aim.

SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy, the Development Policies document and the contents of the National Planning Policy Framework in that the establishment of the business will assist in maintaining the vitality and viability of the Northallerton Town Centre by increasing choice and local distinctiveness.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including LDF 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 (Ref 2000 Rev.T1) and details attached to planning application 13/00398/FUL received by Hambleton

District Council on 22nd February 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. In order that the development is undertaken in a form that is appropriate to the character and function of the Northallerton Town Centre and in accordance with Policies CP14, DP20 and DP21.

Parish: Oulston
Ward: Whitehorse

Committee Date : 28 March 2013
Officer dealing : Miss A J Peel
Target Date: 26 September 2012

8.

12/01328/FUL

Retrospective application for a change of use of an agricultural building to storage (B8) as amended by email received by Hambleton District Council on 14 September 2012.. at High House Farm Oulston North Yorkshire YO61 3RA for Mr & Mrs Ian Crick.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks retrospective consent for the change of use of an agricultural building to Use Class B8 (storage and distribution use). The building is used for storing and sorting second hand clothes to be sent to developing countries and raise funds for charity. The applicant claims this use began in May 2009. The application originally included a proposed B1 light industrial use but this has been omitted from the application and is not taking place. The principal activity at High House Farm is agriculture, however approximately 3 years ago the applicant created the additional use to create additional income by diversifying their activities.

1.2 The applicant uses one van which collects the clothes from 8 charity shops operated by St Michael's Hospice. This collection is carried out each weekday morning, the applicant has confirmed that the van does not leave the premises earlier than 7.30am. There are no collections on weekends or bank holidays.

1.3 A container vehicle arrives to collect the selected goods for distribution to West Africa, normally every six weeks. The applicant has stated that the vehicle enters the site and manoeuvres fully within the yard to exit in a forward gear.

1.4 A section of the barn is retained for agricultural purposes.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 AN2/99/114/0036 - Prior Notification of a proposal to construct a lean to haystore. Granted 5 July 1999.

3.0 RELEVANT PLANNING POLICIES:

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

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

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP32 - General design

National Planning Policy Framework - published 27 March 2012

Core Strategy Policy CP1 - Sustainable development

Development Policies DP1 - Protecting amenity

Core Strategy Policy CP2 - Access

Development Policies DP3 - Site accessibility

Core Strategy Policy CP4 - Settlement hierarchy

Development Policies DP9 - Development outside Development Limits

Core Strategy Policy CP15 - Rural Regeneration

Development Policies DP25 - Rural employment

Development Policies DP26 - Agricultural issues

4.0 CONSULTATIONS

4.1 Parish Council - has concerns regarding the following:

- a) Highways safety issues, large vehicles on narrow roads, access near bend in the road.
- b) Noise and disturbance. Impact on neighbours.
- c) Wind blown waste plastic bags.
- d) Burning of plastic or other waste materials.
- e) Storage of waste products has attracted vermin.
- f) Caravans on site are being used for residential purposes.
- g) Increase in activities/expansion of business.
- h) Unsustainable location. Site is outside Development Limits.
- i) More appropriate sites within the district.
- k) The scheme does not employ any local people and or help the local economy, received 20 August 2012.

Parish Council (amended proposal) - Made the following observations:

- a) Omission of B1 uses is welcomed but concerned about the National Planning Policy Framework that gives permitted development rights to change the use from B8 to B1.
- b) The large vehicles are only able to enter the site in reverse. Highway safety concerns remain.
- c) The application fails to demonstrate how Policy DP25 points iii and iv have been satisfied.
- d) Wishes to see the application refused, received 14 September 2012.

4.2 NYCC Highways - No objection to this proposal, received 17 August 2012.

4.3 NYCC Highways re-consulted due to concerns from neighbours and Parish Council - The application utilises an existing building within the farmstead and it is expected that there will be a level of traffic (including heavy vehicles) associated with the overall operation of the site. Although located close to the bend at the northern end of the village, the existing access has adequate stopping sight distance (visibility splays) available. Using the guidance from Manual for Streets, the stopping site distance requirement is 33 metres to the north (57 metres is available) and 43 metres to the south (over 100 metres is available). Despite there being adequate stopping sight distance available within the existing carriageway, a driver approaching from the north would be able to see a large vehicle manoeuvring in the road from further out over the low field boundary walls. The existing access is constructed to a suitable standard for this application.

