

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 18 July 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 18 July 2013

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	13/01185/FUL Mr J Howe Ainderby Mires with Holtby, Aiskew, Page no. 3	Formation of a 3.3km private access road from Leeming Junction to Bowbridge Lane For: The Highways Agency At: Leeming Junction to Street House Access, Bedale RECOMMENDATION: GRANT
2	13/00855/FUL Mrs S Leeming Dalton Page no. 10 SV	Change of use of agricultural land to a football field For: Dalton Parish Council At: Land to west of Windy Willows, Dalton Moor RECOMMENDATION: GRANT
3	13/00876/OUT Mrs H Laws Easingwold Page no. 15 SV	Outline application for the construction of a dwelling and formation of a new vehicular access For: Mr D Blisset At: The Finches, 59 Uppleby, Easingwold RECOMMENDATION: GRANT
4	13/00964/FUL Mrs H Laws Easingwold Page no. 23 SV	Construction of a detached dwelling For: Mr D Dziurzynski At: Land adjacent The Bungalow, Millfield Lane, Easingwold RECOMMENDATION: REFUSE
5	13/01038/FUL Mrs B Robinson Great Ayton Page no. 27	Proposed single storey extension to rear of existing house For: Mr & Mrs Simon Greenwell At: 27 John Street, Great Ayton RECOMMENDATION:
6	13/00003/TPO1 Mrs B Robinson Newby Page no. 30 SV	Hambleton District Council (Newby) Tree Preservation Order 2013 No 3 At: Sneck Gate Lane, Newby RECOMMENDATION: CONFIRM
7	13/00913/OUT Miss A Peel Northallerton Page no. 33	Revised outline application for the construction of a dwelling to be used in connection with existing caravan park and fisheries business For: Mr and Mrs Scaife At: Parklands Coarse Fisheries, Yafforth Road, Northallerton RECOMMENDATION: REFUSE

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
8	13/01199/FUL Miss A Peel Romanby Page no. 37	Alterations and extension to existing dwelling For: Mr Kevin Hardisty At: 8 Wycliffe Avenue, Romanby RECOMMENDATION: GRANT
9	13/00872/FUL Mrs S Leeming Sandhutton Page no. 39	Change of use of workshop/store (used for the repair and storage of agricultural and plant machinery and agricultural contracting) to general industrial use (B2) For: Airtech At: Unit 1, Skipton Old Airfield, Sandhutton RECOMMENDATION: REFUSE
10	13/01018/MRC Mr J Saddington Skutterskelfe Page no. 43 SV	Application to vary condition 7 of planning approval 12/00019/FUL to include functions held at the hotel and within the grounds For: Python properties Ltd. At: Rudby Hall, Skutterskelfe RECOMMENDATION: GRANT
11	13/00570/FUL Mr J Howe Thirsk Page no. 56	Construction of 8 dwellings For: Mrs J Whitwell At: 52 St James Green, Thirsk RECOMMENDATION: GRANT
12	12/02514/FUL Mr J Howe Well Page no. 63	Demolition of existing dwelling and garage and construction of a replacement dwelling and detached domestic garage For: Mr Kinsell At: Silent Springs, Strait Lane, Nosterfield RECOMMENDATION: WOULD HAVE REFUSED (Non-determination appeal)

13/01185/FUL

Formation of a 3.3km private access road from Leeming Junction to Bowbridge Lane. at Leeming Junction To Street House Access Bedale North Yorkshire for The Highways Agency.

1.0 PROPOSAL AND SITE DESCRIPTION:

1.1 This application is for the construction of a new road which would run generally parallel to the western side of the A1 northwards from the Leeming Bar junction to Bowbridge Lane. As submitted, the application is for a private access road to serve a limited number of properties that currently connect to the A1. However, the road could become a public highway if the Highway Authority (North Yorkshire County Council) were to adopt it. Furthermore, if the Highways Agency's proposed upgrading of the A1 between Leeming Bar and Barton to motorway standard goes ahead, this road would become the first phase of a service road between the Leeming Bar and Catterick junctions.

1.2 The majority of the proposed A1(M) upgrading project is being progressed through Parliamentary Orders and will therefore not require planning permission. However, it is stated in support of the application that the Highways Agency has identified a sum of money which is available in the 2013-2014 financial year and has been looking at innovative ways to spend it in advance of the Parliamentary Orders being made. Subject to commencing work in September 2013, the proposed road would be able to draw on that funding. As an advance part of the project, or a stand-alone development if the upgrading did not progress, this private road, which has received support from local landowners who will use it, is intended to improve highway safety along this stretch of the A1. Accident data information between 2008 and 2012 shows that there have been five serious injuries and one fatality along this stretch of the A1.

1.3 At present nearby farms and properties such as Holtby Hall and the Crabtree Hall Business Park have an access directly onto the A1 with virtually no acceleration/deceleration facility. Many of the vehicles that use these accesses are farm-related vehicles and, due to their slow speed, can disrupt the free flow of traffic when entering or leaving the A1 causing a highway safety problem. The proposed private access road would address this safety problem by preventing direct access and creating a safer route via the Leeming Bar junction. It is also stated that the new private road would provide improved accessibility and safety to the properties and businesses along the western side of the A1 particularly for vehicles wishing to travel south that currently (particularly since the recent closure of a number of inter-carriageway crossing points) have to travel north to Catterick and then return southwards.

1.4 The overall site proposed covers an area of approximately 22.1 hectares (ha) and is located adjacent to the A1 north of the Leeming Bar Junction. The application boundary is bounded to the south by Leeming Junction roundabout, to the east by the A1, to the west by agricultural land and to the north by agricultural land and Standing Stones Plantation. The application boundary contains two residential properties, namely Thoroughway House and Leases Grange, and part of Standing Stones Plantation. The Highways Agency has acquired these properties and has confirmed that their demolition would be necessary for the project to proceed.

1.5 The proposed route is approximately 3.3km in total length and aligns to the west of the existing A1. The single carriageway proposed is to be a maximum of 7.3m wide with 2.5m-3.0m wide grass verges (including 0.6m 'hard edges') on either side of the carriageway. Both sides of the carriageway would have banks with a gradient of 1:2. Some 3m beyond the

grass banks would be 1.2m high stock fencing along the entire length of the route (excluding the proposed access points and northern temporary access track).

1.6 The road would be surfaced between Leeming Bar Junction and Bowbridge Lane and north of Bowbridge Lane it would be an unbound stone track. The temporary access track would be 0.3km long and would comprise a geotextile layer covered by granular material. The geotextile will, it is stated, help to support the track and act as a separator so that the granular material can be removed more easily in its entirety at a later date.

1.7 Connections would be made to the existing highway network at Leeming Bar Junction and Bowbridge Lane giving private access to Little Holtby, Holtby Hall and Street House, including the Crabtree Hall Business Park development. The alignment of the private access road is generally at existing ground levels.

1.8 The two residential properties referred to (i.e. Thoroughway House and Leases Grange) would require demolition during the construction phase as they are situated on the route of the access. However, these properties are already in the ownership of the Highways Agency and tenants were given notice to quit and the properties are now vacant.

1.9 The scheme also includes the construction of a Balancing Pond known as Angleham House Balancing Pond which would be located some 140m south of Bowbridge Lane. The Pond would treat run-off from the road prior to discharge to a nearby watercourse and provide storage for a 1 in 100 year storm. A service road, emergency spillway and an outfall would be provided to support the pond.

1.10 It is stated that the construction of the proposed private access road will require the removal of some existing vegetation including short sections of field boundary hedgerows and a number of small mature trees particularly adjacent to Standing Stones Plantation. It is, however, stated in support of the application that any losses will be compensated for by replacement tree and hedge planting where appropriate. An indicative landscape plan has been put forward although it is stated that a more detailed plan is in the course of preparation to help integrate the proposed private access road into the local landscape setting and to replace any losses as a result of the development. It is indicated, furthermore, that the final landscape proposals will be designed to accommodate the larger scale improvement works to the A1(M) which already have approval and are currently at a detailed design stage with the expectation that construction work will commence in 2014.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 Leases Quarry in the southern part of the site has been used in the past for the extraction of sand and gravel (and planning permission was granted for this purpose which could last, in theory, until 2042) and for the deposit of inert waste material. The final Waste Management licence was granted in 1994. The applicant has undertaken consultations with the Environment Agency and the Geo-technical/Geophysical Report submitted with the application has indicated no evidence of adverse environmental impact from those previous uses. There have been no other relevant applications along the route of the proposed road.

3.0 RELEVANT PLANNING POLICIES:

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

- National Planning Policy Framework - published 27 March 2012
- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP12 - Priorities for employment development
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy CP19 - Recreational facilities and amenity open space
 Core Strategy Policy CP20 - Design and the reduction of crime
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP2 - Securing developer contributions
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP16 - Specific measures to assist the economy and employment
 Development Policies DP29 - Archaeology
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP39 - Recreational links
 Development Policies DP43 - Flooding and floodplains
 Development Policies DP44 - Very noisy activities

4 CONSULTATIONS:

4.1 Hackforth with Ainderby Miers and Holtby Parish Council: Wishes to see the application Approved.

4.2 Kirkby Fleetham with Fencote Parish Council: Wishes to see the application Refused. "Councillors agreed that the justification for this proposal was preposterous, two farms do not make a community and they could not see any benefit to the community at large. Concern was expressed that it was unclear as to whether it would become part of the A1 upgrade scheme, thus having a long term purpose, otherwise it seemed to be a significant amount of money which could be better spent on schemes which would have a greater impact on the local community."

4.3 Crakehall-with-Langthorne Parish Council: No objections.

4.4 Scruton Parish Council: Awaited.

4.5 Aiskew and Leeming Bar Parish Council: Awaited.

4.6 Highways Agency (Network Delivery and Development): No objections.

4.7 North Yorkshire County Council (Highway Authority): Officers have indicated verbally that there are no objections to the scheme and detailed conditions will be provided prior to the meeting of the Committee.

4.8 North Yorkshire Police (Architectural Liaison Officer): No issues for crime and security.

4.9 English Heritage: "English Heritage is in continuous discussion with the Highways Agency regarding the Upgrade of the A1 and the advance works required to deliver this scheme. The formation of this private access road has no direct impact on any designated heritage assets and whilst we continue to advise the Highways Agency on the wider scheme we have no comments on this particular application."

4.10 Environment Agency: Awaited.

4.11 Environmental Health Officer: No objections to the scheme.

4.12 Ramblers Association: No objections to the principle of the scheme.

4.13 British Horse Society: Objects to the proposal. "Because the current proposal is for a private road I object on behalf of the British Horse Society to the current application because public money is being used at this stage to construct a purely private access road of highway standard. If however this proposed road is made a public highway open to all then I would withdraw the objection on behalf of the British Horse Society."

4.14 The application was advertised in the local press, site notices were displayed at four locations along the route and the 17 closest neighbours were notified directly. One response was received from a local resident who has also responded as the British Horse Society referred to above.

4.15 In addition representations have been received from the Cyclist's Touring Club in respect of their wish for a bridge over the upgraded A1(M) at Tickergate Lane. (A bridge would be necessary as part of the wider A1(M) upgrade because the intended service road would cross from the west to the east side of the A1(M) between the Leeming Bar and Catterick junctions.) This matter has been discussed with the Highways Agency as applicant and it has, in addition, had direct discussions with the CTC. The wider proposals for the continuing A1(M) upgrade do not (The Highways Agency has stated) include provision for a bridge at Tickergate Lane although a crossing over the motorway further to the north, close to Low Street, together with an additional crossing utilising an accommodation bridge provided for Baines Farm which has a bridleway route utilising the bridge does form part of those proposals.

4.16 The comments from the CTC need to be placed in the context of the current application which does not include any bridge proposal, so the CTC's aspirations and their comments are not a material consideration in the determination of this proposal. However, the proposal would not prejudice the creation of a bridge at Tickergate Lane were the Government to decide to make one, but that is not a matter for this Council as Local Planning Authority.

5 OBSERVATIONS:

5.1 Whilst it is widely understood that the proposed road would form part of a far greater project to upgrade the A1 to motorway standard between Leeming Bar and Barton, the application has been submitted in advance of the Parliamentary Orders for the wider project and must be assessed on its own merits as a private access road. Kirkby Fleetham with Fencote Parish Council's concern over the cost of the project may seem relevant in this context but the expected implementation of the wider upgrade project would bring a very significant change in context. However, this is a matter for the Government and it is not a planning consideration. The intended inclusion of the 3.3km of road within a service road between the Leeming Bar and Catterick junctions would bring wider benefits that are also identified in this report.

5.2 The main issues to be considered when determining this application are to be found in the Local Development Framework Core Strategy and Development Policies documents, as set out at 3.2 above. Of particular importance is the impact of the proposal on:

- Sustainability and access (Policies CP1, CP2, CP4, DP3, DP4, and DP9);
- The local economy and employment (Policies CP12, CP15 and DP16);
- The natural environment, local visual amenity and landscape character (primarily Policies CP16 and CP17); and
- Natural resources, quality environments and safety (Policies CP18, CP19, CP20, CP21, DP39, DP43 and DP44).

In addition to the above policies, this proposal should also be assessed against the LDF Allocations Proposal BC2 - Safeguarded Route of the Bedale, Aiskew, Leeming Bar Relief

Road. The BC2 proposal would connect into the proposal subject to this application at the A1 Leeming Junction. However, it is not anticipated that there is any conflict between what is proposed under this application and BC2.

5.3 The National Planning Policy Framework (NPPF) also provides advice for local planning authorities dealing with proposals that relate to building a strong and competitive economy (paragraphs 18-22). Planning policies should seek to address potential barriers to investment, including any lack of infrastructure.

5.4 Policy CP4 supports development in the countryside where an exceptional case can be made for the proposal in terms of Policies CP1 and CP2 and where at least one of six exception criteria is met.

5.5 The proposal, as submitted, meets the requirements of criteria vi. "It would support the social and economic regeneration of rural areas" by providing a safer access to homes and businesses from the A1. In view of this, a special case can be made and therefore appraisal of the proposal against Policies CP1 and CP2 is relevant. Under Policy CP1 criteria, this proposal would promote "the health, economic and social well-being, amenity and safety of the population" (criterion iii) most clearly in terms of safety. Under Policy CP2, this proposal falls within the remit of "transport schemes that lead to improvements in accessibility" for the surrounding area.

