

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 20 June 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

Thursday 20 June 2013

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	13/00981/FUL Miss A Peel Brompton Page no. 3	Form replacement roof and fix external wall insulation. Demolition of existing extension and construction of a larger single storey extension For: Brompton Village Hall Management Committee At: Village Hall, Cockpit Hill, Brompton RECOMMENDATION: GRANT
2	12/01211/DIS and 12/01212/DIS Mr J Saddington Easingwold Page no. 6	Proposed discharge of condition 10 (Levels) & Condition 12 (Drainage) attached to planning permission ref 11/01661/FUL for the construction of 93 dwellings, associated parking, highway works and the provision of public open space For: Redrow Homes Yorkshire At: OS Field 9972, York Road, Easingwold RECOMMENDATION: GRANT
3	12/02264/FUL Mrs B Robinson Great & Little Broughton Page no. 19 SV	Change of use of land from agriculture to equestrian use, construction of stable block and formation of a new vehicular access For: Mr & Mrs M Hartley At: Ingleby Orchard, Green Balk, Great Broughton RECOMMENDATION: GRANT
4	13/00567/FUL Mrs B Robinson Ingleby Arncliffe Page no. 24	Change of use of agricultural land to equestrian and construction of a stable block/store For: Mr Rich Birch At: Arncliffe House, Ingleby Arncliffe RECOMMENDATION: GRANT
5	13/00189/FUL Mrs B Robinson Ingleby Greenhow Page no. 30 SV	Temporary siting of a residential caravan to be used for an agricultural worker For: Easby Hoggs At: Ingleby Lane Farm, Ingleby Lane, Ingleby Greenhow RECOMMENDATION: REFUSE
6	13/00003/TPO1 Mrs B Robinson Newby Page no. 34	Hambleton District Council (Newby) Tree Preservation Order 2013 No 3 At: Village Green, Sneck Gate Lane, Newby RECOMMENDATION: CONFIRM
7	13/00499/FUL Mr A Cunningham Sowerby Page no. 37	Retrospective application for a change of use of land to site for one gypsy family including the siting of 2 residential caravans For: Mr & Mrs Anthony Baxter At: Land adjacent Bankside Close, Sowerby RECOMMENDATION: GRANT

<p>8</p>	<p>13/00167/FUL Mr J Howe</p> <p>Thirsk</p> <p>Page no. 42 SV</p>	<p>Construction of a dwelling</p> <p>For: Mr and Mrs G Denison At: 28 Long Street, Thirsk</p> <p>RECOMMENDATION: GRANT</p>
<p>9</p>	<p>13/00583/FUL Mr A Cunningham</p> <p>Thornton le Beans</p> <p>Page no. 47</p>	<p>Alterations and extensions to existing dwelling</p> <p>For: Mr & Mrs T Phillips At: Crosby Rise, Thornton le Beans</p> <p>RECOMMENDATION: GRANT</p>
<p>10</p>	<p>13/00866/FUL Mrs B Robinson</p> <p>Winton, Stank & Hallikeld</p> <p>Page no. 52</p>	<p>Retrospective application for the construction of an agricultural building to cover existing muck pad</p> <p>For: Mr D Sanderson At: Hallikeld Farm, Long Lane, Brompton</p> <p>RECOMMENDATION: GRANT</p>

Parish: Brompton

Ward: Brompton

1

Committee Date : 20 June 2013

Officer dealing : Miss A J Peel

Target Date: 10 July 2013

13/00981/FUL

Form replacement roof and fix external wall insulation. Demolition of existing extension and construction of a larger single storey extension

**at Village Hall Cockpit Hill Brompton North Yorkshire
for Brompton Village Hall Management Committee.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks consent for alterations and a single storey extension to the Village Hall in Brompton. The alterations include the removal of the existing asbestos roof covering and replacement with a slate roof, removal of existing timber cladding and replacement with render cladding, replacement windows, installation of roof lights and removal of external stairs. The existing section at the rear of the building will be removed and replaced with a single storey extension which also extends around the side of the building to cover the existing yard area.

1.2 The Village Hall fronts onto Cockpit Hill and is sited between two residential properties. The main building is constructed of brickwork and was built in 1874. Approximately 80 years ago it was extended with a timber construction. Access to the site is through the main entrance onto Cockpit Hill. The site is located within the Brompton Conservation Area.

1.3 The application has been brought before the Planning Committee as a member of staff is also a member of the Village Hall Management Committee (applicant).

2.0 RELEVANT PLANNING HISTORY

2.1 2/00/020/0341 - Extension to existing village hall to provide toilet facilities. Granted 12 December 2000.

3.0 RELEVANT PLANNING POLICIES:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP3 - Community assets
Development Policies DP5 - Community facilities
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP28 - Conservation
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 - Awaiting response, expiry 10 June 2013.

4.2 Environmental Health - The Village Hall is situated between two residential properties and there is potential for noise disturbance from increased activities in the hall. If permission is granted it is recommended the following condition be required:

No development shall commence until a scheme for the sound insulation of the hall has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such, received 3 June 2013.

4.3 Brompton Heritage Group - Awaiting response, expiry 10 June 2013.

4.4 Neighbours consulted and site notice posted - Response from two nearby neighbours who made the following comments:

a) Supports the proposal.

b) Concerns regarding noise from the Village Hall. Advised by the Committee that sound proofing would be provided during the upgrade but not mention on the plans. If not provided then there would be an objection due to the intensified noise levels from the increase in use of the building.

4.5 Press Notice - No response, expiry 1 July 2013.

5.0 OBSERVATIONS

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

5.2 Policy DP5 supports the enhancement of community facilities where these constitute important contributions to the quality of local community life. The building is in a poor state of repair, particularly the rear extension which was built approximately 80 years ago and is of timber construction with an asbestos roof. It is considered that the alterations will improve the appearance of the building, increase its longevity and increase the potential level of use. It is considered that the proposal meets with the objectives of Policy DP5. The alterations are to the rear of the building which can only be accessed through the main front elevation of the building. The proposals will not therefore have a significant impact upon the appearance of the Conservation Area. It is considered that the scale, materials and design of the alterations and extension are acceptable.

5.3 The proposed single storey extension will replace the existing extension and infill a gap to the north east side. The extension to the side will replace an existing store and will be single storey in height. It is therefore considered that the extension will not significantly impact upon the amenities of the adjacent neighbour. The other alterations to the building are considered appropriate and will not impact upon the amenities of the neighbours. One of the neighbours has expressed concern regarding the noise from the village hall. This issue was raised with the agent through the consultation process and it states in the Design and Access Statement that sound proofing will be carried out during the restoration. The Environment Health Department have confirmed that there is potential for noise disturbance from increased activities in the hall and a sound insulation condition has been recommended.

5.4 Taking into account all of the above, it is considered that the proposal is in accordance with the policies and proposals of the Hambleton Local Development Framework, and the application is therefore recommended for approval.

SUMMARY

Overall, the development will improve and maintain the Village Hall. It is considered acceptable in respect of siting, design and materials and will not have an adverse impact on the character and appearance of the Village Hall, the street scene or neighbours amenities. The scheme complies with the policies of the Hambleton Local Development Framework.

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

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) received by Hambleton District Council on 8 May 2013 unless otherwise agreed in writing by the Local Planning Authority.
3. No development shall commence until a scheme for the sound insulation of the hall has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP16, DP28, CP17 and DP32.
3. In order to protect the amenities of the adjacent neighbours.

Parish: Easingwold
Ward: Easingwold
2

Committee Date: 20 June 2013
Officer dealing: Mr Jonathan Saddington
Target Date: 03 August 2012

- (a) 12/01211/DIS &
- (b) 12/01212/DIS

Proposed Discharge of (a) Condition 10 (Levels) & (b) Condition 12 (Drainage) attached to planning permission ref: 11/01661/FUL for the construction of 93 dwellings, associated parking, highway works and the provision of public open space at OS Field 9972, York Road, Easingwold for Redrow Homes Yorkshire

1.0 UPDATE

- 1.1 Consideration of these applications was deferred at Planning Committee on 23rd May 2013. Members requested more information on the operation of the attenuation basin proposed in an area of public open space on the southern boundary of the site. In particular, Members sought clarification of the proposed levels of the surface water drain and attenuation basin relative to the level of the adjacent watercourse (Leasemires Drain).
- 1.2 As previously advised, the bottom of the attenuation basin would be set at 23.70m AOD. The bed of the Leasemires Drain watercourse varies between 23.36 and 23.11m AOD near the outlets from the surface water and land drainage systems.
- 1.3 The Applicant has submitted an additional drawing showing the bottom of the attenuation basin to be 275mm higher than the surface water drain's outlet level and 380mm higher than the base of Leasemires Drain.
- 1.4 The Council's Principal Engineer has advised that, in normal weather conditions, the outlet level would sit above the water level, and, therefore the surface water drain would operate successfully. In addition, the Internal Drainage Board has now given its technical approval to the proposed surface water drainage system.

2.0 BACKGROUND

- 2.1 Full planning permission was granted on 21st June 2012 for the construction of 93 dwellings, associated parking, highway works and the provision of public open space (ref: 11/01661/FUL). This planning permission is subject to 27 conditions, of which 17 are pre-commencement conditions. The planning application was supported by a Flood Risk Assessment (FRA) which included the statement that attenuation "will be partly within the underground drainage network and partly within an attenuation basin located in the south west corner". The FRA was an integral part of the application so it is arguable that the Council accepted this in granting planning permission.
- 2.2 The FRA recommended several mitigation measures. One of these was that the detailed design of the surface water drainage system should ensure that discharge to Leasemires Drain should be no greater than that of agricultural land. To achieve this, the FRA recommended the provision of underground storage capable of handling a 1 in 30 year storm and on site storage capable of handling a 1 in 100 year storm including a 30% allowance for the effects of future climate change.
- 2.3 Condition 12 confirmed this by requiring details of sufficient attenuation and long term storage at least to accommodate a 1 in 30 year storm. The condition requires the

storage to be achieved “without risk to people or property and without overflowing into the watercourse”. The proposed dry basin is intended to achieve this.

- 2.4 Four separate applications to discharge conditions were submitted on 8th June 2012 (ref: 12/01210/DIS, 12/01211/DIS, 12/01212/DIS & 12/01213/DIS). Engineering drawings submitted in relation to the discharge of condition 16 showed the dry basin in situ and were approved on 14th September 2012. Consequently, it could be asserted that the Council has already given consideration to this matter.
- 2.5 All pre-commencement conditions have now been satisfactorily discharged with the exception of condition 10 (levels) and condition 12 (surface water drainage) which read as follows:-

Condition 10 – Levels (12/01211/DIS)

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.

Condition 12 – Surface Water Drainage (12/01212/DIS)

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- *Surface water runoff shall discharge at the greenfield run-off from a 1 in 1 year storm.*
- *The applicant must also provide sufficient attenuation and long term storage at least to accommodate a 1 in 30 year storm. The design should also ensure that storm water resulting from a 1 in 100 year event, plus 30% to account for climate change, and surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into the watercourse.*
- *Details of how the scheme shall be maintained and managed after completion.*

- 2.6 Under normal circumstances, officers of the Council would assess the information provided, request more information or amendments as required and subsequently approve or refuse an application to discharge conditions under delegated authority. However, in this instance, the Developer has begun construction in advance of receiving approval for their proposals to discharge conditions 10 and 12. Moreover, the Applicant’s proposal to increase levels in order to accommodate the proposed foul, surface and land drainage system goes beyond the conventional approach to site levels for reasons explained later in this report.
- 2.7 The proposed surface water and land drainage scheme has been subject to detailed consideration by the Council’s Principal Engineer, Yorkshire Water, the Environment Agency and the Internal Drainage Board. Further information was requested by Officers and subsequently provided by Redrow Homes on 29th November 2012. This information has been made available for interested parties to view online.

3.0 THE DRAINAGE PROPOSAL

Engineering Design

3.1 As part of developing the engineering design solution for the site a number of specialist consultants were employed by Redrow:

- Lithos Consulting – Site Investigation and Earthworks;
- JBA – Flood Risk and Drainage Philosophy;
- Queensbury Design Ltd – Detailed Infrastructure Design;
- Betts Associates – Foundation Design.

3.2 As a result of the input from all the parties above, the strategy to elevate the finished levels on the site was developed. The need for this solution is to mitigate a number of design constraints.

Design Constraints

3.3 During site investigation and as part of the consultation, it became clear the site has a number of groundwater/drainage constraints that would have a direct impact on the engineering solution.