The Parish Meeting has raised concerns about the heavy goods vehicles not being able to access the site in a forwards gear. There is no evidence of any vehicle over-running the verge opposite the site which would indicate access difficulty. Indeed I have received photographs (taken 9 February 2013) that show a heavy goods vehicle entering the site in a forwards direction.

I do not consider this proposal to represent a significant intensification of vehicular activity at the site and there is no sustainable highway safety reason to recommend refusal of this application. My recommendation dated 15 August 2012 remains applicable, received 21st February 2013.

4.4 AONB Joint Advisory Committee - No comments, received 13 August 2012.

4.5 Neighbours were notified of the original application and a site notice was posted. Neighbours were re-notified of the additional information submitted in support of the application and the following comments were submitted:

- a) The business has been operating for some years without approval.
- b) Large vehicles involved in transporting materials away from the site.
- c) Highway safety concerns.

- d) Impact on AONB.
- e) Noise and disturbance.
- f) Problems with vehicles manoeuvring in and out of the farm's driveway.
- g) Litter from the business.
- h) More suitable to an industrial unit.
- i) Increase in the scale of the business, traffic and disturbance.
- k) The lorry does not enter the site in a forward gear. Road is blocked for several minutes.
- l) The lorry obstructs a private access which breaches a covenant on the property.
- m) The village is no longer an agricultural community.
- n) Highways should be re-consulted.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the acceptability of the change of use proposed given its countryside location outside Development Limits, highway safety, visual impact upon the Howardian Hills Area of Outstanding Natural Beauty (AONB) and any effects on the neighbour's amenities.

5.2 LDF Policy CP4 allows development in principle if the site lies within the Development Limits of settlements that are defined in the Settlement Hierarchy, and which is of a scale and nature appropriate to secure the sustainability of each settlement. The site is within the village of Oulston and lies beyond the Development Limits of any settlement. Any development in this location therefore needs to be justified as an exception to Policy CP4. Criterion iv of this policy states that an exception can be made if "it would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy..."

5.3 The Government has objectives in the NPPF of sustainable economic growth and wishes to see policies that promote the development and diversification of rural businesses. In particular, paragraph 28 indicates that planning should:

- o Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings; and
- o Promote the development and diversification of agricultural and other land-based rural businesses.

5.4 LDF Policy DP26 supports proposals which include farm diversification which helps to sustain the existing agricultural enterprise. The agent has confirmed that the farming element of the business creates approximately 80% of the total income which is supported by the clothing storage business. They consider the clothing business to be necessary to support the farming enterprise, which has not achieved the expected amount of wheat due to poor weather conditions and is not selling wheat at the prices expected when the applicant took a 15-year lease of the farm. It is considered that the proposal meets with Policy DP26 and accords with the relevant objective of the NPPF.

5.5 Policy CP15 of the LDF supports the economic need of rural communities by encouraging the diversification of the agricultural economy but in all cases the development should be designed to be sustainable, consistent with the requirements of Policies CP1 and CP17. Policy CP15 is supported by Policy DP25, which supports rural employment in locations outside the Development Limits subject to certain criteria. The proposal meets with criteria (iv) of Policy CP15 as it results in the diversification of the agricultural economy.

5.6 The proposed employment use must also comply with all the criteria of Policy DP25, including evidence to show that the business is not capable of being located within a sustainable settlement and an appropriate business case submitted to show that it will be supportive of the local economy and rural communities. The business is located within an existing farm building, supports the agricultural enterprise and the local rural economy. There is no evidence to suggest that the use would not be better located within a more sustainable location. There are many vacant offices available for sale or rent in the nearest

Service Centre, Easingwold, but there appears to be a lack of industrial units in the area. A planning application is anticipated for the construction of a mixed use development (business B1 and B2, retail A1, healthcare D1 and leisure D2) on land at Stillington Road in accordance with the LDF Allocation DPD adopted in December 2010 but it could be a considerable amount of time before this land is available for occupation. It is considered that the proposal meets with Policy DP25. In any event, it is clear that the business is operated to supplement income from agriculture activity on the farm and it is considered unlikely that it would be viable operating from alternative premises where commercial rent would be paid.

5.7 There have been no alterations to the external appearance of the building therefore the development does not impact upon the character and appearance of the surrounding countryside or the AONB.