5.6 Policies CP12 and DP16 provide support to proposals which develop and sustain the economy of Hambleton. Policy CP12 states that "particular priority will be given to supporting transport investment that will aid economic development". Policy DP16 reinforces this approach by stating that support will be given in particular to A1 motorway upgrading proposals. These considerations are more relevant to the wider A1 upgrade programme but as explained earlier, the proposed road would serve that purpose as part of the larger project as and when it comes forward.

5.7 Policy CP15 provides support for the social and economic needs of rural communities by encouraging schemes which offer "improvement of public transport links to Service Centres and employment areas. This proposal would create opportunities for this by providing safer access to and from the community immediately west of the A1 in this area.

5.8 Policies CP16, DP2, DP29, DP30 and DP31 require proposals to be appraised and assessed against potential adverse impact on natural and man-made assets, local visual amenity and landscape character. In this case, the road would be closely aligned to the west of the existing A1 route and any necessary mitigation measures relating to impacts on archaeology, natural habitats, biodiversity and landscape have been addressed, in the supporting documentation of the application. On this basis, the proposal meets these requirements and no objections are raised in this respect.

5.9 Policies CP17, DP32 and DP33 relate to the design and appearance of the proposal. The proposal has been accompanied by a landscaping scheme and a planning statement which includes a design and access statement. It is proposed that this proposal will form part of the main A1 upgrade scheme and that its early provision seeks to address pressing safety concerns and access issues for local residents and businesses who currently are unable to access the A1 carriageways directly due to the closing of a number of gaps in the existing central reservation. The existing stretch of the A1 between Leeming and Catterick has long had a high level of accidents, some fatal. In many cases, these accidents have involved vehicles turning onto, across or off the dual carriageway to access the local road network or join the A1 at low speeds. Recently, the Highways Agency closed the gaps in the central reservation of the A1, thus restricting or removing the ability to undertake such movements. Consequently, whilst reducing the risk of accidents, this has also had the effect of limiting access to communities, businesses and residential properties either side of the A1. This proposal aims to assist with these issues by connecting such properties to the A1 through the Leeming Junction.

5.10 Proposals for the overall upgrading project identify the section subject to this application as an element of the final scheme. Therefore, design and landscaping mitigation measures presented in this proposal are anticipated to remain in situ, subject to minor amendments, once the final upgrading scheme is approved.

5.11 Paragraph 162 of the NPPF states that local planning authorities should work with other authorities and providers to take account of the need for strategic infrastructure, including nationally significant infrastructure within their areas. The development would not directly address this of itself but it has the clear potential to be the first part of a project that will.

5.12 The Highway Authority has requested amendments to the detail of the road in order to bring it to a standard that it would adopt as public highway. These changes would not greatly alter the scheme: they would reduce the width of the road slightly and would change some levels. It is recommended that they be catered for by condition 3 below.

It is considered that the proposal is in accordance with the contents of the National Planning Policy Framework and the Policies within the Local Development Framework Core Strategy and Development Policies document in that the proposal will provide an enhanced level of safety and accessibility for local residents and businesses in the area with no demonstrable adverse impact on local visual amenity or landscape character.

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

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Notwithstanding the indicative details shown on drawing L2B-12-05-DR-001, the development hereby permitted shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees, shrubs, herbaceous underplanting, species rich grassland, wetland species and anti-glare protection as may be required, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been implemented to a programme agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
3. Unless otherwise agreed in writing with the Local Planning Authority, the permission hereby granted shall not be undertaken other than in complete accordance with the drawings References 1) L2B-33-01-0000-DR-000 Rev.B (Site area) 2) L2B-33-01-0500-DR-001 Rev.B (Drainage details) 3) L2B-33-01-0500-DR-002 Rev.C (Drainage details). 4) L2B-25-500-DR-515 Rev.P1(Balancing pond liner). 5) L2B-33-01-0000-DR-001 Rev.C (Ground alignment details). 6) L2B-33-01-0000-DR-002 Rev.C (Ground alignment details). 7) L2B-33-01-0000-DR-003 Rev.C (Ground alignment details). 8) L2B-33-01-0000-DR-004 Rev.C (Ground alignment details). 9) L2B-33-01-

1200-DR-001 Rev.B (Cross-section) attached to planning application
13/01185/FUL received by Hambleton District Council on 6th June 2013.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order to assist in assimilating soften the visual impact of the development into the local landscape and provide any appropriate screening to and from, the adjacent A1(M) road in accordance with Local Development Framework Policies CP16 and DP30.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16, DP30 and DP1.

13/00855/FUL

**Change of use of agricultural land to a football field.
at Land To West Of Windy Willows Dalton Moor Dalton North Yorkshire
for Dalton Parish Council.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks permission to change the use of an existing agricultural field to a football field. The proposal is to form a local football facility to serve the village of Dalton. The field is in arable use with crops growing within it at present. It measures approx. 3.7 acres in size and has trees and hedgerows to all boundaries. It is located at Dalton Moor, which is east of Dalton.

1.2 The applicants (Dalton Parish Council) have clarified that they anticipate average use of the proposed football field will be once a week. The proposal is that the existing vehicular access is to be utilised but extended and an area to the front will be used for car parking. The field will be levelled and laid out for the football pitch. Only a little information has been submitted with the application as the applicants are hoping to apply for a grant to carry out the work (subject to the granting of planning permission) and until then will not know what they can/will be carrying out. They describe it as a "chicken and egg situation".

2.0 RELEVANT PLANNING HISTORY

2.1 None relevant

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Development Policies DP37 - Open space, sport and recreation
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

4.0 CONSULTATIONS

4.1 Parish Council - applicants.

4.2 NYCC Highways- Notes that "The existing access has not been properly constructed and has limited visibility due to its location close to the eastern end of the site. It requires relocating westerly by 6 metres minimum, constructing to a suitable standard and visibility splays being provided by cutting back/realigning the existing hedge". Conditions are recommended.

4.3 EHO has responded that "There are very few details submitted with this application and therefore it is difficult to assess its impact on neighbouring amenity. The site is located between residential properties and depending on the scale and nature of use it has the potential to impact on the amenity of occupiers of those properties. Being unable to assess the impact of the development means it is not feasible to recommend conditions which could reliably negate it. Issues which may have an adverse impact include, lighting, movement of vehicles, people generated noises ranging from applause to raised voices, the use of any public address systems etc. The frequency and nature of use will affect the level of

disturbance caused but it must be accepted that some noises particularly people generated noises would be difficult to quantify and unrealistic to control by condition."

4.4 Neighbours/site notice - an objection has been received from a neighbour who is concerned that "There is a suitable football pitch already in existence in the village, the proposed site is on the outside of the village boundary and will attract those persons intent on causing anti social behaviour especially in the hours of darkness. Traffic flow and the speed of traffic passing by may cause problems with the large vehicles going in and out of the Hatchery complex opposite. There is an unfinished footpath from the village that will cause problems to young children walking 'to and fro' from the village. Dalton Moor is a small quiet residential area, the ambience and tranquillity will be spoilt by the new proposal. The money being used to spend on the site could be put to better use for the villagers, i.e. update and modernise the village hall, build a tennis court at the rear of the hall that can be converted into a basketball court and 5 a side football pitch, or better still build a club house on the existing football pitch."

A further neighbour has objections including:-

a) No details were submitted regarding access and parking but these must be adequately provided on safety grounds and to prevent nuisance to neighbours b) There should be restrictions on hours of use to protect neighbours from noise and "foul language" c) There should be an agreed pitch location and details of how it is to be maintained and kept clear of rubbish d) The application form states incorrectly that there is no watercourse nearby (there is a beck to the rear) and no trees or hedges (it is surrounded by them).

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of allowing the change of use proposed in this location, together with its visual impact and any impact it may have upon highway safety and neighbours' amenity.

5.2 The site is located outside of the main village of Dalton and within the Dalton Moor area. The site is approximately 0.5km from the main village and is partially served by a footpath. As such this location is considered acceptable to serve the main village of Dalton as it is considered that it is possible to walk between the two. Whilst it is presently an open field itself it is between two existing dwellings and opposite the Chicken Hatchery buildings and as such does appear as part of the general built up part of Dalton Moor.

5.3 The site is presently an arable field surrounded by hedgerows and trees. It is slightly undulating. There is a beck running along its southern boundary which is not known to cause any flooding issues. The proposal does not include the construction of any buildings on the site and the boundary treatments are to be retained (although it is noted that Highways recommend some realignment of the hedge along the roadside. The field is to be levelled and laid out as a football pitch with a parking area to the front. Very few details of the proposal have been submitted so it is not known whether the car parking will be laid out in different materials than grass. This is something however that can be controlled by conditions and it is considered that subject to these being satisfactory overall the visual impact of the proposed use upon the appearance of the area will be minimal.

5.4 The applicants have on request clarified that vehicular access and an on-site car parking area are proposed to the front. NYCC Highways have recommended that the vehicular access point be moved further west from its proposed location and the hedgerow realigned in order to provide an acceptable vehicular access in terms of highway safety and visibility requirements. The applicants have confirmed they are happy to move the access and therefore subject to this change access location and the recommended highway conditions the access and parking is acceptable and will appropriately provide off-road parking to serve the football field.

5.5 Regarding the possible impact of the proposed use upon the nearby residential neighbours the comments of the EHO have been sent to the applicants and they have

responded that "Dalton Football Club is only a village football club and it is anticipated that the field will be used on average once a week for home games".

5.6 It is noted that the dwelling, Windy Willows is directly adjacent to the site with Fieldfare next to that to the east and to the west Benvick House is approximately 20m away with Holmlea adjacent to that. Holly Moor is directly opposite adjacent to the Chicken Hatchery buildings. These dwellings are all in a position such that their occupants may be affected by noise and disturbance from the use. External lighting and vehicle movements may also cause nuisance to these neighbours. As the applicants have now indicated that the football field is likely to be used just once a week and this will be during the main football season, this low level of use is unlikely to result in any significant harmful impact upon the neighbours' amenities but a satisfactory balance must be reached ensuring there is no significant impact upon the neighbours, yet allowing an appropriate level of use of the football facility (which may increase over time). Appropriate conditions are therefore recommended to limit the impact of the use of the land on neighbours. Conditions restricting the time of use, preventing the installation of any external lighting and use of public address systems or amplified music are recommended. Approval may therefore be recommended subject to the relevant conditions.

SUMMARY

Subject to restrictive conditions relating the access, parking and hours/days of use this proposal is considered acceptable and will not have any significant impact upon neighbours' amenities or highway safety.

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. All existing trees to the boundaries of the site shall be retained. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be the subject of any form of tree surgery other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
3. No external lighting shall be installed at the site
4. The football field hereby approved shall only be used one day per week between the hours of 10.00 and 20.00 and only within the main football season (August to May) unless by prior written consent of the Local Planning Authority.
5. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or

proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

6. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (i) The details of the access shall have been approved in writing by the Local Planning Authority. (ii) The crossing of the highway verge shall be constructed in accordance with Standard Detail number E6Var. (iii) Any gates or barriers shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway. (iv) The final surfacing of any private access and parking area shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

7. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 90 metres measured along both channel lines of lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

8. No part of the development shall be brought into use until parking facilities have been constructed in accordance with the details that have previously been submitted to and approved in writing by the Local Planning Authority. (For the avoidance of doubt the drawing attached to the applicant's letter dated 24 May 2013 is not approved for the purposes of this condition.) Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

9. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings received by Hambleton District Council on 24 May 2013 as amended by the email received on 2 July 2013 unless otherwise agreed in writing by the Local Planning Authority.

10. No part of the existing boundary hedge along the all boundary(ies) of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1.5m other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.

11. There shall be no use of public address systems or music (either amplified or not) at the site at any time.

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. The trees are of important local amenity value and provide screening to the site and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.
3. In order to avoid environmental pollution and protect the amenities of the neighbours in accordance with Local Development Framework Policies CP1 and DP1.
4. In order to protect the amenities of the neighbours in accordance with Local Development Framework Policies CP1 and DP1.
5. In accordance with Policy and in the interests of highway safety.
6. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
7. In the interests of road safety.
8. 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.
9. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) DP32.
10. The existing hedge provides attractive screening to the site.
11. In order to protect the amenities of the neighbours in accordance with Local Development Framework Policies CP1 and DP1.

Parish: Easingwold

Ward: Easingwold

3

Committee Date : 18 July 2013

Officer dealing : Mrs H M Laws

Target Date: 19 June 2013

13/00876/OUT

Outline application for the construction of a dwelling and formation of a new vehicular access as amended by plan received by Hambleton District Council on 4 June 2013. at The Finches 59 Uppleby Easingwold North Yorkshire for Mr D Blisset.

1.0 PROPOSAL & SITE DESCRIPTION

1.1 The application site currently forms part of the rear garden to the dwelling at 59 Uppleby, known as The Finches. The existing dwelling is a bungalow style of property with first floor accommodation in the roofspace, which lies on the southern side of Uppleby on the corner with Back Lane.

1.2 The application site fronts onto Back Lane at the southern end of the garden and also bounds onto Back Lane at the side. A mature hedge forms the boundary with the footway to the side of the site with a low brick wall and hedging as it curves around to the rear boundary. There is a gated access into the garden at this point.

1.3 Existing houses lie to the west of the application site fronting onto Uppleby and Back Lane.

1.4 It is proposed to construct a 3 bedroomed dwelling within the plot; the application is outline with some matters reserved. Details of access and layout have been supplied for approval at this stage together with illustrative details of a two storey, three bedroomed dwelling.

1.5 It is proposed to create a new access by removing part of the hedgerow (a length of approximately 6 metres) along the side boundary and crossing the footway. A parking and turning area would be created at the rear of the new dwelling at the northern edge of the application site. It is proposed to reduce the height of the remaining part of the boundary hedge to 1m.

1.6 The illustrative details submitted show an L-shaped two storey dwelling in the style of a cottage, with a low eaves height and a sloping section at the rear with an eyebrow dormer window. The dwelling would be finished in brickwork and pantiles with painted timber vertical sliding sash windows and painted timber doors.