3.4 Below are the key areas that influenced the raising of the development levels above existing:

Flood Risk

3.5 The Environment Agency flood maps and associated correspondence confirms the development site is situated in Flood Zone 1 - Low Probability Flood Risk. However intrusive investigation, confirms high groundwater and waterlogging of low lying areas during winter months. This was highlighted within the JBA flood risk assessment, with the recommended mitigation measures:

- Raise finished development levels above existing;
- Provide a series of new land drains across the site.

3.6 These measures are required in order to ensure risk of flooding from groundwater is low and therefore acceptable to future occupiers.

Surface Water Drainage

3.7 In accordance with the Flood Risk Assessment, rainwater run-off from all paved areas of the site is to discharge to Leasmires Drain. The discharge to the open watercourse is to be restricted to agricultural run-off rate (11l/s). In order to comply with this requirement, it is necessary to store a large volume of water both within the drainage network and within the site boundary, in order to mitigate the flood risk to others. This is to be achieved by way of storing water within oversized pipe-work and a grass storage basin. The basin will be normally dry, with flooding only in more extreme rainfall. This system is particularly efficient on flat sites.

3.8 Due to the shallow nature of Leasmires Drain and the flat topography of the site, it would not have been possible to discharge by gravity to Leasmires Drain. This has been overcome by raising site levels, however if the existing levels had been retained there would have been a need for a surface water pumping station. A pumped surface water solution would have resulted in the following issues:

- Due to the need to manage large volumes of surface water the use of a pumping station significantly increases flood risk on a development. This is due to the high maintenance and breakdown/failure potential of a pumping station;
- Pumping stations are seen as a last resort by Yorkshire Water (drainage adopting authority) and as such a suitable justification as to why levels could not be raised would have needed to be provided to Yorkshire Water to maintain them as the adopting authority;

- Large proportions of the surface water drainage would have been constructed in the elevated water table. This would have resulted in a high risk of ground water ingress into the system. Yorkshire Water do not accept any groundwater within their systems;
- Surface water pumping cannot be considered as a long term sustainable solution where other alternatives are available.

3.9 Based upon the requirements of the Flood Risk Assessment and surface water drainage requirements for a gravity discharge, the proposals show that the development can be delivered by elevating ground levels from 0.0m – 1.3m.

Development Impact and Construction

3.10 The strategy to raise development levels is primarily to mitigate flood risk and provide a suitable surface water drainage solution for the development. However this engineering solution has some additional benefits:

- Existing land drains were recorded as part of the Flood Risk Assessment and a number of outfalls have been recorded as discharging to Leasmires Drain (watercourse bordering the site). As part of the requirements of the Flood Risk Assessment, a new land drainage system is to be installed. The raising of site levels, allows the land drainage to be sited in an elevated position, which in turn allows a gravity discharge to Leasmires Drain and minimises the effect on the natural groundwater levels;
- The plan footprint of the proposed land drainage system is however limited (as opposed to an agricultural system), due to the layout and proximity of the houses. Therefore the lifting of site levels provides increased protection against ground water flood risk to areas where the land drainage is minimised;
- Where there is a need for deep excavation (within the high water table), the trench stability is poor and heavily reliant on shoring and dewatering. This has significantly higher health and safety risks to the construction staff involved in the work. This has been minimised as a large proportion of the drainage and services are located above the water table (due to raising levels);

3.11 Where possible the impact of raising levels has been minimised against existing boundaries. However, retaining walls are needed on a portion of the western boundary and a small corner of the northern boundary. Once the development is complete, these retaining walls will be the only direct visible evidence of modifying ground levels on site.

4.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

4.1 11/01661/FUL - Construction of 93 dwellings, associated parking, highway works and the provision of public open space as amended by plans received on 14 December 2011 (Granted on 21.06.2012)

4.2 There is no enforcement history other than relating to the conditions the subject of this report.

5.0 RELEVANT PLANNING POLICIES

5.1 The relevant policies of the Development Plan and any supplementary planning policy advice are as follows:

The National Planning Policy Framework – March 2012

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

Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development
CP17 - Promoting high quality design
CP19 - Recreational facilities and amenity open space
CP21 - Safe response to natural and other forces

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP6 - Utilities and infrastructure
DP32 - General design
DP37 - Open space, sport and recreation
DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

EM1 - Stillington Road/York Road, Easingwold (8.6ha)

6.0 CONSULTATIONS

- 6.1 It is important to note that the Town & Country Planning (Development Management) Procedure Order 2010 (as amended) does not require the local planning authorities to carry out consultation with local residents or the Parish Council. However, Officers have been in dialogue and have held meetings with both local residents and Easingwold Town Council in order to explain the Applicant's proposals.
- 6.2 Consultation has been carried out with various organisations in order to assist the Council in its consideration of the issues. The replies received are summarised as follows:-

Easingwold Town Council

- 6.3 The Town Council (ETC) has raised serious concerns about future drainage issues. ETC has identified that the Developer is raising the level of the site by up to 1metre with topsoil which is not solving the drainage problem but hiding it. The natural run off for existing York Road and Broadlea homes (officer note: the residential estate to the north) is over the field where the developer is building. The raising of the ground levels will hinder the natural run off and cause back up flooding in the existing homes and gardens which will be detrimental to the amenity of neighbours. Also all new properties built by the Developer will be 1 metre higher than shown originally on the plans. The increase in levels can now clearly be seen as the contractor cabins are located on the original ground level and the foundations are laid for some of the new properties some 1 metre higher. The Council has also expressed concern about the ability of the on-site public open space to function properly.

HDC Principal Engineer

- 6.4 The flooding and drainage aspects of the original planning application for this development were considered in some detail, there were however the outstanding issues were distilled and the Developer was asked to provide further information on a number of key points.

Land drainage impact on surrounding land

- 6.5 In considering the flood risk relating to a new development, the two key aspects are that the flood risk to neighbouring properties is not increased and that the development itself is not subject to an inappropriate level of flooding. The use of 'inappropriate' is because design is to a standard and there is potential for a flood event to exceed the design standard wherever the development is located.
- 6.6 Concerns were raised about the impact of the new development on neighbouring properties on the existing Broadlea Estate, in particular the effect that the re-introduction of land drainage may have on the groundwater and water table level, it should be noted that land drainage is already present on the development site though not all parts of the system are working effectively. The other concern related to whether the existing development may be affected by surface water run-off from the new development.
- 6.7 The Developer's Consultants have provided supplementary information and expert review, JBA Consulting provided the original flood risk assessment and has provided supplementary information and Lithos Consulting as an expert review of the original site investigation information.
- 6.8 Site investigation revealed that the development area is made up of a topsoil layer on an upper layer of granular material (sand and gravel), the depth of the topsoil and upper granular layer is approximately 2 metres. Below the upper granular layer is a layer of firm clay, which as depth increases alternates with layers of granular soil. Groundwater is present in the upper granular layer and will typically flow from the higher ground to the north where the Broadlea estate is situated towards the lower ground in the south east and the Leasmires Drain watercourse.

(i) Groundwater

- 6.9 The Developer's Consultant Lithos, indicate that the flows in the upper granular layer will not be interrupted by the raising of levels on the development site. The Principal Engineer agrees that although additional material is being placed on the upper granular layer, due to the nature of the granular material it will not detrimentally affected by this additional materials and so there will be no significant impact on the groundwater flow through the granular material.
- 6.10 The other potential influences on the groundwater flows are the construction of the new properties and the re-introduction of land drainage; these could potentially interrupt or prevent the passage of groundwater. The Developer has confirmed that the foundations of the new properties and the land drainage will extend through the new fill and into the upper part of the granular layer though they will sit just above the usual groundwater level, so again the groundwater flows will not be interrupted.
- 6.11 The re-introduction of the land drainage is to control shallow groundwater, so this would come into operation in instances when the upper granular layer becomes saturated; it is not designed to dewater the groundwater which is present in usual circumstances either in the area of the development site or the wider area which includes the Broadlea estate properties.

(ii) Surface Water run-off

- 6.12 The other area of concern relating to flood risk to the existing neighbouring development is surface water run-off from the new development. Surface water on the new development is managed by surface water sewerage system and a land drainage system.

- 6.13 The surface water sewerage system will ultimately be adopted by Yorkshire Water Services limited, this system accepts surface water from highways and hard surfacing around domestic properties (Roofs and driveways). The levels across the site have been designed so that in the event that the surface water sewerage system's capacity is exceeded the excess surface water will flow naturally towards the southeast of the new development, away from the existing Broadlea Estate and discharge to the Leasmires drain watercourse.
- 6.14 The land drainage system is in place to manage shallow groundwater and will also deal with standing surface water as it percolates through the ground. Land drainage is located in the gardens of the new properties and crucially in the rear gardens of properties that abut the existing Broadlea estate properties to manage excess surface water that may occur in extreme storm events.
- 6.15 The developer will have a property management company in place to manage the public open spaces and land drainage in the public spaces, where land drainage is located in residential gardens it becomes the responsibility of the house owner. Purchasers should be made aware of the land drainage installation by the Developer and their duties in relation to its maintenance; the Principal Engineer advises that guidance on maintenance requirements is given to property owner.

Public Open Space

- 6.16 The Public Open Space located on the south eastern corner of the new development is proposed by the Developer to have dual function, public open space and as a dry basin for excess surface water.
- 6.17 The computer modelling on the surface water sewerage system and its reaction to rainwater indicates that surface water may start to enter the basin during some rain storms that occur once every two years. During a 1 in 30 year event the depth of surface water is estimated at just over 500mm and in the 1 in 100 year event including an allowance for climate change the surface water depth is estimated at just less than one metre.
- 6.18 The design and proposed construction of the basin is to allow in usual circumstances for the basin to be dry, the sides of the basin are graded to allow its use by the public. The construction of the basin incorporates an impermeable layer that will not allow groundwater to enter into the basin and land drainage is incorporated in the basin to manage groundwater above the impermeable layer. Surface Water flows into and out of the basin through the overflow pipe from the public surface water drain, due to the generally short-lived nature of flooding in the area standing water in the basin should not be prolonged.
- 6.19 The Principal Engineer advises that there should be a management mechanism for maintenance of the basin if debris is present after flooding.
- 6.20 The Developer is using a design for the construction of the basin that has been utilised successfully on another one of their developments. The proposed design appears to have the characteristics that will allow it to operate as a dry basin in usual circumstances and the cross-section does not appear too extreme that it cannot be used for recreational purposes.
- 6.21 Even with the best design of this basin, its use as a public open space is compromised to an extent by its double function, the extent of the compromise is arguable.

Additional comments made by the Council's Principal Engineer in advance of the 23rd May 2013 Planning Committee:-

- 6.22 The Council's Principal Engineer has given consideration to the operation of the attenuation basin and has advised as follows:
- 6.23 The purpose of the storm surface water dry basin is to provide storage volume for surface water in the event that rainfall volumes exceed the capacity of the piped underground surface water sewerage system.
- 6.24 The computer modelling of the surface water sewerage system and its response to rainfall events indicates that the surface water will start to flow into the storage basin during rainfall events that occur once every three years, in the 1 in 30 year event water depth is estimated at 56cm and in the 1 in 100 year event 99cm. At the end of the 1 in 100 year storm event the basin is predicted to empty completely with 19 hours.
- 6.25 In usual day to day wet weather conditions the basin is predicted to remain dry as surface water flows will discharge direct to watercourse. The surface water outfall to the Leasmires Drain watercourse consented by the Kyle and Upper Ouse Drainage Board is constructed and so that the lowest part of the outfall pipe is above the dry weather flow in the watercourse. In circumstances where the level in the watercourse rises, a flap valve on the outfall pipe will prevent back flow into the sewerage system, with the dry basin further protected by a flap valve on the connecting pipe to the basin.
- 6.26 The basin is constructed so that it is protected from infiltration of elevated groundwater levels by the installation of an impermeable clay layer below the surface of the basin. Land drainage is provided below the impermeable layer to manage groundwater levels.
- 6.27 Elevated groundwater levels are managed across the development by a land drainage system which discharges to the Leasmires drain watercourse via two outfalls, the outfall to the south of the basin serves the majority of the development including the land drainage under the basin. The land drainage outfalls again consented by the Drainage Board are constructed in the same fashion as the surface water sewerage system outfall.
- 6.28 Through the design of the surface water sewerage system and land drainage system Redrow have sought to provide a storm surface water basin which will be dry most years using a design successfully used on their other developments and utilising best industry practice.