5.8 NYCC Highways has carried out a thorough assessment of the site and surroundings and has confirmed that it has no objection to the proposal. The authority also confirmed that there is no evidence of any vehicle over-running the verge opposite the site, which would indicate access difficulty, and photographs have been provided that show a heavy goods vehicle entering the site in a forwards direction. It is considered that the proposal does not represent a significant intensification of vehicular activity at the site and there is no reason to recommend refusal on highway safety grounds. Photographic evidence indicates that these vehicles are of a similar size to those often seen in the countryside for transporting livestock. It is understood that local people are concerned about these vehicles making turns on the highway network outside the village but it has to be assumed that the highway network can accommodate these vehicles unless height, width or weight restrictions are put in place by the Highway Authority, so this is not a material issue in the consideration of the application.

5.9 With regards to neighbouring amenity; there are regular vehicle movements from a van which collects the clothes from the charity shops on a daily basis, and every 6 weeks a container vehicle arrives to collect and distribute the selected goods. Large vehicles already access the site on a regular basis due to the existing farming business and it is therefore considered that the vehicular movements and activities associated with the storage use would not cause excessive disturbance. The clothing arrives in plastic bags which are disposed of in a recycling facility and there is no burning of plastic or any other waste on site, the applicant would accept a planning condition to reflect this.

5.10 It is considered that the proposal complies with Government guidance and the policies of the Local Development Framework and is therefore recommended for approval.

SUMMARY

The scheme is in accordance with the requirements of the policies stated above and will not cause harm to the character and appearance of the landscape or highway safety and will include farm diversification which helps to sustain the existing agricultural enterprise.

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.

6.0 RECOMMENDATION:

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

1. There shall be no burning of waste or other materials within the curtilage of the premises.
2. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special

Development Order for the time being in force relating to 'permitted development' the building(s) shall not be used other than for agricultural purposes or as B8 use as defined in the Town and Country Planning (Use Classes) Order 2005.

3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) received by Hambleton District Council on 26 June 2012 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. In order to protect the amenity of neighbouring property and prevent air pollution

2. The Local Planning Authority would wish to carefully examine any alternative use of the building to assess whether the development would be acceptable in terms of policy, access and amenity.

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 Policy(ies) CP16, DP30, CP17 and DP32.

Parish: Warlaby
Ward: Morton On Swale

Committee Date : 28 March 2013
Officer dealing : Miss A J Peel
Target Date: 15 March 2013

9.

13/00120/FUL

**Construction of a pig finishing building.
at Hall Farm Warlaby North Yorkshire DL7 9JS
for R.E. Phillips & Son.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application seeks consent for the construction of a pig finishing building at Hall Farm, Warlaby. The building measures approximately 38 metres x 15.8 metres with a height of 4.3 metres and would be constructed of olive green profile sheeting with a grey fibre cement roof. The pigs would be moved from the grower house, which is sited at the applicants other farm at Romanby Grange, at 80 days of the age and will be placed within the proposed finisher building at Hall Farm.

1.2 The main farmstead is sited on the eastern side of the highway and the building is set back approximately 85 metres from the roadside, behind the other agricultural buildings. There are neighbouring properties to the south of the site, the nearest is Home Farm which is approximately 50 metres from the proposed building.

1.3 This application is reported to Committee because the applicant is related to a Member of the District Council

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

There have been several applications and prior notifications relating to agricultural buildings at the site over recent years but none is directly relevant to the current application.

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Development Policies DP1 - Protecting amenity
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design
- National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - No comments on the proposal, received 31 January 2013.

4.2 NYCC Highways - The Highway Authority have confirmed verbally that they have no objections to the proposal, written confirmation to follow.

4.3 Environmental Health - I have reviewed the additional information provided in relation to the ECT 632-6 fans. In the technical guide provided by Andy Addy of AM Warkup Ltd the sound power level of the fans is 73 dB (A) at a distance of 2m. I have assumed that this is the maximum for the unit. Based on a rough calculation stated in the noise impact assessment that the existing background noise levels would be 25dB (A) and that noise from noise source A at 63m (Home Farm) is 48 dB (A) is likely to impact on amenity of neighbouring gardens and properties.