2.0 PLANNING & ENFORCEMENT HISTORY

2.1 2/98/041/0767A - Construction of a detached dwelling with car port. Permission refused 8/1/1999 for the following reasons:

1. In the opinion of the Local Planning Authority the construction of a dwelling on this site would detract from the open character and appearance of this part of the Easingwold Conservation Area. An approval would, therefore be contrary to the requirements of Policy HH1 and HH4 of the Hambleton District Wide Local Plan Deposit Draft 1994.

2. In the opinion of the Local Planning Authority, the construction of a dwelling of the height proposed would detract from the open character of this part of the Easingwold Conservation Area and an approval, therefore, would not be in accord with the requirements of Policy HH4 of the Hambleton District Wide Local Plan Deposit Draft 1994.

3. In the opinion of the Local Planning Authority an approval to residentially develop the site the subject of this application would create a serious precedent for the development of other nearby sites in back Lane to the further detriment of the character and appearance of the area.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 27 March 2012
Supplementary Planning Document - Open Space, Sport and Recreation
Adopted 22 February 2011

4.0 CONSULTATIONS

4.1 Town Council - wish to see refused; a difficult vehicular access/egress to proposed dwelling which was considered too dangerous.

4.2 NYCC Highways Dept - no objections subject to conditions including the provision of a visibility splay of 25m. The provision of the splay will necessitate the removal/setting back of the existing hedge adjacent to the highway on both the proposed site and the existing site of The Finches. Alternatively as a minimum, the hedge shall be reduced in height to no more than 1 metre and thereafter be maintained at that height.

4.3 Yorkshire Water - the original site layout shows the proposed new building to be over the public sewerage system located within the site. Since receipt of the revised site plan details Yorkshire Water has no objection in principle to:

i) The proposed site layout (subject to the sewer diversion shown) as submitted on drawing 980/03 (first issue) dated April 2013 that has been prepared by Kevin Grinham Design.

A proposal by the Applicant/Developer to alter/divert a public sewer will be subject to formal diversion procedure YW requirements and Section 185 Water Industry Act 1991.

On this basis, we are prepared to remove our earlier objection

4.4 HDC Environmental Health Officer - no adverse comment to make.

4.5 HDC Conservation Officer - The character of Back Lane has been significantly compromised in recent years by the addition of modern dwellings in the rear gardens of properties along Uppleby. There are pockets of undeveloped gardens, which do add to the character of the streetscene; however this corner plot has been significantly compromised by the development to the west. I can understand how development may have been refused on this site in the past; however I believe that in isolation this site contributes little to the character of the streetscene. The location of the plot on the corner could make it more prominent, however in reality this corner is very tight and views already restricted.

I therefore have no objections to a proposed dwelling on this site. However, such a dwelling should be of a good standard, reflecting the local vernacular. Unfortunately the dwellings to the west have not been designed with this in mind and in my opinion add nothing to the character of this area.

The proposed detached dwelling forming this application is considerably better designed; however I feel the windows to the ground floor of the front elevation are over complicated for such a small dwelling. These should be simplified, using only horizontal sliding sash windows and the minimum necessary to provide light to the room. The height levels will be important here and in my opinion this dwelling should be no higher than those to the west.

4.6 Site notice/advert/local residents - (expiry date for representations 3/6/2013). The following comments have been received from 6 local residents -

1. my only concern is regarding the vehicular access. There is more & faster traffic along Back Lane than many realise. Much traffic for the Oulston Road uses Back Lane rather than Uppleby. In order to egress the site safely the hedge may have to be reduced considerably in both directions to achieve adequate sight lines;
2. the previous owner and others in the vicinity have been denied consent due to the dangerous road situation;
3. close to the busy crossroads;
4. if the field in Oxenby Place is developed (shown in Development Plan) the only entrance would be by the Back Lane junction;
5. speed humps make no difference to motorists particularly at rush hours and it is used as a rat run;
6. access is in dangerous position and offers very limited sight for drivers;
7. traffic has increased considerably with developments to the north and east of Easingwold;
8. there is little scope to further improve Back Lane to provide for increased traffic;
9. the proposed new vehicular access for this property would be wholly inappropriate due to the amount of traffic which uses Back Lane in both directions, this being particularly apparent during the day, and although there are speed humps placed along the road, little notice is taken of these and speeds which appear above the speed limit seems to be common practice;
10. Where the new vehicular access is proposed would not be apparent to a vehicle travelling along Back Lane towards the Oulston / Coxwold Road due to there being a blind bend not far from the access and a vehicle exiting the bend would have little time to react to a vehicle leaving the premises from the new access, and this would be particularly hazardous during darkness as the street lighting is not very bright at this part of Back Lane;
11. I object to this proposal because of the vehicle access of this plot will be on a blind corner, neither the road user or the person coming out of the entrance both would be able to see each other;
12. as I am a neighbour this new build will block our remaining view (the view was why we moved here) we have already had 2 new builds block some of that view and we objected to them. This is also a conservation area;
13. An application for the construction of a dwelling was made some years ago on behalf of the previous owner and was refused because of the dangerous access into Back Lane;
14. Although the present owner has proposed a new vehicular access on the eastern side of Back Lane, I feel this would be too dangerous due to the speed in which vehicles travel up and down Back Lane;
15. From where we live, diagonally opposite the proposed site, the number of vehicles which almost collide on this bend in the road has increased in the last 10 years. Since the Claypenny site was developed, Back Lane has become a favoured route from the York Road to Oulston Road and Crayke Road, with the speed humps only giving the drivers more of a challenge;
16. To have the vehicular access on the Eastern side would cause problems with manoeuvrability in and out with vehicles having to stop which would cause traffic to build up on a blind corner leading to a potential collision;
17. It is hard to envisage how egress from this site could be in any way safe. This road is used as a cut through and as Easingwold has grown, traffic along this road has increased thus increasing the danger of collisions;
18. We would also be concerned about the structure itself, and its impact on the privacy of neighbours, a new build below 55a has full visibility of all the back yard and into the house, I would like to ensure that the same could not happen here.

5.0 OBSERVATIONS

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

5.2 The principle of an additional dwelling in this location is accepted as the NPPF aims to create more sustainable patterns of development by focusing new housing development primarily in locations that are accessible by public transport to jobs, education, shopping, leisure and other services and facilities. The proposal is for the construction of a dwelling within the Development Limits of Easingwold, which is defined as a Service Centre in the Core Strategy. The site is within walking distance of the centre of the town and facilities such as schools, shops and pubs and with easy access to public transport; therefore it is considered to be within a sustainable location. It is considered that the proposal is acceptable in principle.

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

5.4 Planning permission was previously refused for a dwelling on this site but not for highway reasons; the reasons related to the impact of the proposed development on the Conservation Area. Since that date additional development has occurred on adjacent plots along Back Lane altering the character of the area. The site no longer has such an open character and appearance as it had in 1999 and therefore is not considered to contribute so significantly to the streetscene or to the Conservation Area. It is important however that the standard of development on the site is high. The application is in outline form with all matters relating to the design and appearance of the dwelling reserved. Illustrative details have been received, which show a small, compact, cottage style of property. In terms of scale and form it is considered to be acceptable; detailed design advice has been provided by the Council's Conservation Officer in respect of the height of the dwelling in relation to neighbouring property and the window detail and these comments should be taken into account at the reserved matters stage if outline permission is granted.

5.5 It appears possible therefore that a dwelling can be provided on this site that will not detract from the character and appearance of the Conservation Area.

5.6 The illustrative details show that a dwelling can be achieved on site without harming the amenity of adjacent residents by siting the dwelling to achieve satisfactory separation distances and by positioning windows to avoid unnecessary overlooking.

5.7 There is a significant amount of local concern regarding the proposed access into the site and likely visibility. The Highway Authority has no objection to the proposed development subject to the boundary hedge being reduced in height to no more than 1m, which can be achieved by a planning condition. This will allow the necessary visibility of 25 metres to be achieved in both directions. It has been noted that the previous application was refused on highway safety grounds, this is not the case, the previous application was not refused on highway grounds. As no objections are raised by the Highway Authority on highway safety issues and as the visibility splay can be achieved no objection can be sustained to highway safety concerns raised by neighbours.

5.8 It is proposed to divert a 9m length of the sewer that crosses the site so that it does not encroach within 3m of the proposed dwelling. Yorkshire Water has no objection providing this work is undertaken.

5.9 Policy DP37 of the LDF requires the provision of public open space with all new residential development. No provision has been included within the application site. The applicant has indicated that a contribution towards off site provision would be forthcoming

should permission be granted and a unilateral undertaking has been completed by the applicant confirming that a payment of £3307.80 would be made upon commencement of the development towards the provision of public open space in the locality, which is in accordance with Policy DP37.

5.10 The proposed development is acceptable subject to conditions and approval is recommended.

SUMMARY

The principle of the dwelling is acceptable. The scale of the proposed development will respect the locality and will not detract from the character or appearance of the surrounding Conservation Area nor have an unacceptable affect on the amenity of neighbouring residents or highway safety. The development is therefore in accordance with the policies of the 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 representations that 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. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale and appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.
5. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years

of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

6. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

7. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewer, which crosses the site.

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

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

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

11. Prior to the development first being brought into use the hedge along the visibility splays to north and south shown on drawing number 980/03B shall be trimmed and maintained to a height not exceeding 1.0m. Once created, this visibility splay shall be maintained, kept clear of any obstruction and retained for its intended purpose at all times.

12. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 25 metres measured along both channel lines of the major road Back Lane from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

13. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (i) vehicular access (ii) vehicular parking (iii) vehicular turning arrangements No part of the development shall be brought into use until the approved vehicle access, parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

14. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation

have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

15. 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.

16. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (i) The details of the access shall have been approved in writing by the Local Planning Authority. (ii) (c) The crossing of the highway verge and/or footway shall be constructed in accordance with Standard Detail number E6. (iii) Any gates or barriers shall be so fixed so as to not be able to swing over the existing highway. (iv) That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 10. (vi) The final surfacing of any private access and parking area within 2 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

17. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. (iii) The approved areas shall be kept available for their intended use at all times that construction works are in operation.

18. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered 980/03B received by Hambleton District Council on 23 April and 4 June 2013 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.

3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with LDF Policies CP21 and DP43.
5. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies.
6. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with the Local Development Framework Policies CP1, CP17 and DP32.
7. In order to allow sufficient access for maintenance and repair work at all times in accordance with LDF Policy CP21.
8. In the interest of satisfactory and sustainable drainage in accordance with LDF Policy CP21.
9. To ensure that the development can be properly drained in accordance with LDF Policy CP21.
10. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal in accordance with LDF Policy CP21.
11. In the interests of road safety in accordance with LDF Policies CP2 and DP4.
12. In the interests of road safety in accordance with LDF Policies CP2 and DP4.
13. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
14. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
15. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
16. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
17. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
18. 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.

Parish: Easingwold

Ward: Easingwold

4

Committee Date : 18 July 2013

Officer dealing : Mrs H M Laws

Target Date: 19 July 2013

13/00964/FUL

Construction of a detached dwelling as amended by plan received by Hambleton District Council on 28 June 2013.

at Land Adjacent To Moss Farm Millfield Lane Easingwold North Yorkshire

for Mr D Dziurzynski.

1.0 PROPOSAL & SITE DESCRIPTION

1.1 The site lies to the north of Easingwold, approximately 0.75km along Millfield Lane. The plot lies on the western side of the lane adjacent to an existing row of residential properties. The site, which covers an area of approximately 1400sqm, has the appearance of a domestic garden.

1.2 There is an existing vehicular access from Millfield Lane. The plot is bounded to the south by the curtilage of the neighbouring property at 4 Millfield Lane; an access serving Moss Farm lies to the north; farm buildings and land lie to the west.

1.3 The boundaries comprise a mix of hedging, post and wire fencing and timber boarding. The site has been planted at the rear (western end) with shrubs, fruit trees and flowering plants.

1.4 The proposal is for the construction of a single storey two bedroomed property, which is to be sited approximately 7m from the front boundary of the site. The dwelling is U-shaped with garage and bedroom protruding forward at right angles to the main part of the dwelling. Large window openings are proposed on the rear elevation. The dwelling is to be finished in brickwork and roof tiles.

1.5 The existing vehicular access is to be used for the development.

2.0 PLANNING & ENFORCEMENT HISTORY

2.1 2/96/041/0675 - Outline application for the construction of a dwelling. Permission refused 26/4/1996. Appeal dismissed 14/1/1997.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP9 - Affordable housing

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

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP9 - Development outside Development Limits

Development Policies DP15 - Promoting and maintaining affordable housing

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

Development Policies DP32 - General design

Development Policies DP37 - Open space, sport and recreation
Development Policies DP43 - Flooding and floodplains
Supplementary Planning Document - Open Space, Sport and Recreation
Adopted 22 February 2011
Affordable Housing - Supplementary Planning Guidance - June 2008
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - wish to see approved. Council have no objection in principal with the building, but would like chimneys added making the external of the property in keeping with local vernacular.

4.2 NYCC Highways Dept - conditions recommended

4.3 Yorkshire Water - no comments are required

4.4 Site notice/local residents - no comments received (expiry date for representations 20/6/2013)

5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of creating a dwelling unit in this location; the impact of the proposed dwelling on the character and appearance of the streetscene and the surrounding rural landscape; the impact on residential amenity; highway safety and the provision of public open space.

5.2 The town of Easingwold is defined as a Service Centre within the Settlement Hierarchy defined in Policy CP4 of the LDF but the application site lies outside the Development Limit boundary. This means that additional justification must be provided to make an exceptional case for housing growth in terms of Policies CP1 and CP2 and then comply with one of the criteria of Policy CP4.