Yorkshire Water

- 6.29 Yorkshire Water has no objection in principle to:
- i) The proposed sewer and disposal main diversions.
 - ii) The proposed separate systems of drainage on-site and off-site.
 - iii) The proposed amount of domestic foul water to be discharged to the public foul/combined water sewer (primarily via pumped outlet).
 - iv) The proposed point of discharge of foul water to the public foul/combined water sewer as submitted on drawing QD651-03-01 (revision D) dated 30/04/2012 that has been prepared by Queensbury Design.
- 6.30 The submitted drawing shows surface water proposed to be drained to watercourse via storage with restricted discharge.

Environment Agency

- 6.31 Have confirmed that sufficient information has been submitted in order for conditions 11 and 12 to be discharged.

- 6.32 Request that the Internal Drainage Board agree the surface water discharge rate with the Applicant.

Kyle & Upper Ouse Drainage Board

- 6.33 The IDB has confirmed its technical approval of the surface water drainage system.

7.0 OBSERVATIONS

- 7.1 The proposed drainage scheme and the necessity to increase levels across the application site has focussed attention on four issues, namely: (1) land drainage impact on surrounding land (2) York Road streetscene (3) impact on neighbour amenity (4) function of public open space. Each issue is examined in turn:-

Land drainage impact on surrounding land

- 7.2 Policy DP6 of the adopted Development Policies DPD states that: "Proposals for new development must be capable of being accommodated by existing or planned services (whether supplied by utility providers or the development itself), and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the existing community. These systems will include off-site service infrastructure, surface water, sewage disposal, water and sewerage facilities, flood risk defences and control facilities, power and any other public services."
- 7.3 As detailed within the Principal Engineer's comments, the proposed surface water drainage and land drainage scheme will ensure that the application site is properly drained and will not have a detrimental impact on the neighbouring Broadlea estate, neighbouring properties along York Road or allocation sites to the north and south.
- 7.4 The Applicant has clarified how surface water would enter and leave the attenuation basin. In all but the most extreme weather events, the surface water system would hold excess water in over-sized pipes and discharge direct to the Leasemires Drain. However, in a 1 in 30 year event a flow control chamber to the north of the attenuation basin would introduce an additional control by diverting excess surface water into the attenuation basin. Once the event has passed, the water held in the basin would drain back into the system and out to the Leasemires Drain.
- 7.5 The land drainage system for the site would discharge to a different point in the Leasemires Drain and would include four feeder pipes to draw groundwater from under the attenuation basin. A cross-section drawing with details of levels has been submitted to show these pipes laid under the attenuation basin and to indicate how they would connect into the main pipe leading to the Leasemires Drain, thereby demonstrating that the basin will not adversely affect land drainage.
- 7.6 With these additional details supplied and clarified, it is demonstrated that the land and surface water drainage systems would operate effectively alongside the attenuation basin.

York Road Streetscene

- 7.7 In order to meet the requirements of the Flood Risk Assessment and develop a surface water drainage scheme that discharges by gravity, levels have been elevated across the site by between 0.0m – 1.3m. The greatest increase in levels is towards the York Road frontage. Consequently, it is important to evaluate how the increase in levels affects the streetscene along York Road in terms of achieving high quality design, as required by Policy DP32 of the Development Policies DPD and guidance contained within the NPPF.

- 7.8 The Developer has provided a streetscene drawing which demonstrates how the approved dwellings will sit within the streetscene at the increased level. Given that the development is now retrospective, it is possible to assess the impact on site. A series of up-to-date photographs will also be shown to Members.
- 7.9 The streetscene drawings and its associated levels plan shows that the finished floor levels of Plots 1 to 5 and Plots 92 to 93 are approximately 0.2m above the level of York Road. In addition, the finished floor level of Plot 93 is comparable to the adjacent dwelling (Providence Nook) whilst the finished floor levels of Plot 1 are 0.43m higher it's neighbour to the south (St. Crispin). This relationship provides an acceptable streetscene both in terms of its relationship to the road and the existing neighbours and therefore accords with the objectives of Policy DP32.

Impact on Neighbour Amenity

- 7.10 Policy DP1 of the adopted Development Policies DPD requires all development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance. This policy stipulates that developments must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings and not unacceptably affect the amenity of residents or occupants.
- 7.11 The most significant change in site levels occurs adjacent to St. Crispin, which is a detached bungalow standing on York Road. St. Crispin also borders the application site immediately to the south.
- 7.12 A retaining wall has been constructed along the mutual boundary between St. Crispin and Plots 1 & 9 and varies between 0.5m and 1.1m in height. The retaining wall is topped by a close boarded fence which maintains privacy for all occupiers.
- 7.13 The streetscene drawing shows that the ground level locally (garden) falls away from St. Crispin (the dwelling itself) to the mutual boundary where the retaining wall has been constructed. As identified above, the finished floor level of Plot 1 is 0.43m higher than St. Crispin whilst Plot 9 approximately is 0.53m higher.
- 7.14 The Flood Risk Assessment submitted with the original application confirmed that finished floor levels would be set at a minimum of 0.3m above the nearest existing bank level of Leasmires Drain. Clearly, the difference between the finished floor levels identified within the FRA and those constructed is minimal. Notwithstanding this position, the original application did not identify the need for a retaining wall along the northern and eastern boundaries of St Crispin. This retaining wall will be around 3m in height at its highest point to the north-eastern corner of St. Crispin's garden, although the boundary wall reduces to approximately 2.4m in height adjacent to the dwelling itself.
- 7.15 Whilst the proposed boundary treatment is taller than a conventional 1.8m high fence/wall, it will allow for adequate levels of privacy to be maintained between existing and future occupiers. In addition, the outlook/aspect from St. Crispin will not be compromised as the dwelling itself stands over 11.5m from its northern boundary and over 52m from its southern boundary. Finally, the boundary treatment has been constructed using quality materials and is not visually intrusive.
- 7.16 The side elevation of Plot 1 stands approximately 13m from the side elevation of St. Crispin, whilst the rear elevation of Plot 9 stands over 44m from the rear elevation of St. Crispin. These distances substantially exceed the Council indicative separation distances of 21m rear to rear elevation and 2m side to side elevation. Consequently, the proposed increase in site levels of 1.1m (max) will have little impact on the amenity of the occupiers of St. Crispin over an above that anticipated by the approved layout. Elsewhere, the change in levels close to neighbouring dwellings

are relatively minor do not have a detrimental impact on the amenity of neighbouring residents by virtue of reduced separation or additional overlooking.

Function of Public Open Space

- 7.17 Policy DP1 of the adopted Development Policies DPD stipulates that development must make provision for the basic amenity needs of occupants and/or users, including where appropriate provision for an adequate level of open space for the use of occupants/users of the development.
- 7.18 In addition Policy DP37 of the Development Policies DPD requires new housing developments to contribute to towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.
- 7.19 The approved layout contains an area of public open space to the south-eastern corner of the site which has a dual function as dry basin for excess surface water. This space would be used as an informal kick-about area and would not contain children's play equipment.
- 7.20 Following concern expressed by the Town Council and Local Members, Officers have sought confirmation from the Developer that the public open space will drain effectively and be usable as play space.
- 7.21 The Developer is using a design for the construction of the basin that has been utilised successfully on another one of their developments. The proposed design appears to have the characteristics that will allow it to operate as a dry basin in usual circumstances and the cross-section does not appear too extreme that it cannot be used for recreational purposes. The Applicant has provided details of dry basins in developments in Ipswich and Cambridgeshire and has also cited the dry basin next to the Hambleton Leisure Centre and the wet basins adjacent to the Civic Centre and in York.

Health & Safety

- 7.22 The Council's Principal Engineer has assessed the design of the dry basin in relation to the CIRIA (Construction Industry Research and Information Association) SUDS Manual C697, an industry recognised guidance document and has advised as follows:
- 7.23 The purpose of the storm surface water dry basin is to provide storage volume in the event of rainfall volumes that exceeds the surface water storage volume available in the underground surface water piped sewerage system.
- 7.24 From a technical perspective the characteristics of the design are tried and tested and so should ensure that the basin is dry when not used for storm surface water storage and that it should dry out rapidly once the stored storm surface water has drained away.
- 7.25 From a health and safety design perspective, the sides of the basin do not exceed the recommended maximum gradient of 1:4. A birds mouth single rail fence has been provided to the perimeter of the basin with warning signage; this provided an obstacle make people think about whether they should proceed. The adjacent property is provided with a 1.2m high railing fence to the front garden, the close railings and height make it difficult to pass.
- 7.26 The gently sloping sides to the basin means that a person entering the basin when it contains water will be aware of increasing depth of water rather than stepping into deep water, if the sides were steeper.

- 7.27 Much of public health and safety concern around ponds or bodies of water relate to drowning. Drowning rates in external water bodies are the same as in domestic baths and external water body rates are skewed towards young men in deep water. The perception of drowning risk being higher than actual incidents.
- 7.28 The computer model information for the storm water levels in the basin indicate that the standing water will be relatively short-lived in the basin and the depth is estimated at 99cm for the 1 in 100 year event including climate change and emptying within 19 hours of end of storm.
- 7.29 Dry basins and wet basins are increasingly incorporated within residential areas and operate satisfactorily. The design of the basin meets good industry practice.
- 7.30 If it is considered that the area will be frequented by smaller children an added safety feature is to provide a more substantial fence to the perimeter of the basin, this should be low in height to allow adult access but prevent toddler or young child access.

Conclusion

- 7.31 The Council's Principal Engineer concludes that even with the best design of this basin, its use as a public open space is compromised to an extent by its double function (although not from a health and safety perspective), the extent of the compromise is arguable.
- 7.32 However, both the Statement of Community Involvement (Appendix One) and the Flood Risk Assessment submitted with the original application made reference to the public open space doubling up as a balancing pond which would only contain water in the event of a 1 in 100 or 200 year flood. Although this proposal was not clearly translated onto the site layout drawings submitted with the original application.
- 7.33 Despite the lack of clarity at the time that the planning application was considered, it would be difficult to deny that information pointing toward storm water storage in the part of the site intended as public open space had been before the Council. The drainage strategy for the site requires storage of storm water from a 1 in 30 year event and if that is not provided in the proposed dual use facility, the following would appear to be the only options:
- (i) Relocation of the storm water storage within the site;
 - (ii) Relocation of the public open space within the site;
 - (iii) Acquisition of additional land for relocation of either storm water storage or public open space;
 - (iv) Accepting a loss of public open space.
- 7.34 Options (i), (ii) & (iii) would have significant financial implications for the developer, assuming that an alternative location for storm water is technically possible. Alternative locations within the site would reduce the amount of housing that could be built and acquiring additional land would incur additional costs. It is therefore highly likely that these options would be resisted or lead to renegotiation of financial contributions on grounds of viability. Option (iv) would not give rise to the same financial considerations but would result in a poorer quality development.
- 7.35 Under the circumstances it would be more appropriate for the Council to confirm its acceptance of the dual use public open space / dry basin, as contributing to the development's public open space requirements.

8.0 RECOMMENDATION

8.1 **GRANTED** - for the reasons given above and having regard to all other matters raised, it is recommended that application to discharge conditions 10 and 12 be granted.

Parish: Great And Little Broughton
Ward: Broughton & Greenhow

Committee Date : 20 June 2013
Officer dealing : Mrs B Robinson
Target Date: 20 December 2012

3

12/02264/FUL

**Change of use of land from agriculture to equestrian, construction of hay barn and stable block and formation of a new vehicular access.
at Ingleby Orchard Green Balk Great Broughton TS9 7ED
for Mr & Mrs M Hartley.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is a pair of fields, total just under 2 ha with the proposed field access located 270 metres beyond the eastern extent of Great Broughton, on the south side of the Ingleby Road. The fields are divided by a hedge and a beck. The boundary with the road is hedged, with intermittent trees. In the smaller western field, the southern end is fenced off and there is a small green coloured field shelter, and ponies are being kept. There is a double row of immature trees in the northern section of this field. The eastern field is larger, is in grass, and has an existing access to the road at the north east corner. The nearest dwelling lies approximately 200 metres to the east.

1.2 The proposal is to make a new vehicular access into the western field, at its north-east corner, to use the land for keeping horses, and to construct a stable in the south end of the west field, approximately 75 metres from the road. The proposed stable is 'L' shaped, 13 metres x 12 metres, with a maximum height of 3.6 metres. Internally it is shown as having 3 stables with a tack room in the inner corner. It is shown to be constructed of block work with timber cladding. The application has been amended when submitted the application included a barn building. After consideration of alterations to sizes design and positioning of the buildings, the final scheme omits the barn and positions the stables at the south end of the field.