This noise level stated is 27 dB (A) above the stated existing backgrounds. According to BS4142 anything 5dB above background is of marginal significance while 10dB above backgrounds means complaints are likely. It is also unclear if a 5dB penalty has been added to the noise calculation to account from any tonal noise from the fans and it has also been noted that the first calculation detailed the use of eight fans while the new calculation states 3. This will need clarifying.

In order to safeguard the amenity of local residents the applicant is requested to carry out an acoustic assessment, by a competent person, detailing associated noise levels emanating from ECT 632-6 fans to be submitted in writing to the Local Planning Authority. The assessment shall evaluate the likelihood of complaints arising at the boundary of nearby residential dwellings in accordance with the methodology described in British Standard BS4142:1997 method for rating industrial noise affecting mixed residential and industrial areas. Where the acoustic assessment suggests that complaints are likely then steps shall be taken to reduce the noise levels generated from the ECT 632-6 fans, such that the noise within the gardens of neighbouring properties is no more than 5dB(A) above background. The steps to achieve this should be agreed in writing with the planning authority prior to implementation. Such steps could include one or more of the following: Relocation of the unit; use of an acoustic barrier or use of a suitably designed acoustic enclosure.

4.4 Swale & Ure Drainage Board - No objections, received 13 March 2013.

4.5 Environment Agency - Whilst we have no objections to the development, observe that the applicant should be made aware of the need to comply with the Slurry and Agricultural Fuel Oil (SSAFO) Regulations 2010 and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil (SSAFO)) Regulations 2010.

4.6 Neighbours consulted and site notice posted - The following observations have been received:

- a) Objection to Mr Philip's proposals as detailed below.
- b) Noise pollution as the pigs are transferred into and out of the building.
- c) The smell from the slurry store as it is emptied on a regular basis.
- d) We feel that the proposed site is too close to the neighbouring 6 properties, our house is a mere 100 metres away, and we are further away than the other 5 properties.
- e) The building could be relocated to a site not as close to residential properties.

5.0 OBSERVATIONS

5.1 The issues to be considered include the impact of the building on the character and appearance of the surroundings, any effects of neighbouring properties, flooding and highway safety.

5.2 The proposed building is an appropriate scale for the site and although close to the highway, therefore in a relatively prominent position, it would be fairly well screened by other buildings within the farm yard. It would be constructed of materials appropriate to its agricultural use and the olive green walls and grey roof would ensure that the building blends with the surroundings. It is considered that the building would not appear as an alien feature within the landscape and would not have a harmful impact upon the character and appearance of the surrounding countryside. Accordingly the proposal meets the requirements of the LDF Policies CP16 and DP30 in respect of landscape impact.

5.3 NYCC Highways have confirmed verbally, after receiving details of expected vehicles movements, that they have no objections to the proposal. It is considered that the development will not impact upon highway safety and complies with the requirements of LDF Policies CP1 and CP2.

5.4 Further information was requested regarding livestock numbers, technical specifications and operating times of the extractor fans and any on site incineration. This information has

been supplied to the Environmental Health Department and as reported above the specifications give rise to significant concerns regarding noise. Whilst the building itself is not opposed alternative ventilation fans are sought to reduce the potential for complaint. The details can be required by planning condition. There is no suggestion that the farm is an inappropriate location for keeping livestock and it is to be expected that the new building would incorporate current best practical means for minimising odour and other potential nuisance.

5.5 The Internal Drainage Board and the Environment Agency have no objections to the proposal. It is considered that the development will not impact upon flooding.

5.6 Providing any remaining issues relating to highway safety and EHO concerns relating to neighbouring amenity can be resolved it is considered that the application would be acceptable and is recommended for approval.

SUMMARY

The outstanding issues relating to highway safety, flooding and neighbouring amenity needs further consideration. However, the principle, design, siting and materials of the proposed agricultural building are 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. No development shall commence until a scheme for the ventilation of the building has been submitted to and approved in writing by the Local Planning Authority. No ventilation system shall be installed other than in accordance with the approved details, and the ventilation scheme shall thereafter be retained and maintained in accordance with the approved scheme at all times that the building is in use.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) received by Hambleton District Council on 18th and 22nd 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. In order to safeguard the amenity of neighbours from the adverse effects arising from the use of the building, in accordance with Local Development Framework Policies CP1 and DP1.
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 Policy(ies) CP16, DP30, CP17 and DP32.