5.3 The dwelling lies 720m to the north of the Development Limits and the built up part of Easingwold, within an achievable walking and cycling distance of the facilities within the town, which include schools, shops and places of work and a public transport network, from where there is a regular and frequent bus service to the villages and York. Policy CP4 requires new development to be restricted to within Development Limits but does identify six possible exceptions, none of which are considered to apply in this case. The development:

- i) is not necessary to meet the needs of an enterprise that has an essential requirement to locate in this position and will help to support a sustainable rural economy;
- ii) will not secure an improvement in a feature of acknowledged importance;
- iii) will not provide affordable housing or a community facility;
- iv) will not re-use an existing building;
- v) will not make provision for renewable energy generation;
- vi) will not support the social and economic regeneration of a rural area.

5.4 The applicant's agent considers 'the scheme would make a contribution to the local economy, by supporting a prosperous rural community'. This would be by contributing to the viability of the area, improving security and supporting local town services and facilities. A single household on its own is not sufficient to achieve this in Easingwold, where there are sites allocated for housing development. Allocations EH1, EH2 and EH3 of the Allocations DPD require the development of the sites to achieve affordable housing provision, improvements to drainage and contributions towards school places and local health care facilities. None of these contributions are made in this instance. The application site at 0.14 hectares falls within the threshold for requiring affordable housing (Policy CP9) but no contribution has been provided. The application is therefore contrary to LDF Policy CP9.

5.5 The location, although not defined within Policy CP4 as sustainable, is more sustainable than a more isolated location or a small more remote village. The NPPF in paragraph 55 encourages the provision of housing in rural areas where it will help to

maintain the vitality of rural communities and where development may help to support services in a village nearby. Policy CP1 requires development to 'promote and encourage' or 'protect and enhance' certain criteria, which include the vitality of the area, the high quality and adaptability of the development and the distinctiveness and character of settlements.

5.6 There is a suggestion that the proximity of the development to bus routes and existing services and facilities would mean that an additional dwelling in this location would be sustainable. The overall distance may not deter many pedestrians but in the absence of a footway or street lighting for most of the distance, it would deter those less mobile such as families with young children and would not be attractive for use after dark. Other developments on the edge of Easingwold, such as Claypenny, may be a similar distance from the town centre but have access to a safe and well lit footway.

5.7 Planning permission was refused in 1996 for a dwelling on this site and an appeal dismissed. The reasons for refusal were based on a set of adopted policies that no longer form part of the Development Plan. The Inspector in 1997, however, made comments that remain relevant, that the site is clearly outside Easingwold Town....I see the dwellings on Millfield Lane as essentially a scatter of isolated buildings in the countryside rather than a coherent group....In this context, a further dwelling would represent not infilling but rather a consolidation of a fragmented pattern of development which would harm the open character of the countryside. This is also contrary to current policies, namely Policy CP16 which requires natural assets to be preserved and Policy DP30 regarding the openness, intrinsic character and quality of the District's landscape.

5.8 It was considered in 1997, and still is considered, that one additional house will have a detrimental impact on the appearance of the countryside and contrary to the above policies. It is considered that the construction of one additional dwelling could be repeated often, not just close to Easingwold but similar situations in other settlements, which would be difficult to resist. The applicant's agent does not consider that there are any other similar circumstances where this type of development could be repeated but it is likely that there are many examples of similar situations of two or three existing dwellings, one or more of which may have a large garden capable of accommodating an additional dwelling, in locations within a kilometre of a town or larger village throughout the District.

5.9 The proposed dwelling is a simple brick construction, which is not considered to be a particularly high quality of design although amended plans have been received, which add the chimneys suggested by the Town Council, and these features do improve the character of the building. The other dwellings along this stretch of Lane are two storey properties finished in either brick or render and none of which are of special visual merit. It is considered therefore that the simple design of the proposed dwelling and the proposed use of brick and clay pantiles, reflects its context and is not contrary to the design policies of the LDF.

5.10 The proposed dwelling lies far enough from neighbouring properties for there to be a minimal impact on residential amenity. There will be additional vehicle movements along this stretch of Millfield Lane but not significant enough to adversely affect amenity.

5.11 The Highway Authority has no objections to the use of the existing access to serve the proposed dwelling.

5.12 A draft unilateral undertaking has been submitted on behalf of the applicants, although not yet signed, to confirm that a payment of £2205.20 will be made upon commencement of the development towards the provision of public open space in the locality.

5.13 The proposed development is contrary to several policies of the LDF and there are no exceptional circumstances to warrant approval in this instance.

SUMMARY

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

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 application site is located in an Area of Restraint detailed within Spatial Principle 2 of the Hambleton Local Development Framework's Core Strategy where the need for housing growth is addressed in Allocations Sites EH1, EH2 and EH4, which will provide for local housing needs and deliver wider community benefits. Policies CP1, CP2, CP4 and DP9 of the Hambleton Local Development Framework seek to ensure that all new development, other than in exceptional circumstances, is located within the Development Limits of settlements in the hierarchy at Policy CP4. The application site is not located within the Development Limits and would not help to support a sustainable rural economy or help to meet a locally identified need for affordable housing. The development is, consequently, contrary to these policies.
2. In the absence of affordable housing provision the proposed development is contrary to LDF Policy CP9, which requires 50% of developments of more than 0.1 hectares in size to be accessible and affordable to those unable to compete in the general housing market.
3. The proposed development is contrary to LDF Policies CP16 and DP30 where it is important to respect the openness, intrinsic character and quality of the landscape. The proposed development would intensify the existing scatter of development and harm the open character of the countryside.
4. The proposal is contrary to the Local Development Framework Policies CP19 and DP37 as no mechanism is available to secure the provision of Public Open Space, Sport and Recreation facilities as required by these Policies and the Supplementary Planning Document.

Parish: Great Ayton

Ward: Great Ayton

5

Committee Date : 18 July 2013

Officer dealing : Mrs B Robinson

Target Date: 11 July 2013

13/01038/FUL

**Proposed single storey extension to rear of existing house.
at 27 John Street Great Ayton North Yorkshire TS9 6DB
for Mr & Mrs Simon Greenwell.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site includes a brick built two storey end of terrace house with integral garage, and a slate roof. The house has a rear yard which is enclosed on the south side by a brick wall approximately 2 metres high, which runs along the side of an adjacent footpath. The courtyard boundary with the adjoining house, number 25, has a brick wall varying between 1.5m and 1.9m approx. Number 25 has a single storey addition on the further side of the rear elevation, with an obscure glazed door facing towards the application site.

1.2 The proposal is a single storey extension of maximum dimension 4.5 x 3.8 metres. The outer side of the extension follows the line of the existing southern boundary wall, and is angled in from the side of the house. The extension is also angled at its outer extent, and allows for a convenient access from a new pedestrian gate in the remaining part of the south boundary wall. The proposed roof is monopitch, and has a maximum height of 3 metres. It slopes down towards the yard and has a bulbous roof window. There is a door and window on the courtyard, side. The proposed materials are brick walls and slate roof.

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

2.0 RELEVANT PLANNING HISTORY

2.1 05/00960/FUL Construction of a two storey extension to existing dwelling. Granted 03.06.2005 This proposal was a two storey extension to the south elevation of the house, and has been implemented.

3.0 RELEVANT PLANNING POLICIES:

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

Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

National Planning Policy Framework - published 27 March 2012

Core Strategy Policy CP1 - Sustainable development

Development Policies DP1 - Protecting amenity

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Parish Council - No observations

4.2 Neighbours were notified by letters and a site notice. No observations had been received at the time of writing.

5.0 OBSERVATIONS

5.1 The main issue is design and whether the proposal would have any harmful effects on the amenities of neighbouring occupiers, or in the wider street scene.

5.2 The proposed extension is appropriately simple in design, and together with the materials which are proposed to match the existing house, it would blend in satisfactorily with it.

5.3 Partly due to the shape of the yard, the extension is not symmetrical, but in this location at the back of the house, where it is not in widespread public view, and where ad hoc additions are not unusual, it would not be intrusive or harmful to the wider setting.

5.4 The extension would result in a higher wall along the relevant part of the public footpath alongside. However the additional height is relatively modest, and in the context of the existing gable end of the house, it would not be harmfully oppressive to users of the footpath, or endanger their safety.

5.5 With regard to the amenities of neighbouring occupiers, the extension is sufficiently far from the near window at no 25 to be able to comply with the 45 degree guidance contained in the Councils Supplementary Planning Document Domestic Extensions, and would not therefore have an unacceptably harmful effect on outlook from there. The windows on the proposed extension would be at an acute angle to the near window at number 25 and together with the existing screen wall between the properties, would not result in harmful loss of privacy to neighbouring properties.

SUMMARY

Due to its design, materials and location the proposal is appropriate to the character of the existing house and will not have an unacceptable harmful effect on the amenities of the surroundings or 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 13011-004 and 13011-005 received by Hambleton District Council on 16 May 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) CP17 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: Newby
Ward: Stokesley
6

Committee Date : 18 July 2013
Officer dealing : Mrs B Robinson
Target Date: 9th October 2013

13/00003/TPO1

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

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.
- 1.4 The application was deferred from Planning Committee on the 20 June to allow the Planning Committee to inspect the site.

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.

13/00913/OUT

**Revised outline application for the construction of a dwelling to be used in connection with existing caravan park and fisheries business.
at Parklands Coarse Fishery And Caravan Park Yafforth Road Northallerton North Yorkshire
for Mr & Mrs Scaife.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 The site currently contains several fishing lakes, caravan pitches, amenity buildings and shop. The site lies roughly 2 miles east of Northallerton on the northern side of Yafforth Road. Northdale Horticulture bounds the site to the east and Romanby Golf & Country Club is located to the south whilst undulating open countryside extends beyond the site to the north and west. There is an established hedgerow along the southern boundary of the site and several trees have been planted along the west of the existing access track.

1.2 This application seeks outline consent for the construction of a dwelling close to the main entrance, south of the existing shop and office. As the application seeks outline permission there are no detailed plans of the dwelling. It is proposed to maintain the existing access arrangements and two parking spaces would be provided to the front of the dwelling.

1.3 The application includes 8 letters of support from users of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/03/110/1040E - Construction of a temporary dwelling for occupation in association with an existing fishery. Permission refused 17.3.2003

2.2 07/03812/FUL - Change of use of agricultural land to the siting of 20 caravans and construction of a shop and amenity building as amended. Permission granted 12.2.2008.

2.3 11/01004/MRC - Application to vary conditions 2 and 8 of 07/03812/FUL to allow 2 self contained eco pods and 32 spaces for caravans. Permission granted 16.08.2011.

2.4 12/01664/OUT - Outline application for the construction of a dwelling to be used in connection with existing caravan park and fisheries business. Withdrawn 30 October 2012.

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Development Policies DP1 - Protecting amenity
- Core Strategy Policy CP2 - Access
- Development Policies DP3 - Site accessibility
- Core Strategy Policy CP4 - Settlement hierarchy
- Development Policies DP9 - Development outside Development Limits
- 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 CP19 - Recreational facilities and amenity open space
Development Policies DP37 - Open space, sport and recreation
National Planning Policy Framework - published 27 March 2012
Allocations Document Policy NM5F - North Northallerton Area, North
Northallerton Link Road, Northallerton - adopted 21 December 2010

4.0 CONSULTATIONS

4.1 Northallerton Town Council - No observations.

4.2 NYCC Highways - No objections to the proposal.

4.3 Yorkshire Water - No comments are required.

4.4 Swale & Ure Drainage Board - The site lies within the Swale and Ure Drainage District. It is noted that surface water drainage will be discharged to a soakaway. This is supported as a sustainable system controlling run-off at source. Any residual run-off will be limited to 1.4l/s/ha of newly paved area. The soakaway should be designed and constructed in accordance with Building Research Establishment Leaflet 365 Soakaway Design including soil permeability testing either by trial hole or if appropriate other falling head test carried out in a borehole. This can normally be undertaken by an experienced site investigation contractor.

4.5 Environment Agency - As the water environment in this area is not of a sensitive nature, we have no specific comments about this development's foul drainage arrangements. You should, however, ensure that the proposal complies with the Agency's recommended foul drainage hierarchy.

4.6 Environmental Health - No comments to make.

4.7 Neighbours consulted and site notice posted - Support received from 4 interested parties. Comments are as follows;

- a) Unnerving to know that there was no official supervision throughout the night.
- b) Don't like to rely on assistance from other caravaners who are trying to enjoy their breaks.
- c) The alarm cords are unmanned when the site warden goes home in the evening. It would give peace of mind if the owners/wardens were available throughout the night.
- d) There are lots of elderly and disabled people on the site who would benefit from 24 hr assistance.
- e) It would enhance security and safety.
- f) People use the facilities when they are not members of the park nor have paid to use them.

5.0 OBSERVATIONS

5.1 The location is outside of any settlement, where new dwellings will not be normally allowed unless there are exceptional circumstances connected to a need for a worker to be located close to a rural enterprise which will help sustain the rural economy (Policy CP4). The validity of the need for a dwelling is assessed against the requirements of the NPPF regarding functional need and the usual planning requirements including siting and impact on the amenities of the surroundings.

5.2 The contents of the National Planning Policy Framework (paragraphs 28 and 55), has superseded the previously relevant PPS7, Annexe A : Sustainable Development in Rural Areas. Paragraph 55 of the NPPF states that "Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside." Policy CP4 fully reflects this statement in requiring that any development

outside development limits will only be permitted in exceptional circumstances when it is necessary to meet the needs of an enterprise to locate in the countryside and will help to support a sustainable rural economy. Policy DP9 states that 'Permission will only be granted for development outside Development Limits in exceptional circumstances having regard to the provisions of Policy CP4.

5.3 The application includes a statement justifying the need for a permanent dwelling on the site. The issues raised include health and safety for the users of the caravan park, maintenance problems, medical issues, security, sustainability, flooding problems and health and safety of fish.

5.4 Whilst it would be useful to have someone available on site through the night, it is not considered essential as the majority of maintenance problems can be resolved during the day and the emergency services can be contacted in case of serious medical emergencies. The issues regarding security and criminal activities have been noted and do carry some weight but are not considered sufficient to justify a permanent dwelling on the site. It is expected that the manager would need to make trips to and from the site outside normal office hours but it is felt that these are unlikely to be excessive, and no justification has been provided to show levels of vehicle movements. The fishing lakes lie within flood zones 2 and 3, the caravan site does not, and this does not provide adequate justification for a dwelling to be located on site. During times of flooding the manager would have sufficient time to prepare and take care of the fish stock when necessary.