1.3 The Design and Access Statement notes that the development is for the personal use of the applicants, who reside at the east end of Great Broughton village. It notes that there would be economic benefits to the local community by means of purchase of goods and services from local farmers, vets, blacksmiths and other traders that rely on the rural economy, and by selling of hay. It suggests the value to the rural economy would be equivalent to that generated if the land were in use for grazing 25 sheep.

2.0 RELEVANT PLANNING HISTORY

2.1 None

3.0 RELEVANT PLANNING POLICIES:

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP1 - Sustainable development
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 CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
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 - As submitted - Refused.

The Parish Council considers this application should be refused as it provides for an unacceptable intensification of use of a small field on this rural road.

Further comment is made on the size of the small field and whether it is sufficient for horses, and restriction in area due to tree planting.

Hay barn of this size is an unreasonable development.

Concerns are expressed with reference to other stables and buildings nearby and further developments involving caravan and house.

With regard to the latest amended plans - Note that from the revised drawings that planning permission is not now being sought for the hay barn. Subject to that, do not wish to add to the comments already submitted by the Parish Council.

4.2 Neighbours and site notice - last expiry 20.6.2013.

No observations received at date of writing.

4.3 Highways - Conditions requested.

5.0 OBSERVATIONS

Policy Issues

5.1 The site is outside development limits where there is a general presumption against new development. The LDF Policies provide for new development and in Policy CP4 provides the detail of that when an exceptional case can be made under Policies CP1 and CP2 and where the proposal meets the tests of one of the criteria of CP4 and will not conflict with environmental and nature conservation policy that development may be approved. If an exception is appropriate, other relevant policies of the Local Development Framework are to be taken into account, such as neighbour amenities (CP1 DP1) and any highway safety issues.

5.2 CP4 provides for an exception to be made where necessary to meet the needs of farming or other enterprises with an essential requirement to locate in a smaller village or the countryside and where the development will help support the rural economy. The keeping and exercising of horses usually requires a rural location, and horses and associated activities are a common feature of the countryside and the proposal therefore complies with the general requirement of a need to locate in the countryside.

5.3 With regard to the support of the rural economy, the requirements for keeping horses are similar in some respects to the needs of agricultural livestock, eg feed and bedding and veterinary requirements, as well as specialist rural services such as blacksmiths.

5.4 Overall, due to the scale and nature of the development and its close association with the rural economy any harm to the principles of CP1 are minor. It is considered that the scheme can therefore be accepted in principle, subject to other relevant policies of the Local Development Framework. This general principle was supported by a Planning Inspector at a recent appeal against refusal of a similar proposal at Hagg Farm, Islebeck, Thirsk (ref 12/00702/FUL Appeal ref APP/G2713/A/12/2184907).

5.5 With regard to CP2 the site is within a comfortable walking distance from the home of the applicant and although there is no footpath, the character of the road is such that there is a good possibility that the users would choose to walk the distance required, at least some of the time, particularly as there is a modest verge available to escape passing traffic, if required. The applicants note that Mrs Hartley walks to the site on a regular basis. They note that at present the horses are stabled in livery elsewhere during the winter months, and that if allowed the proposal will result in shorter journeys and less travel. The relatively short distance from the village of Great Broughton is pertinent as there is scope for some journeys to the stables to be undertaken on foot and will minimise car use in accordance with CP2.

5.6 If the development is acceptable under the terms of the LDF policies described above a condition linking the use of the stables to purposes incidental to the enjoyment of the dwelling in Great Broughton is appropriate to ensure that the LDF Policy objectives are achieved.

Landscape

5.7 The proposed buildings are set back some way from the road and with their proposed timber cladding will not be intrusive against the background of trees to the south of the site and the hills beyond. The proposed track into the site is shown to be along a hedgeline, and subject to materials, which can be controlled by condition, will not be intrusive or out of keeping with the rural surroundings.

Amenity

5.8 The building is of sufficient distance from the nearest dwelling such that activities on the site will not lead to harm to amenities of occupiers of neighbouring property.

Highway safety

5.9 The new access to the highway is on the inside of a slight bend and no objection relating road safety is raised by the Highway Authority, and on this basis the proposal is considered acceptable in terms of highway safety.

5.10 The Parish Council have expressed concerns about the intensive use of the small field, particularly noting the orchard style planting in the northern part. In response to the Parish Council, the applicants have been requested to clarify how both of the fields are to be use.

5.11 The Parish Council have also raised concerns about the relative size of the haybarn are no longer applicable as the haybarn has been removed from the application. Comment about other cases nearby where stable buildings have been occupied are noted however this case must be decided on its merits.

SUMMARY

Due to its size design and location the proposal is appropriate to the rural surroundings and will not have a harmful effect on the amenities of nearby occupiers and is able to comply with the above policies.

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. 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 HN/12/015/002/A, 003/A, 004/A, 005. received by Hambleton District Council on 11 February 2013 and 23 October 2012 unless otherwise agreed in writing by the Local Planning Authority.

3. Unless otherwise agreed in writing with the Local Planning Authority, the stables and land use hereby approved shall not be used other than for private recreational purposes in association with 25 Ingleby Road Great Broughton and shall not be used for any commercial purposes
4. Prior to the commencement of the development hereby approved, details of the storage and disposal of the animal waste and stable bedding shall be submitted to and approved in writing by the Local Planning Authority. The approved methods shall thereafter be implemented and no animal waste or stable bedding shall be burnt.
5. There shall be no illumination of the development hereby approved without details having first been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained.
6. Except as required by the following conditions, the roadway into the site shall not be formed other than with a permeable surface details of which have been approved in writing by the Local Planning Authority.
7. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 - (ii) Any gates or barriers shall be erected a minimum distance of 14m metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - (iii) The crossing of the highway verge shall be constructed in accordance with the approved details and Standard Detail number E1
 - (iv) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
9. There shall be no access or egress by any vehicles between the highway and the application site until:
 - (i) full technical details relating to the bridging/culverting of the watercourse adjacent to the site have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority; and
 - (ii) The surface water ditch to the north of the site has been piped in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP16, DP32.
3. The Local Planning Authority would wish to consider alternative uses of the site in accordance with LDF Policies CP1, CP2 and CP4.
4. In order to protect the amenities of residential neighbours in accordance with Development Policy DP1.
5. To safeguard the character and appearance of the surrounding rural landscape in accordance with LDF Policies CP16 and DP30.
6. In the interests of the rural amenities of the surroundings, in accordance with Local Development Framework Policy CP16 DP30.
7. In accordance with policy number CP1 and in the interests of highway safety.
8. In accordance with policy number CP1 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
9. In accordance with policy number CP1 and to ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.

Parish: Ingleby Arncliffe
Ward: Swainby
4

Committee Date : 20 June 2013
Officer dealing : Mrs B Robinson
Target Date: 3 June 2013

13/00567/FUL

**Change of use of agricultural land to equestrian and construction of a stable block/store.
at Arncliffe House Ingleby Arncliffe North Yorkshire DL6 3LX
for Mr Rick Birch.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application was deferred at the last meeting pending additional supporting information. The information provided can be seen below at paragraph 1.5.

1.2 The site is field beyond the village's Development Limits at the rear of Arncliffe House. It is accessed from the village street via a drive alongside Arncliffe house. The drive also serves a Birch View, a residential property set back from the village street and which adjoins the application site.

1.3 The field boundary is mainly hedged with ten trees within these hedges, mostly on the north eastern and south eastern boundaries, protected by a Tree Preservation Order. On the north western boundary the applicant's property bounds the site with a railing fence and newly planted hedge. On the remainder of the north western boundary there is a young cupressus type hedge, approximately 2 metres high. Residential properties back onto the field on the north eastern, north western and south western sides. On the south western side of the field, near the north western corner, there is a pond, with mounded earth on its west side, and immature planting.

1.4 The proposal is to construct a stable/store building, located in the north western corner of the field, which would be used for equestrian purposes. Originally the proposal was a blockwork building with tiled roof and storage within an upper area but it has since been amended to a timber structure, size 7 metres x 9 metres, with a pitched roof with felt roofing. The maximum height would be 3 metres and the building would be positioned 2 metres from the north western and south western boundaries. The roof would project over a covered walkway/portico at the front. The layout of the building is shown as having a stable and tack room, and a store.

1.5 The applicant has submitted fresh drawings received 10 June 2013 and confirmed that:

- Temporary waste storage - will be in a position at the front of the building, as shown on new Drawing 03;
- Numbers of horses - one pony is envisaged, for use of a grand daughter;
- Use of the field - will remain as existing, with equestrian use in the future;
- The pond - will be a field pond, with natural habitat. In the event of a horse being introduced the pond would be fenced off;
- Lighting - 5 bulk head lights in total, one each for tack room stable and store and 2 on the exterior of the building, under the canopy. The new drawing 02 shows the proposed positions of external lights. Each is under the proposed canopy;
- Surface water drainage - will be to a soakaway, and will naturally drain to pond;
- Effluent from the stable is not envisaged, as any manure is straw based;
- The number of vehicles - as set out previously (see paragraph 5.6);
- Boundary hedges - are under the control of applicant; and
- The quality of drawings -the applicant has now provided drawings to a higher standard.

1.6 With regard to the accuracy of the submitted plans, the siting of the stable has been pegged out, and checked on site. The corner of the building extends close to the edge of the pond bank. There is at present approximately 3.8 metres between where the corner of the building would stand and the edge of the water in the pond.

2.0 RELEVANT PLANNING HISTORY

2.1 2/03/075/0106 - Construction of a dwellinghouse with domestic garage to replace existing dwelling. Permission granted 5/2/2004.

2.2 06/00376/FUL - Revised application for the construction of a dwelling and detached domestic garage. Permission granted 11.07.2006 (This proposal not implemented).

2.3 11/02644/FUL - Revised application for the construction of a replacement dwelling. Permission granted 03.02.2012

3.0 RELEVANT PLANNING POLICIES:

Core Strategy Policy CP1 - Sustainable development

Development Policies DP1 - Protecting amenity

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

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP32 - General design

Core Strategy Policy CP4 - Settlement hierarchy

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Ingleby Arncliffe Parish Council - "Ingleby Arncliffe Parish Council, having made a site visit to the field for which this application is under consideration, and having taken into consideration the views and concerns of Parish residents, wishes to see this application REFUSED". The concerns expressed relate to odour and drainage, which the Parish Council believes would adversely affect the occupiers of the houses that adjoin the field.

4.2 Highway Authority - Providing the stables are for the applicant's own use there are no highway objections.

4.3 Environmental Health - no objections subject to controls to address local concerns involving manure being managed in accordance with the submitted details and there being no burning of waste on site.

4.4 Public comment

Objections as follows:

- i. Size of stable block
- ii. Impact on outlook from nearby houses.
- iii. Smells
- iv. Highway safety at access.
- v. Drainage in field is poor.
- vi. The land too small to support number of horses implied.

Expressions of support are made on the basis that the development will enhance the look of the already improved land and views.

5.0 OBSERVATIONS

5.1 The equestrian use would go hand in hand with the stabling of horses and the main issues are the principle of the building in this location (CP1, CP2, CP4), its design and suitability for the stated purpose (CP17, DP32), the impact of the use and the building on the rural surroundings (CP16, DP30) and their impact on the amenities of neighbouring occupiers (CP1, DP1) together with any highway safety issues.

5.2 The site is outside development limits and new development will not normally be allowed under the principles of sustainability contained in CP1, unless an exception can be made in accordance with CP4, and other relevant policies of the Local Development Framework. The site is very close to the applicant's house and lends itself to domestic equestrian use in association with the dwelling, and noting there is a natural requirement for horses to be housed in the countryside, the policy principle in this case is considered acceptable. The likely impact of the proposed stable is assessed below.

5.3 With regard to design, the proposed building is appropriately modest in height and simple in form, and together with the proposed use of timber materials and a low-profile felt roof, it would blend in satisfactorily with the rural surroundings. With regard to its position, any views of the building from the wider countryside would be against the background of the village houses, where it would not appear unacceptably obtrusive.

5.4 With regard to the amenities of nearby occupiers, the building would benefit from existing hedge screening on the boundaries with the properties nearest to it, and whilst the north western gable end would be visible above the nearby hedge, this would be to a limited extent and would not be obtrusive due to the timber materials proposed. The stable use has potential for odour nuisance to arise, depending on the management of waste. Due to its relatively limited size the number of horses that could be stabled is restricted, and being mindful of the Environmental Health advice it is considered that, subject to a suitable scheme to manage and remove manure appropriately, this aspect can be dealt with acceptably.