5.5 It is considered that whilst it may be beneficial for the applicant to live permanently on site it is not essential to meet the needs of the business and would not therefore fully comply with Policy CP4 of the LDF or the principles within the NPPF.

5.6 The proposal is for outline permission and therefore consideration to the other planning requirements would be considered at the reserved matters stage. However, the siting of the dwelling, close to the main entrance and shop facilities is considered to be an appropriate location. There are other buildings within the site so the dwelling would not appear isolated within the surroundings.

5.7 Due to the relatively isolated location, the proposed dwelling would avoid impacting upon the amenities of the nearby neighbours. NYCC Highways have no objections to the proposal and there is adequate on site parking. It is considered that the development would not impact upon highway safety.

5.8 Policy DP37 requires that housing developments contribute towards the achievement of retaining, protecting and enhancing Public Open Space. This can be delivered by providing on site facilities or a financial contribution. In this case it is not possible to provide Public Open Space within the site therefore a financial contribution would be required to comply with Policy DP37. The cost of the Public Open Space contributions has been calculated and this equates to £2227.54. The applicant has submitted a Unilateral Undertaking (under Section 106 of the Planning Act) relating to the payment of funds. The application therefore complies with Policy DP37.

5.9 The LDF Allocations Development Plan Document states that "financial contributions will be required towards the construction of the Northallerton Northern Link Road". The document goes on to state, in Policy NM5F, that "the cost of constructing the Link Road will be met from developer contributions". The site is located within the Northallerton parish where contributions to the North Northallerton Link Road are required. The Unilateral Undertaking submitted with regards to the Public Open Space contributions does not include the contributions required for the NNLR. This issue was raised with the agent but the Unilateral Undertaking has not been amended.

5.10 Taking into account all of the above, it is considered that the need for a dwelling in this rural location has not been demonstrated. Therefore the proposal fails to comply with the

policies within the LDF and the guidance within the NPPF and the application is therefore recommended for refusal.

6.0 RECOMMENDATION:

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

The reasons are:-

1. There is not sufficient justification to demonstrate that there are exceptional circumstances to allow a worker to live permanently at the site, contrary to the objectives of the NPPF and Policies CP4 and DP9 of the Hambleton Local Development Framework.
2. The proposal is contrary to the Hambleton Local Development Framework as no mechanism has been provided to make the required contribution towards the highway infrastructure requirements identified in the Hambleton District Council Developer Contributions November 2010 document relating the provision of the North Northallerton Link Road.

Parish: Romanby
Ward: Romanby
8

Committee Date : 18 July 2013
Officer dealing : Miss A J Peel
Target Date: 5 August 2013

13/01199/FUL

**Alterations and Extension to existing dwelling.
at 8 Wycliffe Avenue Romanby North Yorkshire DL7 8SZ
for Mr Kevin Hardisty.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks consent for a single storey extension to the north west (front) elevation of an existing dwelling. The extension measures approximately 1.9 metres x 5.2 metres with a height of 3.3 metres. The proposal will create an entrance lobby and increase the size of the garage to allow for internal alterations to create a w.c.

1.2 The property is a semi-detached dwelling located on a residential development in Romanby. There are neighbouring properties surrounding the site. There is a wall to the front boundary of the site and vehicular access with a driveway for parking.

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

2.0 RELEVANT PLANNING HISTORY

2.1 2/76/123/0103 - Construction of a car port. Granted 28 October 1976.

2.2 2/03/123/0103A - Ground floor extension to existing dwellinghouse (as amended).
Granted 11 June 2003.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - No response, expiry 2 July 2013.

4.2 Neighbours consulted and site notice posted - No response, expiry 11 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, or highway safety.

5.2 The proposed extension would extend beyond the front elevation of the existing dwelling but it appears as an appropriate addition and would not detract from the character and appearance of the house or streetscene. Furthermore, there are other similar examples within the street and the proposal would benefit the streetscene through the removal of the flat roof garage. The extension will be constructed of brickwork, concrete tiles and upvc windows to match the existing dwelling. It is considered that the proposal is acceptable and will not have an adverse impact upon the appearance of the dwelling or the streetscene.

5.3 Due to the positioning of the neighbours and the scale of the extension it is considered that the proposal will not cause significant harm to the amenities of the neighbours.

5.4 The proposal will reduce the length of the existing driveway but this will not impact upon the parking arrangements or highway safety.

5.5 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 is acceptable in respect of siting, design and materials and will not have an adverse impact on the character and appearance of the dwelling, the streetscene 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. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) received by Hambleton District Council on 10 June 2013 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

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

13/00872/FUL

**Change of use of workshop/store (used for the repair and storage of agricultural and plant machinery and agricultural contracting) to general industrial use (B2).
at Air Tech Unit 1 Skipton Old Airfield Sandhutton
for Airtech.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks permission to change the use of a workshop/store to a general industrial use (B2). The site is presently occupied by the applicant and consists of a steel framed building with hardstanding around it. It is in a mixed use at present, comprising repair and storage of agricultural and other plant and machinery and agricultural contracting. Its present mixed use is classed as sui generis as it does not fall within any Use Class, and therefore any other form of business requires planning approval.

1.2 No end user has been identified for the proposed B2 General Industrial use, as this is a speculative development. The agent has submitted information in support of this application including that despite "extensive marketing since October 2010no buyer has been found for the premises with their current use." and that Air Tech no longer require the premise as they now tend to carry out farm visits rather than doing repairs from these premises.

1.3 The nearest residential property, 1 Nitrovit Row, is approximately 30 metres to the south.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/89/126/0048: Construction of workshop for agricultural repair and maintenance: Permission granted September 1990.

2.2 05/01591/FUL: Construction of building for repair and maintenance of agricultural machinery and plant: Permission Refused 2005.

2.3 06/00255/FUL: Construction of an agricultural plant and vehicle maintenance depot: Permission Granted March 2006. Construction had commenced in the mistaken belief that the permission granted in 1990 could be relied. Approval was given in view of the contribution to the rural connection of the business that proposed to occupy it.

2.4 07/00100/FUL: Amendments to approved scheme for repair depot: Permission Granted February 2007.

2.5 07/02268/FUL: Siting of a residential caravan: Permission Refused October 2007. An Enforcement Notice was subsequently served to secure the removal of the caravan. This notice was confirmed following an Appeal against it in 2009.

2.6 09/03914/FUL: Construction of a workshop and storage building to be used for the repair and storage of agricultural and plant machinery and agricultural contracting as an additional building ancillary to the existing use/building. Granted 2010. Not constructed.

2.7 09/03910/FUL: Construction of general purpose agricultural building. Granted 2010. The site for this building lies to the north of the application site in this proposal, within other land owned or controlled by the applicant. Not constructed.

2.8 12/01497/FUL - Change of use of workshop/store (used for the repair and storage of agricultural and plant machinery and agricultural contracting) to a storage and distribution depot - refused 2012.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP25 - Rural employment
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Sandhutton Parish Council - wish to see refused and note that "unanimously rejected; adamant that property/area requires to remain agricultural. Specifically state that transfer to unknown person/use not acceptable; transfer; transfer to B2 offers no protection to or involvement by local residents and elected members."

4.2 Environment Agency - no specific comments but note that a non non-mains drainage system is proposed for foul drainage so it must comply with the 'Foul Drainage Hierarchy (DET Circular 03/99)'.

4.3 NYCC Highway Authority - no objections

4.4 Environmental Health Officer - notes that the use class B2 covers a wide range of potential users and as such there may be some concern about noise issues for the nearby residential properties. A condition is therefore recommended to ensure an acoustic assessment is carried out and acted upon.

4.5 Neighbours/site notice - expired 12 June. No response.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of the proposed storage and distribution use in this area which lies outside any development limits together with any impact it may have upon the neighbouring residential properties (Nitrovit Row) and upon highway safety.

5.2 Whilst this site is within an area of the Old Airfield where there are some further business type uses, it is not within designated Development Limits and as such Policies CP1, CP2, CP4, CP15 and DP25 are applicable in this case. The broad intention of these policies is to limit employment development to locations within Development Limits except where the development would serve a recognised rural need. It is noted that the existing use is one that is closely related to agriculture, which supports the rural economy as it serves the needs of the local agricultural community, whereas the proposed use is for general B2 Industrial use, which may not have a rural connection.

5.3 The Agent has submitted further information in support of this proposal in which he notes the introduction of new Permitted Development Rights (Class M) to change the use of agricultural buildings of comparable size to Class A1, A2, A3, B1, B8, C1 and D1 uses. This, he states, was "to boost the rural economy whilst protecting the open countryside from development". He accepts that as this is not an agricultural building it will not benefit from these rights but he feels that in order to boost the rural economy like this "it must follow that obstacles should not be placed in the way of the reuse of a commercial building for other

commercial users". It is considered in this case that whilst it is acknowledged that there is a wish to boost the rural economy of an area, the change in permitted development rights does not have any direct bearing on this proposal as Class B2 uses have not been included within any of the changes. This analysis is not accepted. If the Government had meant to allow all buildings in rural areas to benefit from this permitted change of use, it would not have limited it to agricultural buildings.

5.4 The Agent states that, should permission be granted for this proposal, this will have sustainability benefits as the existing users, AirTech will be provided on site by a mobile unit so "there will be no need for large vehicles to visit the airfield". The owners also wish to sell the property to finance development of their new farming business. Consideration has been given to the overall impact of this on the economy by both of the businesses involved, but there is no clear evidence to show that the proposal would contribute in any significant way to the growth of the economy and without knowing who the end user of the proposed B2 use may be there is no way of knowing whether this would involve further vehicular movements (possibly large vehicles) to and from the site. As such, no significant weight can be given to this factor in reaching a recommendation on this proposal.

5.5 In terms of the proposal's compliance with policy DP25, which seeks to support and strengthen the rural economy, the Agent considers that this complies with this policy as "It is small in scale, relating to a single building within a modest site. It involves the conversion of an existing rural building of sound construction. Its location is fixed and so its commercial reuse cannot be accommodated elsewhere and the scale is such that it will not impact on the economy of any service centre." It is accepted that the building and site are small scale, although being a speculative proposal with no end user identified it is not known whether the impact of use would be small scale. The re-use of existing buildings is acknowledged. However, again due to the fact that there is no identified end user, it is not known whether the development is capable of location within a settlement, although it is noted that within close proximity to this site there are a number of industrial sites, such as in Thirsk or Northallerton where a Class B2 use may be appropriately located.

5.6 As noted in section 2, the building was permitted in 2006 on the basis of the proposed occupier's contribution to the rural economy and the only previous permission, granted in 1990, had been for a use with a clear rural economic connection. The development therefore proceeded on the understanding that other uses may not be acceptable and in doing so, the applicant accepted the limited opportunities for use of the building.

5.7 In keeping with the assessments made in 1990 and 2006, it cannot be proved without any known end user, whether this proposed use would support the local rural economy. It was therefore suggested to the Agent at pre application stage that any further planning application for a change of use on this site should be with a specific end user in mind to enable full justification to be submitted to clarify why this should be allowed as an exceptional case. The applicant states they have been marketing the property for 30 months "with no realistic prospect of a buyer". The details of that marketing exercise have not been provided, although it is acknowledged that enquiries were made on behalf of potential occupiers. However, without any justification as allowed for by the criteria of policy DP25 and as detailed above, this application is contrary to LDF Policies due to its location outside development limits.

5.6 The Highway Authority has no objections to the proposal in terms of highway safety. The EHO recommends that as the B2 use class allows for a wide range of possible uses an acoustic assessment would need to be carried out in order to assess any possible noise impact upon the neighbouring dwellings of Nitrovit Row. However, for the reasons outlined above this application is recommended for refusal.

6.0 RECOMMENDATION:

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

The reasons are:-

1. The proposed change of use is contrary to the NPPF and Policies CP1, CP2, CP4, CP15 and DP25 of the Local Development Framework as insufficient justification has been provided of an exceptional case to the policy requirement to locate employment development within Development Limits except where support will be provided to the local economy that would help sustain rural communities.

13/01018/MRC

Application to vary condition 7 of planning permission 12/00019/FUL relating to use of the existing kitchen facilities to include preparation of food for guests attending functions held at the hotel and within the grounds at Rudby Hall, Skutterskelfe, North Yorkshire, TS15 0JN for Python Properties Ltd

1.0 **PROPOSAL & SITE DESCRIPTION**

1.1 Full planning permission was granted on 15th October 2012 to change the use of Rudby Hall from a private dwelling to a Country House Hotel (ref: 12/00019/FUL). The Hall will be converted into a boutique hotel with 11 lettable suites that include 13 bedrooms. This planning permission includes use of the Hall and its grounds for private functions, including weddings and business lunches, subject to conditions and the use of a marquee for these functions has been agreed.

1.2 This application seeks permission to vary condition 7 of planning permission ref: 12/00019/FUL which is set out below:

“No food shall be prepared on the application site other than for consumption by staff and guests staying overnight at the premises.”

1.3 To read:

“No food shall be cooked on the application site other than for consumption by staff, guests staying overnight at the hotel and guests attending functions held at the hotel and within the grounds.”

1.4 The current wording of condition 7 restricts food preparation on-site for consumption by staff and guests staying overnight, within an expectation that events would be facilitated by external caterers, whilst the revised wording of condition 7 would allow for the preparation of food for functions on-site (i.e. from the existing kitchen).

1.5 The Applicant has advised that an integral part of the hotel business is its operation as a function venue for weddings, corporate meetings, family celebrations etc. The submitted Kitchen Management Plan states:

- All catering for private functions held at Rudby Hall will be undertaken by outside caterers. This will be for small scale events booked in advance e.g. Director's Lunches, Corporate Meetings, Weddings, Family Celebrations;
- Most food will be pre-prepared off-site by the caterers, as per the menu that has been chosen in advance for guests attending the function. It will then be cooked or heated up and plated in the Rudby Hall kitchen;
- Rudby Hall will not operate an ancillary restaurant on site and will not be open to members of the public;
- A catering marquee adjoining the marquee where guests are seated will be used to cater for these events in the grounds. After 6pm the guests will move inside Rudby Hall for the evening buffet function. It would be practical for the caterers to be able to use the Hall kitchen for the preparation of canapés and desserts for meals being served in a marquee;
- All deliveries will be made through the door on the west side of the kitchen (away from the nearest residential properties);

- No deliveries or collections shall take place outside the hours of 8am to 6pm Monday to Saturday, and at no time on Sundays and Public Holidays;
- A bin store will be installed to the west of the kitchen and all refuse collection will occur on the west side;
- The door to the eastern side of the kitchen will remain closed when the kitchen is in operation. All windows on the eastern side of the kitchen will be sealed (to prevent opening) and will be covered with obscurely glazed film; and
- All filters in the ventilation system will be checked, cleaned and maintained as per the manufacturer's instructions.

Some of these statements replicate controls already imposed through the conditions of permission 12/00019/FUL.

- 1.6 No expansion of the existing kitchen facilities are proposed in association with the hotel. The existing catering facilities would be largely used to provide a bed and breakfast service to guests staying overnight, for preparing staff meals and to cater for the functions set out above.
- 1.7 The Applicant has attempted to devise a catering plan that works within the scope of the existing conditions, but has encountered difficulties operating a high quality function venue within the parameters of Condition 7. Despite receiving interest and enquiries from potential clients wishing to hold functions at Rudby Hall, the Applicant has been unable to confirm bookings due to difficulties with the catering arrangements caused by condition 7.
- 1.8 The application is supported by a 'Kitchen Management Plan', 'Noise Impact Assessment' and a 'Ventilation & Fume Extraction Report'. The latter identifies the need for odour abatement measures via the installation of a new fume extraction and filtration system. Details of the new plant and equipment have been supplied by the Applicant and would be installed prior to first use of the kitchen under the revised condition.
- 1.9 Rudby Hall is a large 3-storey country house set in 10 acre gardens and situated in open countryside between Hutton Rudby and Stokesley. It is listed at Grade II*.
- 1.10 There is a large car park to the west of the Hall and access is currently possible via two access points from the main road; the eastern access will be closed off under the terms of permission 12/00019/FUL.
- 1.11 The main gardens lie to the west and south of the Hall and contain a number of mature trees. There is a copse of trees to the east of the site and aligning the banks of the river Leven to the south. There are residential properties to the north, north west and west of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 In 1986, full planning permission and listed building consent were granted for alterations to existing alterations to existing residential accommodation at Rudby Hall to form new office accommodation. The office accommodation formed the headquarters for a business employing up to 55 members of staff.
- 2.5 2/94/134/0031D - Change of use of existing offices to a dwelling (Granted on 04.11.1994)
- 2.6 12/00019/FUL - Change of use from dwelling to a country house hotel as amended by plans received by Hambleton District Council on 24th February 2012, 3rd May 2012 & 6th June 2012 (Granted on 15.10.2012)

- 2.7 12/00020/LBC - Application for listed building consent for internal alterations to existing dwelling to from a hotel (Granted on 17.09.2012)
- 2.8 12/02367/MRC - Application to vary condition 7 of planning permission 12/00019/FUL to no food shall be cooked on the application site other than for consumption by staff, guests staying overnight at the premises or for events held within the hall (Withdrawn on 23.01.2013)
- 2.9 12/02597/DIS - Proposed discharge of conditions 05 - provision for waste disposal, 12 - events held, 13 - details of location of marquee and 22 - scheme for closure of secondary access attached to application 12/00019/FUL (Granted on 08.03.2013).
- 2.10 12/02684/DIS - Proposed discharge of condition 03 - means of disposal of foul water drainage - attached to application 12/00019/FUL (Pending determination).
- 2.11 13/01275/LBC - Application for listed building consent to install a new ventilation and fume extraction system includes internal flue and one replacement extractor grill (Pending determination).

3.0 RELEVANT PLANNING POLICIES

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

Core Strategy Development Plan Document – Adopted April 2007

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP12 - Priorities for employment development

Development Policies Development Plan Document – Adopted February 2008

Development Policies DP1 - Protecting amenity
 Development Policies DP16 - Specific Measures to assist the economy and employment

Other Relevant Documents

Good Practice Guide on Planning for Tourism - May 2006

National Planning Policy

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

- 3.3 Circular 11/95 provides guidance on the planning considerations to be applied when dealing with an application for the removal or modification of an existing condition.

4.0 CONSULTATIONS

Parish Council

- 4.1 Recommend approval.

Environmental Health

- 4.2 The Council's Environmental Health Officer is satisfied that the measures contained within the 'Kitchen Management Plan', 'Noise Impact Assessment' and the

'Ventilation & Fume Extraction Report' will adequately protect the amenity of neighbouring residents in accordance with Policy DP1. Following discussions between the Council's EHO and the Applicant, an agreement on the type of ventilation and fume equipment has been agreed. This will include the installation of two attenuators (CDAP.2D) (Fan Impeller Pitch Angle A).

Publicity

- 4.3 Neighbours were notified in writing and a site notice was erected. Prism Planning has since objected to the application on behalf of 28 individuals. Prism Planning's letter is summarised as follows:
- a) When planning permission was first granted, local residents were strongly opposed to the impact the proposed use would have on their amenity, particularly in terms of the potential for noise and disturbance.
 - b) The Applicants specifically advised the Council that they would bring in external catering for larger events and had no need of upgraded facilities at the Hall. This is clearly not the case.
 - c) The current application refers to a significant operational revision to the development.
 - d) The proposed variation represents creeping incrementalism; the end result could be a form of hotel operation at variance to that originally envisaged.
 - e) The impact on the amenities of local residents is likely to be more significant.
 - f) In the original planning permission the Council imposed a control regime that in their view would provide a specific set of conditions that allow for an acceptable relationship to take place. The conditions imposed by the LPA involved an extensive consultation exercise with the Applicants following concerns expressed by the local residents about the enforceability of the conditions initially proposed. The conditions were not entered into lightly but only after careful thought and consideration into balancing the commercial interests of the Applicant with the amenity of the existing residents.
 - g) Before the operation had formally commenced, the Applicants sought to widen the scope of the permission through a relaxation of condition 7. This application was withdrawn. It is appreciated that a pre-application consultation exercise was carried out prior to the submission of the current application but the application is effectively a resubmission and the same relaxation of condition 7 is being sought.
 - h) The present proposals seek to take the proposal from the status of a boutique hotel, catering for its own clientele, to a fully functioning conference and entertainment facility, catering for anyone who turns up at the Hall.
 - i) The proposals have been submitted without any detail of the numbers of attendees who would be present at the 'events' the Applicants envisage. Potentially the proposal could lead to a large scale wedding party being catered for at the Hall with several hundred guests.
 - j) At best, the proposals would seem to allow for the creation of an ancillary restaurant enticing guests to the site. This would increase the amount of activity and related disturbance, particularly at weekends.
 - k) The current kitchen facilities at the Hall have been described as 'large scale' domestic. Clearly such a scale of facility cannot be used to cater for a wedding party.
 - l) No information is available on just what works would be carried out to the Hall. It is the contention of the objectors that this application is not just about altering the words on a condition but about carrying out significant but as yet unknown alterations to a sensitive listed building. Such alterations are almost certain to require alterations to air handling and ventilation systems.
 - m) A domestic kitchen of the size of the Hall cannot cook meals for several hundred guests without industrial cookers and ovens. These will require ventilation and improved air handling facilities for employees. Unless properly

controlled this will have both a visual and noise nuisance from the perspective of local residents.

- 4.4 The Council has also received 21 letters of support from local businesses, potential customers and a near neighbour. The comments principally focus on the suitability of Rudby Hall as a wedding and function venue, the derived economic benefits of the business and the necessity for on-site catering. Comments relating to on-site catering and neighbour amenity are summarised as follows:
- a) Without being able to prepare food on site the Hall would not be able to offer the high level of quality food and service required for high quality functions.
 - b) It seems unthinkable that Rudby Hall would not be able to prepare food on site for these guests, as it is only allowed to prepare food for the few guests who would be staying overnight, due to condition 7 of its planning permission. As we understand it Rudby Hall was granted planning permission a year ago to be able to operate as a hotel and private function venue this restricting condition doesn't seem to make any sense.
 - c) To fulfil its true potential as a viable boutique hotel business, on site catering must be available for certain private functions. The 'high end' and 'exclusive dinner parties' expect 'on site' food preparation facilities at a similar comparable high level to the accommodation and conference rooms.
 - d) Wedding Receptions in particular are planned well in advance and any delay would have a detrimental effect on bookings for the 2014 season. It is imperative that preparation of food takes place on site for those attending functions either within the Hall or in a Marquee.
 - e) Surprised to find out that Rudby Hall is unable to take bookings for weddings yet due to the restrictions of the current planning permission. In addition, it seems odd that Rudby Hall is able to prepare food for those staying at the hotel but not for others, such as guests attending a Wedding. This would add to the costs and logistical difficulties of arranging our wedding.
 - f) Neighbour - Throughout the planning process I have been well informed by the owners and management of Rudby Hall about the proposed development and the steps they are taking to ensure that the impact on local residents is minimal.
 - g) Neighbour - I feel confident that the management team take the views, comfort and privacy of residents very seriously and that there is a clear and open channel of communication to address any concerns.
 - h) Neighbour - allowing food to be prepared on site for non resident event guests would allow the Hall to proceed as a successful business benefiting the community as whole.
- 4.5 A 'Statement of Community Involvement' (SCI) has been submitted alongside the planning application. The SCI details the pre-application consultation undertaken by the Applicants with local residents and the local business community.
- 4.6 The Applicants have held a series of meetings with local residents in the interests of maintaining an open and ongoing dialogue. Local residents have established the 'Skutterskelfe Residents Group' in order to effectively engage with Rudby Hall regarding all aspects of the hotel business. The Council has been provided with the minutes of meetings held on 21st May 2013 and 13th June 2013.
- 4.7 Concerns raised by local residents with regards to the potential impact on residential amenity have been considered by the Applicant in the preparation of this application. The Applicant has responded by providing further evidence of the likely impacts, in the form of a 'Ventilation and Fume Extraction Report' and 'Noise Assessment' and by submitting 'Kitchen Management Strategy', which aims to protect the amenity of neighbouring residents by adopting sensitive working practices and taking practical mitigation measures.

5.0 OBSERVATIONS

- 5.1 Section 73 of the 1990 Act provides that an application may be made for planning permission without complying with conditions applied to a previous permission. Local planning authorities may decide whether to grant permission subject to differing conditions, remove the conditions altogether or refuse to alter conditions. Therefore it is possible to apply for conditions to be struck out, or for their modification or relaxation.
- 5.2 In light of the above, matters of principle cannot be revisited in the determination of this application and consideration can only be given to the consequences of varying the condition. Brief ministerial advice, on the question of the planning considerations to be applied when dealing with an application for the removal or modification of existing conditions is found in Circular 11/95. At para.15 it is stated that a condition should not be retained unless there are sound and clear cut reasons for doing so. Whilst in this case the request is for variation rather than removal of the condition, it is considered appropriate to apply the same logic.
- 5.3 Planning permission was granted on in October 2012 for a change of use from a dwelling to a country house hotel with 11 lettable suites that include 13 bedrooms (ref: 12/00019/FUL). This planning permission acknowledged the Applicant's intention to use the Hall for a range of private and business functions. Consequently, the planning permission was subject to 23 conditions, which sought to balance the commercial interests of the business with the amenity of the existing residents. These conditions allow for an unlimited number of events to be held within the Hall itself but restrict the number of events held within the grounds to 12 per year.
- 5.4 Condition 7 of planning permission ref: 12/00019/FUL only allows for food to be prepared on site for consumption by staff and guests staying overnight, with an expectation that events would be facilitated by external caterers. The main objective of condition 7 is to control the level of activity within the existing kitchen because of its proximity to neighbouring residential property, although as noted earlier, its wording can be interpreted in a more restrictive way.
- 5.5 The existing kitchen is located close the mutual boundary with neighbouring properties where the level of activity generated by a busy commercial kitchen could be harmful to neighbours' amenity by virtue of noise and odours. The Kitchen Management Plan, the Noise Impact Assessment and the Ventilation & Fume Extraction Report submitted with this application were not available when application 12/00019/FUL was before the Council and therefore the imposition of condition 7 was a reasonable safeguard. The key issue with this application is whether the condition can be varied as requested in light of those studies without giving rise to unacceptable harm to neighbour amenity.
- 5.6 The nearest residential dwellings (The Butlers Pantry, Rosedene and Briardene) are directly attached to the rear of Rudby Hall, previously forming part of the Hall itself. Inglenook, Moss Cottage, The Gables and The Cottage are located approximately 95m to the north adjacent to the Stokesley to Hutton Rudby road, whilst nos 1, 2 and 3 The Stables sit between the Hall and those properties fronting the main road. Local residents have raised concern that the proposed variation will result in unacceptable levels of noise and disturbance.
- 5.7 The current wording of condition 7 restricts food preparation on-site for consumption by staff and guests staying overnight, within an expectation that events would be facilitated by external caterers. The interpretation of "no food shall be prepared" as preventing plating up is unduly onerous and would clearly negate the grant of permission for functions within the hall and its grounds. The revised wording of condition 7 would allow for the preparation of food for functions on-site (i.e. from the existing kitchen) and avoid uncertainty over the intention of the condition.