5.5 The initial application suggested storing waste and either removing annually or spreading on the field. Due to the proximity of the houses this is not acceptable, and the applicant was invited to consider alternative arrangements. The arrangement now proposed is that a local landscape gardener will collect manure weekly, and remove it for storage with similar materials at a site in Faceby, for later use. The Environmental Health officer has suggested that regular removal at least once a month would be satisfactory to maintain satisfactory amenities, and this element is therefore considered satisfactory. It is not necessary for the Council to consider where the manure will go when determining this application, simply whether the arrangements for storage and removal from the site would be satisfactory.

5.6 With regard to highway safety, the applicant has provided to the Highway Authority an indication of the anticipated use of the access. The additional vehicle movements are indicated to be one extra private car daily and trailer once a month to deliver straw and remove manure if necessary. Given that the existing use of the access the additional traffic will not be so great as to harm road safety. The Highway Authority indicates that provided the stables are for personal use, there is no objection to the proposal.

5.7 The use of the field for small-scale equestrian use is appropriate to this location close to the village and would not be harmful to the wider surroundings. The field is mainly hedged and equestrian activity on the field would not impose on the enjoyment of their domestic amenity by neighbouring occupiers. However, the mounding adjacent to the pond does not have planning

permission and is unsuited to the current agricultural use and appears equally unsuited to the proposed equestrian use. It would therefore be appropriate to impose a condition to deal with this issue if permission is granted.

5.8 With regard to the views of neighbours, the concerns can be summarised as follows:

5.9 As noted above, subject to a suitable scheme to store and dispose of manure waste regularly, it is not considered that there would be an unacceptable nuisance from smells and flies, etc., particularly taking into account the limited numbers of horses that could be accommodated in the proposed stable.

5.10 Concerns about the height of the building and the impact on outlook/views have been addressed by the reduction in the overall height and change to materials to ensure that it would fit into the agricultural surroundings. Existing screen hedges, which the applicant has confirmed he controls, can ensure that the majority of the building is not obtrusive in the outlook from nearest affected properties.

5.11 The number of additional vehicles using the site is low, and subject to the usual expectation of careful and attentive driving, there would not be harm to road users arising from the proposed development.

5.12 Natural drainage of surface water is likely to be to the pond. Attention has been drawn by neighbours to problems with drainage from the pond, however no definite information that this is the case is provided and any existing drainage issues will require resolution in their own right and would not of themselves justify refusal of the present proposal. However, it would be appropriate to impose a condition to secure details of drainage from the stable building and if the submitted details did not support draining to the pond, there would be opportunities to include soakaways instead.

5.13 The site is outside the development limits of the village, however as seen above, given the requirements for equestrian development to be in the countryside, this is an acceptable location for this type of development.

5.14 With regard to the scope for the inferred later conversion to a habitable use, this would be a matter of a separate planning application. The building as now proposed is considered suitable in size and design for the use applied for.

5.15 The existing garage building at Arncliffe House was built under permitted development rights and is not material to the considerations here.

Due to its siting design and materials the proposed development is appropriate to the location and will not cause unacceptable harm to the amenities of neighbouring occupiers, and is able to comply with the above policies.

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. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 10 June 2013 unless otherwise agreed in writing by the Local Planning Authority.
3. The development hereby approved shall not be commenced until details of the surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
4. The surface water disposal facilities shall be constructed in accordance with the details approved under condition 3 above.
5. There shall be no burning of manure on site and no storage of manure other than temporary arrangements pending removal at intervals of not less than one month in the location shown as 'waste' on plan ref Drawing 03 received by Hambleton District Council 10 June 2013 . The owner of the field shall maintain an up-to-date record of the dates when manure has been removed and shall make this information available on request to the Local Planning Authority.
6. There shall be no external lighting other than as set out in the applicant's letter of 6 June 2013 and shown on elevations received 10 June 2013 unless previously approved in writing by the Local Planning Authority, and thereafter installed as so approved.
7. The existing hedge on the northern boundary shall be retained and maintained at a height of not less than 2 metres and not more than 3 metres.
8. The use of the stables hereby approved shall be equestrian and storage use only and shall be only for the personal enjoyment of residents and family of occupiers at Arncliffe House, unless otherwise agreed in writing by the Local Planning Authority, and not for any commercial activity.
9. Prior to the development commencing, the existing mound on the south-west side of the pond shall be removed and the material removed from the site or alternatively spread so as to have no appreciable effect on the landform.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
3. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
5. In the interests of the amenities of neighbouring occupiers, in accordance with Local Development Framework Policy CP1 and DP1.
6. To maintain the amenities of the surroundings, in accordance with Local Development Framework Policies CP1, DP1, CP16, and DP30.
7. To maintain the amenities of nearby occupiers, in accordance with Local Development Framework Policies CP1 and DP1.
8. To enable the Local Planning Authority to assess any alternative use, in accordance with the relevant policies of the Local Plan.
9. To preserve the natural character of the rural landscape, in accordance with Local Development Framework Policies CP16 and DP30.

Parish: Ingleby Greenhow
Ward: Broughton & Greenhow
5

Committee Date : 20 June 2013
Officer dealing : Mrs B Robinson
Target Date: 8 May 2013

13/00189/FUL

**Retrospective consent to retain a residential caravan to be used for an agricultural worker, for a temporary period..
at Ingleby Lane Farm Ingleby Greenhow North Yorkshire TS9 6LJ
for Mr David Jones.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is within a field in use for pig breeding and rearing. The land is subdivided with post and rail fences and pig arcs are in place. At the back of the site is an agricultural shed with timber sides, 30 x 10 metres, storage units, and a static caravan, all located on the rear (west) boundary. The field is bounded by hedges at the rear and along the roadside. The front boundary of the site is set back from the road behind a verge with trees. The total site is 2.8 ha. The surroundings are a rural, rolling landscape, about 750 metres from the boundary of the North York Moors National Park.

1.2 The proposal is retention of the static caravan as a temporary dwelling. The caravan is located on the west boundary, in front of the hedge. It is of standard design, with shallow pitched roof, and has a 'near-white' finish on the exterior.

1.3 Supporting details describe the business as breeding and outside rearing of rare breed pigs. There are also some laying hens and water fowl. Currently there are 14 sows and 2 mature gilts and 3 boars and produces around 100 pigs per annum, each grown on for about 6 months. There is also a stud service to other rare breed pig owners. Meat is sold to local retail outlets and restaurants, and to the general public. Mention is made of possible development to make own sausages and burger products, but no definite plans are proposed at this stage.

1.4 The application to use the static caravan as a residence is retrospective and the applicants state they moved in March 2012, following a significant episode of theft and damage and to safeguard the welfare of livestock.

2.0 RELEVANT PLANNING HISTORY

2.1 08/00692/FUL Agricultural storage building. Granted 19.06.2008 This a 12 x 3 metre building located in the south west corner of the field.

2.2 09/04156/FUL Construction of a general purpose agricultural building and retention of partially completed duck pond. Granted. 10.03.2010

3.0 RELEVANT PLANNING POLICIES:

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 CP15 - Rural Regeneration
Development Policies DP26 - Agricultural issues
National Planning Policy Framework - published 27 March 2012
Core Strategy Policy CP17 – Promoting high quality design
Development Policies DP32 – General Design

4.0 CONSULTATIONS

4.1 Parish Council - Objection. Reasons:

- there is no agricultural justification to support this development,
- this is a hobby "farm" rather than an agricultural business,(so not covered by agricultural planning permitted development)
- the size of the landholding involved is far too small to ever be a viable enterprise,
- there is no justification for someone to live on the site plenty of fields elsewhere have hundreds pigs in them without anyone living in that field.,
- there is no evidence to show how the existing and proposed workers are kept employed, or how they are paid from the business,
- the existing pig pens are not viable, there is insufficient land to rotate use by pigs, there will be a health issue with the ground saturated with manure.
- the existing mobile home and associated steel containers are detrimental to the landscape and environment, clearly visible and an eyesore,
- the signage at the gate is an eyesore,
- there is no timescale for "temporary" permission sought,

Further comments are made on retrospective nature of the application, and speculation about eventual intention for a dwelling on the site, as no viability in the long term. Attention is drawn to the quantity of other unauthorised developments in the Stokesley/Great Ayton area.

4.2 NYCC Highways. No objection.

4.3 Neighbours and site notice - letters from 2 persons Issues raised are:

Applicant should have acquired a property where there is a dwelling.

A Stokesley residence would be easily commutable

Retrospective nature of application

Lack of evidence of need or a dwelling to supervise pigs

Financial viability

Appearance of the mobile home is not suitable in the countryside, the location is conspicuous.

4.4 A brief viability analysis by Smiths Gore was supplied by one of the respondents. It concludes that there would be a need for 0.45 standard labour units, and a modest profit of £6832

5.0 OBSERVATIONS

5.1 The site is outside of any sustainable settlement and under CP4 of the Local Development Framework, development with an essential need to locate in the countryside, which includes agriculture, may be considered as an exception to the principles of sustainable development contained in policy CP1.

5.2 The NPPF notes (para 55) that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances including where there is an essential need for a rural worker to live permanently at or near the place of work in the countryside. The Councils policy is therefore considered to be fully in accordance with the guidance of the NPPF.

5.3 The main issues to consider therefore will be whether it is demonstrated that there is an essential need for an agricultural worker to reside on site and whether the enterprise is sufficiently financially sustainable in the foreseeable future, together with general planning issues of design and landscape impact (CP16 and DP30, CP17 and DP32).

5.4 To help assess whether it is essential for an agricultural worker to live on site, the Council engaged an independent agricultural assessment from Mouchel, which was executed by Andrew Purkiss, who visited the site and also reviewed financial projections.

5.5 The Mouchel report sets out: The holding is well set up for producing high quality British rare breed pig meat. The farm is well equipped and managed and the land is well suited to the system of farming that is in place. There is considerable scope on the available land to expand the business, by increasing the number of sows and the number of farrowings. It is suggested that 20 sows with 1.5 - 2 farrowings each per annum should be readily achievable.

5.6 The Mouchel report notes that the applicant initially used the static caravan on occasions when sows were farrowing, but moved in full time after thefts from the property. The Mouchel comments note that for 13 occasions a year (as presently managed) and for potentially up to 30 occasions (ie with 20 sows farrowing 1.5 times pa, average), a dwelling would not be justified by the standard labour units required. It points out that a good stockman will be able to tell when farrowing is likely, and some farrowings will be in normal daytime hours.

5.7 In terms of the extent of the labour demand, the Mouchel report indicates that at the present stocking levels, the labour demand is 0.3 standard labour units. It indicates that the site is comfortably capable of supporting up to 20 sows and if two litters were produced each year, the labour requirement would be 0.54 standard labour units. The report notes that the existing level of production is however being carefully managed to match demand for product, and maintain premium value of the meat. (In the absence of a standard labour unit figures for outdoor pig units, the standard labour requirement was calculated by Mouchel by loading 50% to indoor pig production labour requirements).

5.8 With regard to financial sustainability into the future, the Mouchel report notes the applicant has made significant and ongoing financial commitment to the farm, and indicates that the applicant's financial projections appear to be sustainable and achievable and indicate a reasonable level of profit, particularly if premium prices continue to be achieved.

5.9 The conclusion is drawn that at the present level of stocking, the essential need for out of hours attendance could be met by occasional use of a caravan on site, and in conjunction with the limited standard labour requirement a dwelling is not justified.

5.10 The report draws attention to scope on the existing site for significant expansion of the business, if the applicant chooses.

Other planning issues

5.11 With regard to landscape impact, the static caravan is at the rear of the site, on slightly raised ground, and can be seen on approach along the road. Trees and hedges on the east boundary screen direct views into the site. The caravan is currently light coloured, and if painted a suitable dark colour, it would not be so conspicuous against the back ground of the existing well grown hedge, and in the context of the nearby agricultural building. If the proposal was otherwise acceptable a condition could be imposed to require the structure to be painted a darker colour.

Issues raised by the Parish Council and neighbours

5.12 The retrospective nature of the application must not prejudice the assessment of the proposal which must be considered on its merits. The description of the proposal has been amended to describe its retrospective nature.

5.13 With regard to concerns about viability, reference can be made to the findings of the Councils consultant that as a producer of a premium meat product the enterprise is profitable, and profits will increase with the business plan proposed. The consultant also comments that there is sufficient land to accommodate the business and it is being well managed.