- 5.8 The Applicant has attempted to devise a catering plan that works within the scope of the existing conditions, but has encountered difficulties operating a high quality function venue within the parameters of Condition 7. Despite receiving interest and enquiries from potential clients wishing to hold functions at Rudby Hall, the Applicant has been unable to confirm bookings due to the logistical difficulties caused by Condition 7.
- 5.9 The Applicant argues that the current situation would result in a significant deterioration of the standard of service, with concerns having already been raised by external caterers. These concerns relate to the lack of any additional catering facility under the current permission, and the effect on service time and food quality should no facility be available. The Applicant considers the proposed variation to be vitally important to enable Rudby Hall to operate as a quality luxury venue for exclusive functions, alongside its role as a country house hotel.
- 5.10 In light of these clear logistical difficulties, it would be appropriate to vary condition 7 as proposed provided that residential amenity would be adequately protected in accordance with Policy DP1 of the adopted Development Policies DPD.
- 5.11 To this end, the Applicant has supplied a 'Kitchen Management Plan', 'Noise Impact Assessment' and a 'Ventilation & Fume Extraction Report'. The latter identifies the need for odour abatement measures via the installation of a new fume extraction and filtration system. Details of the new plant and equipment have been supplied by the Applicant and would be installed prior to first use of the business (see recommended condition 6).
- 5.12 A separate application for listed building consent has been submitted to the Council, which seeks approval for the (albeit very minimal) internal and external alterations required for new ventilation and fume extraction system (ref: 13/01275/LBC).
- 5.13 The Kitchen Management Plan provides a strategy for the operation of the existing kitchen, particularly during private functions. Its main objective is to ensure that residential amenity is protected whilst the kitchen is in operation, particularly during private functions. The Kitchen Management Plan is summarised as follows:
- All catering for private functions will be undertaken by outside caterers.
 - Most food will be pre-prepared off-site by caterers and will then be cooked or heated up and plated in the Rudby Hall kitchen.
 - The kitchen extraction system will be upgraded to include a high level of odour control and an attenuator for control noise.
 - No other alterations to the kitchen are necessary to cater for up to 150 guests.
 - An adjacent Butler's Pantry will be used as separate area for drink preparation and the washing of glasses.
 - All deliveries will be made through the door on the west side of the kitchen.
 - No deliveries or collections shall take place outside the hours of 8am to 6pm Monday to Saturday, and at no time on Sundays and Public Holidays.
 - A bin store will be installed to the west of the kitchen and all refuse collection will occur on the west side.
 - The door to the eastern side of the kitchen will remain closed when the kitchen is in operation. All windows on the eastern side of the kitchen will be sealed (to prevent opening) and will be covered with obscurely glazed film.
 - All filters in the ventilation system will be checked, cleaned and maintained as per the manufacturer's instructions.
- 5.14 The 'Noise Impact Assessment' concludes that the calculated noise impact from the extract fan without any attenuation exceeds the proposed noise limits. However, the worst case calculated fixed plant noise rating level at the nearest noise sensitive location is 10 dB less than the measured background, LA90,15min when assessed

with the specified attenuator insertion losses. As identified within consultations section of this report, following discussions between the Council's EHO and the Applicant, an agreement on the type of ventilation and fume equipment has been agreed. This will include the installation of two attenuators (CDAP.2D) (Fan Impeller Pitch Angle A).

- 5.15 The 'Odour Assessment & Ventilation & Fume Extraction Report' concludes that the results of the assessment indicated a high risk of odour impact as a result of the existing ventilation system. This was due to the proximity of sensitive receptors and relatively poor dispersion potential of the discharge point. Suitable abatement measures were identified in order to provide a high level of odour control.
- 5.16 The preferred option was identified as the CV Refrigeration Ltd proposal, which includes coarse and fine grease baffle filtration with subsequent carbon filtration as manufactured by AAC Eurovent. The selected specification is stated as providing a 'high' level of odour control by the DEFRA guidance. As such, it is considered to provide a suitable level of odour control for the proposed food preparation activities at Rudby Hall and reduce the risk of potential impacts to an acceptable level.
- 5.17 The Council's Environmental Health Officer is satisfied that the measures contained within the 'Kitchen Management Plan', 'Noise Impact Assessment' and the 'Odour Assessment & Ventilation & Fume Extraction Report' will adequately protect the amenity of neighbouring residents in accordance with Policy DP1.
- 5.18 Condition 7 (as amended and proposed) eliminates the possibility of a non-resident restaurant being served by the kitchen. A non-resident restaurant could give rise to additional vehicle movements and associated noise at frequent times of the day and during unsociable hours (particularly on weekends). It is important to ensure that this control remains in place.
- 5.19 It is important to be clear about how the kitchen would operate under the proposed variation of condition 7. The Kitchen Management Plan indicates that food would be prepared and cooked as far as possible off-site and brought to Rudby Hall for heating and serving. Some foods could easily be prepared off-site under these arrangements and only heated and/or served at the Hall, for example soup, pastries and salads. However, it is understandable that some items, such as roasted or fried food, will require partial or complete cooking at the Hall to be of the standard expected by patrons. It is therefore evident that what is meant by "cooked" will vary depending on the dish concerned. It would be impractical and unduly onerous for these matters to be monitored unless a significant variation arose and there was reason to believe it had unacceptable adverse environmental consequences for nearby residents. In those circumstances, it would be possible for the Council to seek to enforce the Kitchen Management Plan under recommended condition 7.
- 5.20 In terms of the controls imposed by other conditions of permission 12/00019/FUL, Condition 8 ensures that the *"doors and windows facing the courtyard to the east of the Hall shall remain closed whilst the kitchen is in use"*, while Conditions 10 and 12 together ensure that no marquee shall be used for events *"on more than 12 days in a calendar year"*, and that *"events held within the grounds of the hall shall only be held a marquee"*. The timings of events, associated with clearing up and deliveries are controlled by Conditions 9, 11, 16 and 17, while Condition 9 also ensures that *"the courtyard to the east of the Hall shall not be used by staff...or customers and no deliveries shall be made via this courtyard"*.
- 5.21 It was accepted that the approved use as a hotel and private function venue would result in some disturbance to neighbouring residents above its previous use as a dwelling when permission 12/00019/FUL was granted. However, subject to the 'Kitchen Management Strategy' being complied with and all other conditions being adequately enforced it is considered that the interests of residential amenity can be

effectively protected with the requested variation of condition 7 supported by the Environmental Health Officer's advice.

- 5.22 Concern has been raised by neighbouring residents that the condition does not control the maximum number of guests. This concern is recognised and it is therefore recommended that a further condition is applied which limits guests to a maximum of 150 persons. This figure mirrors the stated capacity of the package treatment plant (foul drainage) and the Hall's fire safety certificate.
- 5.23 It is important to note that no other aspect of the planning permission will be varied or removed. This application relates solely to the preparation of food within the existing kitchen. Consequently, for the reasons given above and having regard to all other matters raised, it is recommended that planning permission be granted.

SUMMARY

Subject to additional conditions controlling guest numbers, the installation of plant and equipment and the implementation of the Kitchen Management Plan, it is considered that the proposed variation to Condition 7 of the original planning permission dated 15th October 2012 (ref: 12/00019/FUL) will allow the Hotel to provide a catering service commensurate to its aim to facilitate high quality functions whilst adequately maintaining the level amenity currently enjoyed by the Hall's neighbours.

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

GRANTED subject to the following conditions:-

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 numbered as followed, unless otherwise agreed in writing by the Local Planning Authority:
 - 11.026 004 Rev.A (Basement, Ground & 1st Floor Plans) received on 6th January 2012
 - 11.026 001 (Location Plan) received on 6th January 2012
 - 11.026 001 (Marquee Location) received on 24th February 2012
 - 11.026 005 Rev.B (2nd & 3rd Floor Plans) received on 3rd May 2012
 - 12010. F01 Rev.B (Access) received on 6th June 2012
3. Prior to first use of the development hereby approved, details of the proposed means of disposal of foul water drainage shall be submitted to and approved by the local planning authority. The discharge of foul drainage to the main sewer should be investigated as a preferred option. Thereafter, the approved means of foul water drainage shall be implemented and maintained in accordance with the approved details.
4. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the premises shall not

be used for any purpose other than a hotel (Use Class C1) and including use as a private function venue.

5. The disposal of waste shall be carried out in accordance with the scheme previously approved under application reference 12/02597/DIS and shall thereafter be maintained in accordance with the approved details unless otherwise approved in writing by the local planning authority.
6. Prior to first use of the hotel and private function venue hereby approved, the new ventilation and fume extraction system, as detailed within the Kitchen Extract Fan 'Noise Impact Assessment' and the 'Odour Assessment & Ventilation and Fume Extraction Report' both received on 14th May 2013 and Mr Sebastian Stevens clarification email (noise attenuation) of 10th July 2013, shall be installed and thereafter be maintained in accordance with the approved details. No additional external plant or equipment shall be installed without the prior written approval of the local planning authority.
7. No food shall be cooked on the application site other than for consumption by staff, guests staying overnight at the hotel and guests attending functions held at the hotel and within the grounds in accordance with the Kitchen Management Plan prepared by Wendy Desiles, General Manager of Rudby Hall, and received by Hambleton District Council on 2 July 2013.
8. The doors and kitchen windows facing the courtyard to the east of the Hall shall remain closed whilst the kitchen is in use.
9. The courtyard to the east of the Hall shall not be used by staff (other than for access or maintenance), or customers and no deliveries shall be made via this courtyard.
10. The grounds of Rudby Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, and any marquee erected within the grounds, shall not be used for events on more than 12 days in a calendar year unless otherwise agreed in writing by the Local Planning Authority.
11. The grounds of Rudby Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, shall not be used for events outside the hours of 12 midday and 6pm unless otherwise agreed in writing by the Local Planning Authority.
12. Events held within the grounds of the Hall shall only be held in a marquee, the location of which is shown on drawing 11.026 001 (Marquee Location) received by Hambleton District Council on 24th February 2012 and within the red-edged area shown on Plan A received by Hambleton District Council on 4th May 2012, unless otherwise approved in writing by the Local Planning Authority.
13. No marquee shall be erected within the grounds of Rudby Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, other than in accordance with details previously approved under application reference 12/02597/DIS. Thereafter, any marquee erected shall comply with the approved details unless otherwise approved in writing by the Local Planning Authority.
14. No sound amplification equipment shall be used within the grounds of the Hall, as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012, (including within any marquee) or in any building other than within the bar and dining room(s) without the prior written approval of the Local Planning Authority.
15. No live music shall be performed within the grounds of Rudby Hall as shown on the Site Location Plan received by Hambleton District Council on 4th May 2012,

(including within any marquee) without the prior written approval of the Local Planning Authority.

16. Preparations for events and clearing up after events (including within any marquee) shall not take place outside of the hours of 11am to 7pm other than for erection and dismantling of any marquee.
17. Erection and dismantling of any marquee shall not take place outside the hours of 8am and 6pm Monday to Saturday and shall not take place at any time on Sundays and Public Holidays.
18. No temporary structures, other than as permitted by condition 13, are to be erected in the grounds of the Hall unless otherwise approved in writing by the Local Planning Authority.
19. No noise emanating from events held in the Hall shall exceed 28(LAeq, 5min) at any point on the red line shown on drawing 12010.P01 (Acoustic Boundary Layout Plan) received by Hambleton District Council on 26th June 2012.
20. A noise limiter shall be installed on any amplification equipment in the bar and dining room(s) which shall be set to achieve maximum octave band sound levels within each room as detailed in Table 1 of the Apex Acoustics Report reference 3165.1B accompanying the application. All amplified speech and music shall be played through the noise limiter which shall be secured against tampering once set to the stated levels.
21. No deliveries or collections shall take place outside the hours of 8am to 6pm Monday to Saturday, and at no time on Sundays and Public Holidays.
22. Prior to first use of the development hereby approved, the secondary access to the east of the Hall shall be closed in accordance with details previously approved under application reference 12/02597/DIS and shall thereafter be maintained in accordance with the approved details.
23. No part of the development shall be brought into use until the alterations to the vehicle access have been constructed in accordance with the submitted drawing (Reference Drawing No. 12010.F01 Rev B). Once constructed these areas shall be maintained clear of any obstruction and retained at all times.
24. The hotel and function venue hereby approved shall continually operate in accordance with the provisions of the approved 'Kitchen Management Plan' received by Hambleton District Council on 2nd July 2013 unless otherwise approved in writing by the local planning authority.
25. The number of guests visiting the hotel and function venue hereby approved shall not exceed 150 persons at any one time.

The reasons for the above conditions are:-

1. To ensure compliance with 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 the Listed Building and its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17 and DP32.
3. In the interest of satisfactory and sustainable drainage.

4. The Local Planning Authority would wish to carefully examine any alternative use of the building to assess whether the development would be acceptable in terms of sustainability, access and environmental impact in accordance with policies CP1, CP2, CP4, DP1, DP3, DP4 and DP9 of the Hambleton Local Development Framework.
5. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
6. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
7. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
8. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
9. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
10. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
11. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
12. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
13. In order to protect the character and appearance of the listed building in accordance with policies CP16 and DP28 the Hambleton Local Development Framework and in order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
14. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
15. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
16. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
17. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
18. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
19. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
20. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
21. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.

22. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
23. In accordance with Policy DP4 of the Local Development Framework and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
24. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.
25. In order to protect residential amenity in accordance policies CP1 and DP1 of the Hambleton Local Development Framework.

Attention is drawn to the following Informatives:-

1. Conditions 10 & 16 - Time spent setting up before events and clearing away after events do not count within the 12 day restriction.

Parish: Thirsk
Ward: Thirsk
11

Committee Date : 18 July 2013
Officer dealing : Mr J E Howe
Target Date: 14 May 2013

13/00570/FUL

**Construction of 8 dwellings.
at 52 St James Green Thirsk North Yorkshire YO7 1AN
for Mrs J Whitwell.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the construction of 8 dwellings with associated internal car parking in a courtyard terraced form within the site of a former clinic/nursery building off Piper Lane and St James Green within the Conservation Area in Thirsk. A previous application for the construction of nine flat units was permitted in 2008 but the permission was never implemented and expired in 2011. Conservation Area Consent for the demolition of the former clinic was also granted and this building was removed during 2009.

1.2 The site has a frontage onto Piper Lane, which runs from St James Green to Long Street, and is immediately to the east of an open area known as Little Green. There is a block of four (two-storey) flat units immediately to the east and a block of six garages and a terrace of five two-storey houses to the south. The dwellings on the northern side of Piper Lane are a substantial two-storeys in height and of an older traditional form. There is a bungalow opposite the proposed arched entrance into the site.

1.3 The proposed development comprises a 'square' block of predominantly two storeys appearance (albeit with dormer windows to utilise the loft space) with an internal courtyard and constructed in facing brickwork with some areas of render. The roofs would be natural clay pantiles and slate and all windows would be in painted softwood. Car parking (8 spaces) would be provided within open bays on the ground floor. Vehicular access into the courtyard would be from Piper Lane to the northern elevation. The four dwellings facing onto St James Green would have a traditional frontage opening onto the Green.