5.14 The essential need for the dwelling is claimed by the applicant in order to supervise the outdoor pigs which tend to be less passive than indoor bred varieties and to exercise close supervision over farrowing, and also for security (they note no thefts since living on site). A

location within sight and sound of the pigs would be a reasonable requirement to fulfil this need, however as has been seen, the Council's consultant queries whether residence on site meets the test of the NPPF that the dwelling is 'essential'.

5.15 With regard to the impact on the surroundings, due to the rise and fall of nearby roads the static caravan is visible, however as noted above a muted colour would make a very significant improvement in terms of its visibility and as a result it would not be conspicuous. The caravan is a relatively long distance from the road and limited domestic clutter associated with the use would not be unduly intrusive.

Conclusion

5.16 The pig breeding business has been shown to be well managed and financially sustainable in the longer term. As livestock breeding is involved, there is some need for attendance 'out of hours'. The views of the Council's consultant is that current needs could be met in other ways and do not justify a dwelling. The business has scope for expansion, but there are no specific plans on this point at present. Security is important for the applicant, but is not a prime concern in the consideration of whether the proposed dwelling meets the standard of 'essential' for the agricultural need as set out in CP4 and in NPPF para 55. Accordingly the application is recommended for refusal on the basis of the lack of essential need.

6.0 RECOMMENDATION:

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

The reasons are:-

1. The proposal fails to demonstrate that there is an essential need for an agricultural worker to reside on site and is therefore contrary to Local Development Framework Policy CP1, CP4 and NPPF.
2. The design and colour of the proposed residential unit cause harm to the appearance of the landscape contrary to the Local Development Framework Policy CP17 and DP32.

Parish: Newby
Ward: Stokesley

Committee Date : 20 June 2013
Officer dealing : Mrs B Robinson

6

13/00003/TPO1

**Hambleton District Council (Newby) Tree Preservation Order 2013 No 3
at Village Green, Sneck Gate Lane, Newby**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 The proposal is confirmation of provisional Tree Preservation Order 2013/3.
- 1.2 The location is land on the north east side of Sneck Gate Lane, Newby containing three mature trees, of which two - a willow (T1) and lime (T2) - are within a grass verge, approximately 15 metres wide in front of a dwelling named Letacq. The third tree, a sycamore (T3), is located to the north-west of the house, in a hedgeline with the adjacent field.
- 1.3 The front boundary to Letacq is open. Sneck Gate Lane forms the north boundary to a notably wide and open green, at the centre of Newby and the land appears continuous with the village green although it is not part of it.

2.0 RELEVANT PLANNING HISTORY

- 2.1 The trees were brought to the attention of the Council as being of high amenity value and being on land of indeterminate ownership, with no particular person being responsible for their care.
- 2.2 A provisional Tree Preservation Order ref TPO 2013/3 was made, dated 9th of April 2013.
- 2.3 The reason given in the Tree Preservation Order is that the trees make a positive contribution to the setting of the village around the open green.

3.0 POLICY

Core Strategy Policy CP16 – Protecting and Enhancing Natural and Man-made Assets
Development Policy DP28 - Conservation

4.0 CONSULTATIONS

- 4.1 Parish Council – expiry 7 May 2013. No observations received to date.
- 4.2 Notifications were sent by post to neighbours, and individual notices attached to trees, on the 9th April 2013, with expiry date 7 May 2013. One response has been received, carrying the following objections to the Tree Preservation Order:

T1 Willow:

The tree is 40' from the village green, so cannot understand how it can make a positive contribution around the village green. Telephone wires run through tree, and there is scope for disruption to telephone and internet services. Base of tree is 15' from drive and above where cars are parked. Trees regularly shed branches and damage may be caused. Highway safety - hanging branches restrict view of main road and access to drive. Tree is

30' from house and there is already visible damage to wall and patio that the roots are causing.

T2 Lime:

The tree is on unregistered land and again, cannot understand how it can make a positive contribution. As above, tree is at least 60' from green. Tree roots protrude above the surface of the lawn and create danger to children when playing. When in leaf restricts light to the garden and house, and restricts daylight to conservatory after 4pm in summer.

T3 Sycamore:

As above, on unregistered land and cannot see benefit to the green, and is at least 90' away. Electricity wires run through the middle of the tree and impinging branches have regularly to be lopped by the electricity board due to the hazard the tree creates.

5.0 OBSERVATIONS

- 5.1 The main issue is whether the trees are worthy of preservation by virtue of their contribution to the amenities of the surroundings, and consideration of any other issues why the TPO should not be confirmed in this case.
- 5.2 Newby village is characterised by its wide and open village green, with development around the periphery. Where relatively mature trees such as these exist they emphasise the open character of the main green area, and soften the appearance of the surrounding development, as well as their inherent value as attractive landscape features.
- 5.3 Electricity wires and phone wires run through two of the trees, however the making of the Tree Preservation Order would not preclude essential works by the relevant statutory undertakers to carry out their permitted development rights, and does not preclude an application to do necessary works for any other reasons that might arise.
- 5.4 With regard to the concerns of the neighbour to the site, the relevance of the trees to the setting of the village green is set out in paragraph 5.2 above, and although they are not on the registered green area, they are on land that appears closely associated with it, and are valuable to its setting.
- 5.5 As indicated in paragraph 5.3 above, any need to prune the trees to avoid conflict with electricity and telephone wires can be dealt with as required, and the trees are of a sufficient size to tolerate essential works of this nature whilst retaining a pleasing character. This was the situation prior to the TPO being made.
- 5.6 With regard to effects on the domestic property, the presence of roots in the front lawn is a minor feature that will not inhibit enjoyment of the garden to any significant extent. A glazed conservatory will benefit from a good general light level, notwithstanding any shading that might occur as the sun moves round.
- 5.7 With regard to car parking, the curtilage of the dwelling appears to offer scope for off road parking, away from any influence of the trees concerned and the risk of damage to cars is considered small and no different from that experienced by many other property owners with nearby trees on this basis.

5.8 Reference is made to damage to wall and patio by T1, but no evidence is offered on this point. It would be open to the owner to offer evidence in the event of a proposal to do works to the protected trees and this does not preclude their protection in the interim.

6.0 CONCLUSION

6.1 The trees contribute to the amenities and setting of the village green and it is recommended that the Tree Preservation Order 2013/3 be confirmed.

Parish: Sowerby
Ward: Sowerby
7

Committee Date : 20 June 2013
Officer dealing : Mr A J Cunningham
Target Date: 28 May 2013

13/00499/FUL

**Retrospective application for a change of use of land to site for one gypsy family including the siting of 2 residential caravans.
at Land Adjacent Bankside Close Sowerby North Yorkshire
for Mr & Mrs Anthony Baxter.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks retrospective consent for the change of use of land to a site for one gypsy family. The scheme also involves the siting of two residential caravans. The site extends to 1.4 hectares (1.77 hectares including the access) and is positioned approximately 0.9 miles from the centre of the principal service centre of Thirsk with Sowerby, to the west of the A168 dual carriageway and bound by agricultural land to the south and west. The nearest dwelling (Oakfield) within sight of the site is positioned approximately 300m to the north-west.

1.2 Caravan 1 is positioned to the north of the site and to the west of a parking/turning area adjacent the access to the premises and is formed with a flat roof. It measures approximately 5.7m x 13.3m, with a total height of approximately 2.8m. Caravan 2 is positioned to the south of the site and is surrounded by a kick-about area to the north and lawn/children's play area to the south and is formed of a dual-pitch roof. It measures approximately 10m x 6.6m, with a maximum height of approximately 3.7m. Caravan 1 is finished cream render with aluminium windows. Caravan 2 is finished in render above a brick plinth with white UPVC windows.

1.3 The site shares an access from the public highway with the municipal gypsy site at Bankside Close. A private track passes to the east of Bankside Close to the application site. The western boundary of the application site is formed of a timber post and rail fence extending to a height of approximately 1.2m. The eastern boundary of the site is flanked by semi-mature tree vegetation and a steep embankment to the A168 and its slip road ascending to the east.

1.4 The Application states that the caravans have been on site, and the use in existence, since June 2006 and that the applicant's father resided at the municipal Bankside Close site prior to this time.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 12/00148/CAT3 - Unauthorised private gypsy site; Pending Consideration. This is the investigation that led to the submission of the application.

3.0 RELEVANT PLANNING POLICIES:

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP8 - Type, size and tenure of housing
- 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 DP14 - Gypsies and travellers' sites

Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012
National - Planning Policy for traveller sites (released 23 March 2012 effective from 27 March 2012)

4.0 CONSULTATIONS

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

4.2 NYCC Highways - Access to the site is via the existing junction on to the roundabout. This is a suitable arrangement and the Highway Authority has no objection to the proposal.

4.3 Yorkshire Water - From information submitted, no comments are required from Yorkshire Water (foul water is draining to existing septic tanks/surface water to soakaways).

4.4 Swale and Ure Internal Drainage Board - no adverse comment.

4.5 Environmental Health - Further to your recent consultation I would advise you that I have no adverse comment regarding this proposal. I would be grateful however if you could include an informative that should the development be granted permission the applicant will also need to obtain a caravan site licence. Application forms are available from Environmental Health Services.

4.6 Neighbours were notified and a site notice posted; expired 07.05.2013 - No responses received.

5.0 OBSERVATIONS

Policy

5.1 National Guidance is provided by Planning Policy for Traveller Sites (March 2012) which sits alongside the NPPF. Policy H of Planning Policy for Traveller Sites (determining applications) requires the Council to consider these factors:

- The existing level of local provision and need for sites;
- The availability (or lack) of alternative accommodation for applicants;
- Other personal circumstances;
- Locally specific criteria used to guide the allocation of sites or which form the policy to assess applications that may come on unallocated sites; and
- To determine applications for sites from any travellers and not just those with local connections.

The policy also states new traveller site development in open country should be strictly limited and should not dominate the nearest settled community.

5.2 With regard to existing provision, the Hambleton District Council Traveller Housing Needs Study (September 2012) identifies that the authorised public sites are full and that private sites are predominantly one family only and that therefore there are no vacant pitches. Each of the public sites has a waiting list. Of the overall predicted need for 26 (net) new pitches from 2012 to 2027, 15 will be for private pitches and to address current unauthorised development. Of these, 9 are required in the period 2012 to 2017. In summary, the study provides an up to date assessment of need which identifies an existing shortage of sites, including private pitches. The Council is currently considering bringing sites forward so as to meet the need for new pitches in the District

and a number of potential sites that the owners consider to be capable of delivery are being considered. Pending finalisation of provision, this proposal can be considered to meet an existing need for pitches, if otherwise acceptable under the relevant policies of the Local Development Framework.

5.3 The personal circumstances of the applicant have been set out in the submitted design and access statement and confirm that the family is enrolled with the local doctors and dentists and the grandchildren are enrolled with the local nursery schools.

5.4 Locally specific criteria with regard to Gypsy and Traveller sites are set out in Local Development Framework Policy DP14, and the proposal can therefore proceed to be considered against this and other relevant policies of the Local Development Framework and the national planning policy for travellers sites.

5.5 The site is outside the development limits where the LDF only permits development in exceptional circumstances. Policy CP8 points to the need to make appropriate provision for the particular need for gypsies and travellers. There being no allocated land within development limits, the proposal will be considered on its merits against the criteria of DP14, specifically, whether it:

- i. Is located within reasonable distance of service and community facilities within or close to a Service Centre or Service Village;
- ii. Provides an acceptable living environment;
- iii. Is of an appropriate size;
- iv. Has a safe and convenient access to the road network;
- v. Avoids creating demonstrable harm to the amenity of existing communities and surrounding environment; and
- vi. Is not located on contaminated land.

5.6 In addition to DP14, other relevant policies are the impact of the development on the surroundings including the open character of the countryside (CP16 and DP30) and on the character of the settlement (CP4 and DP10) and flood risk issues (CP21 and DP43).

5.7 The requirements of DP14 in relation to the principle of the use of the site for a single gypsy family are considered in this and the following paragraphs. It is not necessary to consider precedent because any further expansion would require a separate permission and would therefore be considered on its merits.

Location

5.8 The site is within comfortable walking distance from the centre of Thirsk, a market town with a good range of facilities. There is a surfaced footpath between the site and the town which would facilitate walking in most weather conditions. On this basis the site is acceptably sustainable in location.

Living environment

5.9 The site is positioned close to the A168 dual carriageway which increases levels of local noise and air pollution, however the embankment vegetation along with the agricultural land to the west serve to mitigate the adverse amenity aspects of the site.

Suitability and size

5.10 The site can comfortably accommodate the living requirements of a gypsy family, with adequate space for parking vehicles, domestic activities and an area for play for children, and the site is generally suitable in type and size.

Access to the road network

5.11 The site is positioned south of York Road. It utilises an existing access, and subject to the views of the NYCC as Highway Authority, and the expectation of a normal standard of careful driving, it is suitably linked to the road network.

Amenity of existing communities and surrounding environment

5.12 The site is relatively discreet when viewed from York Road and surrounding public viewpoints due to the screening provided by adjacent field boundaries and being viewed on the backdrop of the embankment to the A168 and its vegetation. The scale of the buildings is such that there is not a harmful visual impact on the locality.

Contaminated land

5.14 The land was previously in general agricultural use and there is no indication that contamination is an issue.

5.15 In summary, the location and site are considered suitable for a single gypsy family.

Individual developments within the site.

5.16 The static caravans are sited relatively discretely, as noted above, and do not have a harmful effect on the surroundings.

Flood risk

5.17 The site is not within a Flood Zone.

Conclusion

5.18 The site is suitable for the proposed use as a single family gypsy site, with the accommodation of the two caravans in situ. The proposal would satisfy the overall shortage of gypsy sites that was indicated by the Traveller Needs Survey and the occupation of the site over the last 6-7 years does not appear to have given rise to any significant planning concerns. Accordingly, the site is acceptable for this use and approval is recommended, and it is noted that personal hardship might result for the applicant were the scheme declined.

SUMMARY

The application is recommended for approval as the site will provide a sustainable private gypsy site for one family in accordance with the Development Plan policies noted above and the findings of the Gypsy and Traveller Accommodation Assessment.

6.0 RECOMMENDATION:

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

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council

on 6 March 2013, 7 March 2013 and 2 April 2013 unless otherwise agreed in writing by the Local Planning Authority.

2. The number of mobile homes on the site shall be restricted to no more than two mobile homes that meet the definition of a caravan in the Caravan Sites Act, at any one time.

3. The occupation of the two mobile homes hereby approved shall be restricted to a single gypsy family.

4. The land hereby approved shall be used only as a residential gypsy site, as defined within ODPM Circular 01/2006, and not for any other type of domestic or business use.

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

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

The reasons for the above conditions are:-

1. 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 CP1, CP16, CP17, DP1, DP30 and DP32.

2. To safeguard the character of the area and the amenities of local residents in accordance with Policies CP1, CP17, DP1 and DP30.

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

4. To ensure the caravans are occupied in association with the use of the site as a gypsy caravan site, safeguard the character of the area and safeguard the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP4, CP8, CP16, DP1, DP9, DP14 and DP30.

5. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Hambleton Local Development Framework Policies CP1, CP16, CP17, DP1, DP30 and DP32

6. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Hambleton Local Development Framework Policies CP1, CP16, CP17, DP1, DP30 and DP32.

Parish: Thirsk
Ward: Thirsk
8

Committee Date : 20 June 2013
Officer dealing : Mr J E Howe
Target Date: 28 March 2013

13/00167/FUL

**Construction of a dwelling as amended by details received by Hambleton District Council on 21 May 2013.
at 28 Long Street Thirsk North Yorkshire YO7 1AP
for Mr & Mrs G Denison.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application for the construction of a two-bedroomed dwelling in part of the rear curtilage of a detached dwelling on the eastern side of Long Street immediately to the south of the ATS Motor Service business and to the north of a window manufacturing company. The application was presented to the Committee at the meeting on 23rd May when consideration was deferred in order that a site visit by Members could take place in the light of amended details of the site layout being submitted prior to the meeting. The amended plan shows a revision to the alignment of the access and pedestrian only areas, parking areas and garden areas.

1.2 The eastern boundary of the site is shared with gardens on the Hambleton Drive estate. Vehicular access will be via the existing access to No.28 directly from Long Street with a proposed extended internal drive with parking and turning area within the rear curtilage. In addition to the parking and turning area bike and bin storage is shown and individual garden/amenity areas are proposed for each dwelling units.

1.3 The applicant owns the existing three-bedroomed dwelling which was constructed around 1900 and which has an attached rear two-bedroomed annexe. The dwelling and annexe were converted to two dwellings by virtue of a planning permission granted in 1986 but were subsequently re-incorporated into a single dwelling and the property is occupied on that basis at present.

1.4 There are at present two garages close to the rear of the site which will be removed. The new dwelling would be constructed parallel to the rear boundary and will have areas of private amenity space to the north and south with provision for cycle parking and bin storage. Adjoining the amenity space to the south, an area will be fenced to provide a private garden area for the occupants of the existing dwelling, again with cycle and bin storage. The front garden to the existing dwelling will remain unchanged. Within the site a total of six car parking spaces will be provided together with a turning area. The four spaces for the existing dwelling and the turning area and the two spaces for the proposed dwelling will have a 'grasscrete' surface.

1.5 The proposed dwelling is to be constructed in a red/buff multi facing brick with natural clay pantiles and white upvc windows. It is stated that lighting provision is made for safety and security purposes.

1.5 It is stated in support of the application that the dwelling is to be constructed for, and initially occupied by, the applicant's mother who is in need of care. The applicant has advised that in the future the new dwelling may be occupied by the applicant and his wife with members of their family occupying the main dwelling. The application is not, however, proposed as an annexe and must be determined on the basis of a separate dwelling.

2.0 PREVIOUS PLANNING HISTORY

2.1 2/86/152/0308 : Conversion of dwelling to form two flat units : Permission Granted 1986.

2.2 11/00544/FUL : Alterations to existing dwelling and annexe to form 2 flats and a dwelling plus construction of 2 dwellings : Withdrawn 2011.

3.0 RELEVANT PLANNING POLICIES:

Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP8 - Type, size and tenure of housing
Development Policies DP13 - Achieving and maintaining the right mix of housing

4.0 CONSULTATIONS

4.1 Thirsk Town Council : Wishes to see the application Approved.

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

4.3 North Yorkshire County Council (Heritage Unit) : Wishes to see a 'watching brief' archaeological condition imposed.

4.4 Yorkshire Water : No observations.

4.5 Environmental Health Officer : Suggests re-arrangement of rooms within the dwelling to minimise any noise impact from adjacent window factory. These suggestions have been incorporated into a revised layout plan.

4.6 The application was advertised by site notice at the entrance to the site and the nine closest neighbours and 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 and Development Policies document as set out above and relate, in this case to the sustainable nature of the site location (Policy CP4), the scale design and materials proposed including the provision of discreet car parking and an appropriate level of private amenity space (Policies CP17 and DP32), the type and size of dwelling to be provided (Policies CP8 and DP13) and the impact, if any, both on the amenity of adjacent neighbours and any potential impact on the development by adjacent activities (Policy DP1).

5.2 The site is well within the defined development limits for Thirsk which is designated within the context of Policy CP4 as a Service Centre, having a wide range of local services and facilities appropriate to assimilate additional residential development. The site is, consequently, fully sustainable in both national and local policy terms.

5.3 The proposed new dwelling, whilst not 'affordable' in a formal sense, is of a modest size and simple form appropriate to this site location which lies within a 'mixed' area where commercial, light industrial and residential uses co-exist without apparent conflict. The main dwelling has previously been sub-divided and then 're-united' to form a single unit and, consequently the applicant's overall curtilage would provide a substantial family home and a smaller unit. As noted above the smaller unit is initially to provide accommodation for a dependent relative, although not proposed as ancillary accommodation and could be occupied and sold off separately in the future as referred to in para 1.5 above.

5.4 The proposed dwelling could satisfy the needs of individuals, couples or small local families with the possibility of walking or cycling to local shops and employment including both the town centre and the Thirsk Business Park. The justification to Policy DP13 states in para. 4.5.4 that 'The

appropriate type of housing built must be more closely aligned than in the past to the needs of the local community, for example, the needs of elderly people, families, single and younger people. This should be reflected in the size, design and tenure of the accommodation, its relationship to facilities and mix with other dwellings and services.' It is considered that this development meets the aims of this element of the Policy.

5.4 Although the overall site area is relatively small there are storage and private amenity areas for both the proposed and existing dwellings with a designated parking spaces and turning facility to ensure that any vehicles can leave the site, singularly, in a forward gear. The site curtilage is currently very secluded and a self-contained 'green oasis' which provides a pleasant amenity space for residents. The orientation of windows is such that there is no significant inter-visibility between the units.

5.5 As noted above, the site adjoins, to the south, a window manufacturing business which is a potential source of noise nuisance. The Environmental Health Officer has examined the proposal and noted that no complaints have been received from neighbours about this activity in the past. He did, however, suggest an internal re-arrangement of rooms to ensure that the main habitable rooms of the dwelling are moved to the north (ie away from the manufacturing activity). These suggestions have been incorporated into a revised dwelling layout which now shows the kitchen, entrance hall, shower room and bathroom at the southern end of the building.

5.6 The layout of the site does reduce the amount of private amenity space available for the existing dwelling. Policy DP1 requires that "Development must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants." The expectations of Policy DP1 are explained in more detail in the Domestic Extensions Supplementary Planning Document (SPD) which states at paragraph 6.6 that: "Any domestic extension should maintain an acceptable level of private garden space about the dwelling to allow for sitting out, children's play, drying clothes and storage of bicycles and bins. Development should maintain a clear rear garden space of 4m x 4m." The proposed development will reduce the amenity space around the existing dwelling but as shown in the amended plan provides an improved layout of open space that with the retention of the existing tree and shrub planting will still provide a distinct visual break between the existing and proposed units which members can inspect at the site visit.

5.7 The existing amenity space of the dwelling (including garaging which is to be demolished) is about 20 x 20 metres. The rear garden of the existing dwelling is reduced to an irregular shaped parcel with maximum dimensions of 7 x 13.75 metres which achieves the 4 x 4 metres standard for the existing relatively large family house. The 6.4 x 7.85 metre open space provided for the new 2 bedroom dwelling also meets the reasonable requirements of the Policy DP1. The layout of car parking spaces are considered to be adequate to meet the likely demands of occupiers and there is no evidence to conclude that parking will be likely to occur on land outside of the application site.

5.8 The introduction of traffic passing the frontage dwelling to access the dwelling at the rear will have an impact upon the amenity of the occupiers of the existing dwelling. The front door to the main dwelling opens onto Long Street and a side door opens onto what will be the shared driveway causing a significant impact on the occupiers and visitors to the house. The details on the submitted plans show that the existing dwelling and the driveway will be separated by a 1.2 metre high picket fence. Members will wish to note the relationship at this point when visiting the site.

5.9 Following the submission, and subsequent appraisal, of the amended details immediately prior to the May meeting it is now considered that on balance the benefits of providing an additional small dwelling in a sustainable location outweigh the potential reduction in amenity to the occupiers of the existing dwelling who are, in this case, the applicants.

SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the scheme facilitates the provision of a small dwelling appropriate for occupation by single people, couples or a small family in a sustainable location within walking distance of local facilities and employment opportunities with no significant adverse impact on neighbouring activities or amenity.

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. The development hereby permitted shall be begun within three years of the date of this permission.
2. The proposed dwelling shall not be occupied until the related parking facilities have been constructed in accordance with the approved drawing reference Block Plan as Proposed Drawing No. 08A. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
3. 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.
4. 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. No vehicles or materials associated with on-site construction works shall be parked or placed on the public highway or outside the application site.
5. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority

6. The dwelling shall not be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 5 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

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

8. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (Ref 419/08C ; 419/10A) attached to planning application 13/00167/FUL received by Hambleton District Council on 24th January 2013 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
3. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
4. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
5. To protect the amenity of the neighbouring residents in accordance with Policy DP1.
6. To protect the amenity of the neighbouring residents in accordance with Policy DP1.
7. The site is of archaeological importance and as such warrants the recording of any relevant materials found at the site in accordance with the Local Development Framework Policies CP16 and DP29.
8. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP17 and DP32.

Parish: Thornton-le-Beans
Ward: The Thorntons
9

Committee Date : 20 June 2013
Officer dealing : Mr A J Cunningham
Target Date: 13 May 2013

13/00583/FUL

**Alterations and extensions to existing dwelling as amended by plan received by Hambleton District Council on 6 June 2013.
at Crosby Rise Thornton Le Beans North Yorkshire DL6 3SW
for Mr & Mrs T Phillips.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for a number of alterations to the detached domestic property of Crosby Rise, Thornton-le-Beans. The site is located to the north of the C11 public highway running through the village. The scheme is brought before Members of the Planning Committee as the applicant is a relation of a Member of the Council.

1.2 Amended details have been received on 2 May 2013 in response to the comments received by neighbouring property and the Parish Council. The amendments comprise the reduction in the size of the works to the eastern elevation along with the omission of two roof lights. Further amendments have been received on 6 June 2013 amending the number of roof lights proposed and being accompanied by an email responding to the responses raised as part of the consultation process. Photographic evidence of property in the locality has been provided in support of the inclusion of dormer windows within the scheme. A full re-consultation has been undertaken on the basis of the amended details received.

1.3 The works comprise creating accommodation at first floor level through the raising of the roof from its current height of 5.9m to 7m (both measured at the southern elevation). Two dormer windows would be created to the front (southern) roof slope along with two roof lights as is the case to the rear (northern) roof slope. The existing mono pitch garage roof is proposed to be replaced with a dual pitched roof extending to a height of 6.3m containing roof lights to its rear (northern) roof slope. A porch is proposed to the front (southern) elevation measuring approximately 1.5m x 2.9m, with a total height of approximately 4.2m. To accommodate the enlarged roof height and span the rear of the property is proposed to be extended at ground floor level by 6.3m x 15.8m. Various internal works are proposed to accommodate the first floor addition.

1.4 Materials for the proposed works would comprise render and tiles with UPVC windows and doors. The existing dwelling is formed of brick with a pitched tiled roof and UPVC windows and doors.

1.5 The rear extension would sit approximately 4.3m (at the nearest point) to the rear (northern) boundary of the domestic curtilage. The rear dormer window nearest to the northern boundary would be set approximately 6.5m from this boundary. The eastern elevation of the existing dwelling is positioned approximately 2.3m to the eastern boundary of the domestic curtilage, the proposal maintains the separation distance at 2.3m.

1.6 The plot levels descend from the north to the south. The ground levels to the north of the plot are lower than the garden levels of 6 Mawson Grove. The northern boundary is formed of a blockwork retaining wall below a timber panelled fence extending to a height of approximately 2.5m. The eastern side boundary and front of the existing dwelling is formed of a low hedgerow of varying heights. A leylandii tree is positioned adjacent to the eastern boundary immediately to the rear of the existing garage and is noted to be removed as part of the proposal.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/84/156/0047 - Extensions To Existing Bungalow And Domestic Garage; Withdrawn 1984.

3.0 RELEVANT PLANNING POLICIES:

Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP32 - General design

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Thornton le Beans and Crosby with Cotcliffe Parish Council -

- 1st response: Summary of individual councillor comments and comment that the scale quoted on the plan is incorrect.

- 2nd response: 'Subsequent to the Parish Council discussion and my submission regarding the above sent to you on 29th March. a number of the Council members have been approached by local residents regarding the above application. It has become evident that there is local opposition to the development. The location of the planning notice would appear to have caused some confusion and resulted in the delayed response. The Parish Council, after further consideration, would respectfully request that the Planning Committee visit the site to appreciate the impact on the surrounding properties'.

- 3rd response: 'Further to our recent correspondence on this planning issue, the Parish Council has now met with one of the residents (next door neighbour) who is concerned that they are unable to obtain the views and possible support of their elected District Council representative, as he has declared a prejudicial interest due to his friendship with the applicant. It is even more important, in the view of the Parish Council, that members of the Planning Committee undertake a site visit, and this matter is decided by the full Committee, in order to ensure openness and fairness in the process'.

4.2 Neighbours notified and site notice posted; expired 10.04.2013 - 8 responses received in summary mainly concerning: over development of site, design, scale of proposal, impact on light, affecting the setting of the adjacent Listed Building, loss of privacy, noise during construction, positioning to boundaries, design, trees to be felled, impact on street scene, impact on building line, loss of small 2 bedroom house, scale of plans, location of site notice, and impact on structural stability of Hawnby House.

5.0 OBSERVATIONS

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

Visual and Neighbour Amenity

Context

5.2 The topography of the site with higher land to the rear is such that to the eaves height at the front of the dwelling eaves are high and external doors are raised above ground level. To the rear of the property the eaves heights and access levels are lower due to the ascending ground levels to the north.

Scale

5.3 As a result of the site context any alteration involving the enlargement of the roof slope would cause an increased impact within the street scene when viewed from the southern aspect. The crucial issue is whether this level of impact would cause significant harm to local visual amenity. The amended plans have addressed the scale of the roof slope by revising the scale of the eastern elevation. This has allowed the scale of the dwelling to blend with the immediate street scene, particularly taking account of the scale of the two storey Hawnby House to the east and two storey Prospect House to the west. To the rear due to the land levels the works would not be overbearing to adjacent property. The scale of the proposal and the separation distance to Hawnby House is noted, which is not considered to be adversely impacted. Crosby Rise is set at an angle to Prospect House and consequently the works would not harm this property. On balance the issue of scale is acceptable within the street scene. Altering the land levels, floor levels and respective eaves heights has been discussed with the agent for the applicant who has advised that this would not represent a viable option.

Design

5.4 Thornton-le-Beans is characterised by a varied dwelling type and age which would allow a degree of flexibility as is proposed in this scheme. Consequently the design and materials of the proposal are considered appropriate to the style of dwelling and the varied street scene. It is noted that dormer windows are not commonplace in the immediate vicinity however, as has been demonstrated by photographic evidence from the agent for the applicant, they are visible elsewhere within Thornton-le-Beans. The reduction in roof lights has simplified the previously cluttered appearance of the roof slope.

Overlooking

5.5. A separation distance of approximately 4.7m would exist between the northern elevation at the west corner of Crosby Rise and the northern boundary of the site. The separation distance is 13.3m between the northern elevation as the east corner and the northern boundary. Two dormer windows would face 6 Mawson Grove, both would serve a bedroom. Two roof lights are also contained within the northern roof slope with one serving a bathroom and the other serving an en-suite. Given the non-habitable room that the roof lights serve, plus their elevated position in the roof slope a significant overlooking impact from these to adjacent residential property would not occur. The dormer window positioned to the eastern end of the rear roof slope is satisfactorily separated from the rear boundary so as not to erode neighbour amenity. The dormer positioned to the western end of the rear roof slope is closer to the boundary with 6 Mawson Grove but is not considered to erode neighbour amenity given the screening, land levels and orientation of Crosby Rise to 6 Mawson Grove. No overlooking windows are contained within the eastern or western gables of the property as altered save for the retention of a garage window in the east elevation which would not change the impact on the occupiers of Hawnby House. The obscurely glazed facing windows to the western elevation of Hawnby House are noted.

Parish Council/Neighbour Responses

5.4 In response to issues raised that have not already been addressed, the impact on light does not form a material consideration in the determination of this application whereas the issue of privacy and overlooking is a matter incorporating this that has already been discussed.

5.5 The impact on the setting of the Listed Building is a material consideration in the determination of this application and no objections are raised in this regard. The Council's Listed Building Officer is aware of the proposal.

5.6 It is understood that noise would result from the construction phase, however given the type and scale of the development it is not considered to reasonable to impose an hours of work planning condition.

5.7 The removal of on-site vegetation has been raised with the applicant who has confirmed that the leylandii tree to the rear of the existing garage is to be felled.

5.8 The impact on the 'building line' is a matter that has been considered as part of the assessment of the impact on the street scene.

5.9 The loss of a smaller type of housing stock is not a material consideration in the determination of this application.

5.10 The scale of the plans is correct although were initially printed at an incorrect size. This has been acknowledged and rectified.

5.11 The site notice for the scheme was positioned at the nearest suitable public viewpoint which in this case was the telegraph pole adjacent the site and to the southern side of the highway.

5.12 The impact on the structural stability of Hawnby House is an important issue given the Listed status of this adjacent dwelling and the agent for the application has been made aware of the concerns raised. There is no reason to conclude that with appropriate working practices that the works would give rise to any significant impact on the structure of Hawnby House. The responsibility to avoid damage rests with the developer.

5.13 Three responses have been received from the Parish Council mainly concerning procedural matters which are addressed by the presentation of this application for consideration by the Planning Committee.

Conclusion

5.5 Having taken the above into account it is considered that on balance the works accord with the policies of the Hambleton Local Development Framework. Hence this application is recommended for approval subject to outstanding consultation responses.

SUMMARY

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

The Local Planning Authority has acted positively and proactively in determining this application by 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. 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 15 March 2013 as amended by the plan received by Hambleton District Council on 6 June 2013 unless otherwise agreed in writing by the Local Planning Authority.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1, CP17, DP1 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

Parish: Winton, Stank & Hallikeld
Ward: Osmotherley
10

Committee Date : 20 June 2013
Officer dealing : Mrs B Robinson
Target Date: 2 July 2013

13/00866/FUL

**Retrospective application for the construction of an agricultural building to cover existing muck pad.
at Hallikeld Farm Long Lane Brompton North Yorkshire
for Mr Don Sanderson.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is part of a farm approximately 2 km east of Brompton, and is accessed by a track from Long Lane. The farm includes a number of mainly modern agricultural shed-style buildings, extending eastwards from the original farm house. The land rises upwards gently from west to east, and to the south east. There is a public footpath running west-east along the opposite bank of a beck, located approximately 120 metres to the north.

1.2 The proposal seeks to retain a covered muck store. The building is located at the eastern end of the existing ranges, and forms a northern addition to a newly built structure of the same nature. The size of the proposed building is 16 x 29 metres, height 7.3 metres. The building has a pair of parallel dual pitched roofs on a north-south axis, open sides to north and west and concrete panels to lower part of the eastern elevation and is otherwise open sided. Roof materials are fibre cement sheeting. The floor is cemented. It abuts an existing building (shown as pig fattening unit) on the west side. The building is required as part of a catchment-sensitive farming scheme.

1.3 The building is in situ, and is largely complete. It does not have the boarding to gable peaks, or side panels.

1.4 The application explains that following the recent prior notification of the existing building of the same size (ref 13/00166/APN) it was realised that a larger storage area was needed. As the original building is erected, it is not possible to give prior notification and therefore full planning consent is required for this further extent of the building.

1.5 The application is reported to the Planning Committee because the applicant is married to a Member of the Council.

2.0 RELEVANT PLANNING HISTORY

2.1 2/94/175/0014A - Construction of an agricultural building for the accommodation of livestock and for storage purposes; Granted 1994.

2.2 2/97/175/0014B - Construction of an agricultural pig building as amended by plan as received by Hambleton District Council on 25th June 1997; Granted 1997.

2.3 2/97/175/0014C - Construction of an agricultural pig building as amended by plan as received by Hambleton District Council 25th June 1997; Granted 1997.

2.4 2/97/175/0014D - Construction of an agricultural pig building as amended by plan as received by Hambleton District Council on 25th June 1997; Granted 1997.

2.5 13/00166/APN - Application for Prior Notification for the construction of a building to provide cover over a muck heap to prevent water contamination. Granted 22.02.2013

3.0 RELEVANT PLANNING POLICIES:

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP26 - Agricultural issues
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Osmotherley Parish Council - No objection.

4.2 Neighbours and site notice - last expiry 04.06.2013; No observations received.

4.3 Environment Agency - No objection.

4.4 NYCC Highways - No objection.

5.0 OBSERVATIONS

5.1 The building is proposed for a recognised agricultural purpose and thus is acceptable in principle under policy CP4, which allows necessary agricultural development outside Development Limits. The issues to be considered therefore are the design and suitability for the purpose (CP17/DP32), location (CP15/DP26 and CP16/DP30) and any effects on the amenities of nearby occupiers.

5.2 The simple open sided style of shed is suitable for the purpose required and is in keeping with other modern agricultural buildings in the general area, and existing buildings on this farm.

5.3 The building is positioned close to the existing farm range and is therefore not an isolated feature. Due to the lie of the land and the existing field hedges, it does not harm the open character of the countryside. It is visible from the nearby public footpath to the north, but in the context of the existing buildings it is a feature appropriate to the rural surroundings, and does not appear harmful to the enjoyment of the countryside by users of the public footpath to the north.

5.4 The nearest dwelling to the farm, Hallikeld House, is approximately 445 metres away, and particularly taking into account the existing use of the site for livestock, the new building will not have significant harmful effect on the amenities currently enjoyed by occupiers there.

SUMMARY

Due to its design and location the building is appropriate to the agricultural purpose and the rural surroundings and will not have a harmful effect on the rural surroundings and the amenities of neighbouring occupiers and is able to comply with the above policies.

6.0 RECOMMENDATION:

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

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 24 April 2013 unless otherwise agreed in writing by the Local Planning Authority and shall be completed within three months of the date of this decision, unless otherwise agreed in writing.

The reasons for the above conditions are:-

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