1.4 The 8 units would have, in addition to a covered parking bay, bin storage and a utility area at ground floor, living room/kitchen at first floor and one bedroom with a bathroom and small study or storage room (of approx 2.5m x 2.5m) to the second floor.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 The site was previously occupied by a nursery school which was constructed in 1964. An application for the demolition of the building (being within the Conservation Area) was granted in 2008 (08/01942/CON) concurrently with an application for the construction of nine flat units with associated internal car parking (08/01941/FUL). The nursery building was subsequently demolished but the planning permission for the nine flat units expired in August 2011.

3.0 RELEVANT PLANNING POLICIES:

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

Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
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

4.0 CONSULTATIONS

4.1 Thirsk Town Council : Wishes to see the application Approved. Would prefer wholly brickwork rather than part render.

4.2 North Yorkshire County Council (Highways Authority) : Requested further details in respect of car parking and turning areas. The details subsequently supplied have been agreed with the Highway Authority and no objections are raised subject to conditions.

4.3 North Yorkshire County Council (Heritage Unit) : No objections subject to the imposition of a 'watching brief' archaeological condition. The applicant has confirmed that an appropriate consultant has been appointed should permission be granted.

4.4 Yorkshire Water : Initially objected to the proposal in respect of an inadequate Flood Risk Assessment and evidence of their equipment crossing the site. Further discussions were held and details submitted. These were forwarded to Yorkshire Water and no objections are now raised.

4.5 Swale and Ure Internal Drainage Board : No adverse comments. (confirmation of details sent regarding amended Flood Risk Assessment).

4.6 Environmental Health Officer : Awaited.

4.7 The application was advertised in the local press, by site notice on the boundary of the site and the 17 closest neighbours were consulted. Responses were received from four residents which, whilst not objecting to the principle of the development had concerns in respect of car parking, turning and manoeuvring and the applicant's right of access into the site from Piper Lane.

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 type and size of house types provided (Policies CP8 and DP13), the scale, design and materials proposed (Policies CP17 and DP32) and the consequent impact on the appearance and character of the Thirsk Conservation Area including potential archaeological considerations (Policies CP16, DP28 and DP29) together with the impact, if any, on adjacent residential amenity including light, privacy and the level of car parking provision provided (Policy DP1). The content of paragraph 50 of the National Planning Policy Framework (NPPF) is also relevant in this case.

5.2 The site is within the centre of Thirsk which is designated in the context of the Core Strategy as a Principal Service Centre, having a full range of local services and facilities, including employment and public transport links. The site is therefore a fully sustainable location in terms of local and national criteria.

5.3 Policies within both the Core Strategy and Development Policies document note the need to provide a range of house types and sizes, particularly for young local people including small families. The units proposed within this scheme are certain to appeal to first time buyers from within the wider Thirsk area in view of their potential affordability and close-to-centre location within easy reach of local facilities and employment opportunities. Paragraph 50 of the NPPF requires Local Planning Authorities to deliver a wide choice of high quality homes including a mix of housing based on demographic trends and the needs of different groups in the community which reflect local demand. As noted above the provision of such modest units as proposed which, whilst not 'affordable' in a strict policy sense, fully reflects the content of the LDF Policies referred to above. It may be noted from

para 2.1 above that a previous scheme for 9 one-bedroom units was permitted in 2008 but the permission lapsed. The current scheme has one fewer unit within the same floor area.

5.4 This is an important site within the Conservation Area and the design of the former clinic/nursery building had had a negative impact on its character and appearance. The application therefore creates an opportunity to enhance the Conservation Area. The most important elevation in street scene and Conservation Area terms is that to the south-west which faces directly onto St James Green. This has been the subject of discussion with the applicant to achieve an elevation which reflects the character and varied roofline of other dwellings around the Green. Some amendments have already been agreed which are considered to satisfy this aim. Further minor alterations to the roof ridge and eaves lines and window detailing have been agreed in discussion with the applicant. These latest changes, which are of a detailed nature and do not require formal re-consultation with consultees or neighbours, are currently in the course of preparation and will be available for display at the Committee.

5.5 The building group is approximately square in form with an internal courtyard which provides car parking on the ground floor and gives light to inward looking windows on the ground and first floors. An arched entrance to the units and other openings with iron railings to give light to this area, give interest to the design. The varied window types (softwood timber of traditional designs), use of facing brickwork with some smaller areas of render and the varied use of both pantiles and slate to the roofs all reflect elements which can be seen adjacent to the site and the immediate area and comprise a significant visual improvement. Discussions with the applicant were also held to reduce the overall ridge heights and, particularly the element over the arched entrance and a variation to ensure that the '45 degree' standard was achieved in the north-western corner adjacent to an existing dwelling to prevent loss of light and amenity to the residents. Amended plans in these respects have now been received.

5.6 The comments raised by neighbours relate not specifically to the principle of the development but particularly to the level and design of the car parking provision made and the practicality of access, turning and manoeuvrability into the site to eliminate the likelihood of residents parking on roads adjacent, specifically Piper Lane. The applicant has amended the design and layout of the ground floor parking facilities and has commissioned a consultant to confirm that the layout and dimensions now proposed comprise a practical solution to the parking requirement. The Highway Authority has examined the additional details and is now satisfied with the proposal, subject to the recommended conditions.

5.7 A Unilateral Undertaking in respect of a contribution towards the provision/improvement of Public Open Space facilities in accordance with Policy DP37 has been submitted and will be concluded prior to the grant of any planning permission.

5.8 This recommendation of approval is, consequently, subject to the receipt of the amended plans referred to above, conditions requested by the Highway Authority and completion of a Unilateral Undertaking.

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 site is within a fully sustainable location, the dwelling units proposed will be attractive to young local people, the scale, design and materials proposed reflect the character of the surrounding Conservation Area and the development should have no demonstrable adverse impact on adjacent residential or visual 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. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. a) The development shall be constructed of the approved materials in accordance with the approved method. b) The mortar mix, pointing finish to be employed and finish and colour of render shall be agreed in writing by the Local Planning Authority. c) Prior to development commencing details of the cross-section of the all window and door frames, and any glazing bars, together with details of the method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority.
3. 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.
4. The site shall be developed with separate systems of drainage for foul and surface water drainage.
5. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.
6. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.
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. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawings Encon Job Number A2135 Drawings 01 and 02. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (i) The crossing of the footway shall be constructed in accordance with Standard Detail number E6var.(ii) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing highway.

10. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 45m measured along both channel lines of the major road from a point measured 2.0 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

11. 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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

12. 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 a detailed highway management method statement relating to the programme of demolition and construction works shall be submitted to and approved by the Local Planning Authority. The statement shall include arrangements for the following: Protection of carriageway and footway users at all times during demolition and construction. Erection of hoardings, security fencing and scaffolding on / over the footway and carriageway. Protection of contractors working adjacent to the highway. Removal of materials from the site. Delivery of materials and plant to the site. Loading / Unloading of materials and plant. Storage of materials and plant. Parking of contractors vehicles. Likely timescales. The approved details shall be adhered to for the full duration of the site clearance and construction works. No materials associated with on-site construction works shall be stored on the public highway.

13. The first floor windows within the central courtyard of the two central units which face onto St James Green shall be fitted with obscured glazing in accordance with a scheme to be agreed in writing with the Local Planning Authority. Upon installation the approved glazing shall remain in place at all times unless otherwise agreed in writing with the Local Planning Authority.

14. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new planting including shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first

planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

15. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing attached to planning application 13/00570/FUL received by Hambleton District Council on 18th March 2013 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the Conservation Area surroundings of the site in accordance with Policies CP16 and DP28.
3. The site is within an area of archaeological interest and in accordance with Policy DP29.
4. In the interest of satisfactory drainage and to avoid pollution of the water environment.
5. To ensure that the development can be properly drained to prevent pollution of the water environment.
6. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal to prevent pollution of the water environment or flooding.
7. In the interests of highway safety.
8. 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.
9. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
10. In the interests of road safety.
11. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. To prevent building operations from obstructing the public highway to the detriment of the free flow of vehicular traffic
13. In the interest of the amenity and privacy of adjacent residents in accordance with policy DP1.
14. In order to soften the visual appearance of the development and enhance its overall appearance in accordance with Local Development Framework Policies CP16 and DP28.

15. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP16, DP28, DP29, CP17 and DP32.

Parish: Well
Ward: Tanfield
12

Committee Date : 18 July 2013
Officer dealing : Mr J E Howe
Target Date: 8 February 2013

12/02514/FUL

**Demolition of existing dwelling and garage and construction of a replacement dwelling and detached domestic garage.
at Silent Springs Strait Lane Nosterfield North Yorkshire
for Mr Kinsell.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 An application for the construction of a replacement dwelling and ancillary garage block with integral ancillary residential accommodation on land at Silent Springs, was reported to the meeting of the Planning Committee on 25th April. An inspection of the site was made by members on 22nd April.

Consideration was deferred at the meeting in order that the applicant should have the opportunity to submit additional details of existing site levels, proposed finished floor levels and ridge heights (all related to a fixed Ordnance base), and potentially landscape mitigation measures, in an attempt to reduce the landscape impact of what was considered to be a substantial replacement dwelling in the countryside. The submission of such details was considered to be a pre-requisite of further appropriate consideration of the proposal. It was emphasised that the subsequent submission of such information would not automatically guarantee a grant of permission but that it was necessary for an informed decision to be made.

1.2 A meeting was held with the applicant and agent on 15th May when it was explained to them what information and level of detail was required to enable further consideration by the Committee. They were also advised that upon the receipt of further details it was not possible to give a firm indication of a planning permission being granted prior to a subsequent meeting of the Committee in view of the concerns which had been expressed by Members.

1.3 A timetable was indicated to the applicant for the submission of further details to enable a report to be made to the May or June meetings of the Committee. However, no details were supplied nor response to requests for direction on how the matter was to progress. Subsequently an Appeal against non-determination of the application was made in June. This report is, therefore, to establish the response the Authority should make to the Appeal. The remainder of this section of the report repeats the description made at the April meeting for Members' information and recollection.

1.4 The site is a small estate 1 mile north of West Tanfield and 0.5 miles south of Well. A statement submitted in support of the application notes that:

"The current dwelling was constructed in the 1930s by a returning Colonial Officer and built to reflect the design and accommodation he enjoyed in South Africa and does not reflect the local vernacular in any respect whether in design or material use. The proposal is to replace the current dwelling and associated accommodation with a new family residence that reflects the local vernacular in a modern interpretation using local materials that reflect similar country houses and farms dotted around the area not directly related to specific residential clusters such as villages."

"The existing use of the land is currently developed as a single detached dwelling with a separate two-storey garage with granny flat over. The proposed development is to be a single family dwelling with garaging and granny flat over. The new building is to be set slightly further back than the current dwelling but uses much of the current site area. The garaging and granny flat are to be repositioned to the rear of the new dwelling to form a

secure courtyard and parking area.

"The building is to be two storey's to the eaves (nb albeit with a basement and use of the attic/roofspace for additional accommodation) with pitched roofs in materials reflecting the local vernacular and form. The adjacent garaging and granny flat are similar in scale to that being replaced. The building is to be in stone, colour and texture to reflect that found locally in the past. The roof is to be finished in natural slate to reflect local properties of a similar scale, type and form. The windows are to be of aluminium to meet current energy conservation standards and provide a contemporary aspect to the scheme."

"The property has mature well established gardens which the proposal seeks to enhance."

"The proposal develops an existing residential site to provide a high quality home for the current owners replacing a dated poor quality dwelling which is out of context with the local vernacular and has a poor energy conservation performance with poor ventilation and does not meet the current standards or needs of the family."

1.5 The site is well screened in the local landscape and additional planting is proposed. The existing dwelling is not of architectural importance though it does display the characteristics as described above due its discreet location does not intrude into the local landscape.

1.6 Although the proposed replacement dwelling and ancillary buildings are larger than the existing complex they are sited slightly further back into the site than the existing property. Following discussions with the applicant photo-montage interpretations of the siting of the dwelling were provided and subsequently it was agreed that the dwelling will be set 0.9m further down into the site. No material arising from the creation of the basement element will be removed from the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 There have been no previous applications within the site.

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Development Policies DP1 - Protecting amenity
- Core Strategy Policy CP4 - Settlement hierarchy
- Development Policies DP9 - Development outside Development Limits
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Development Policies DP30 - Protecting the character and appearance of the countryside
- National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Well Parish Council : No objections.

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

4.3 Natural England : No objections.

4.4 Yorkshire Water : No comments.

4.5 Environment Agency : No objections subject to any comments of Environmental Health Officer.

4.6 Environmental Health Officer : No objections.

4.7 The application was advertised by site notice at the entrance to the site and the two closest neighbours 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 principle of the construction of a replacement dwelling in this location outside the defined development limits of a settlement (Policies CP4 and DP9), the scale, design and materials proposed (Policies CP17 and DP30) together with the impact, if any, on local visual amenity and landscape character (Policies CP16 and DP30). The contents of paragraph 60 of the NPPF which advises that Local Authorities should not impose particular architectural tastes but seek to reinforce local distinctiveness are also considered relevant in this case.

5.2 It has been noted above that the site is outside any recognised settlement but, nevertheless, has been in residential use for in excess of 80 years. The current property is not an attractive feature and the applicants state that it is poorly insulated and has suffered from a lack of maintenance prior to their purchase such that extension/conversion is not practicable. They wish to construct a new property appropriate for current family needs with a high level of insulation and reduced energy consumption. Such a proposal is in accordance with Policy DP9 which states that such a proposal is acceptable "where it constitutes replacement of a building where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion."

5.3 It is a key consideration that the new development should not cause harm to the openness, intrinsic character and quality of the District's landscape as required by Policies CP16 and DP30. It has been noted above that the new development is more substantial than the 'complex' which it replaces. Although the siting and location of the dwelling is within its own landscaped setting the building is considerably higher than the dwelling that is to be replaced. The traditional form of the roof structure has the potential to enable the building to be assimilated within the landscape particularly with additional planting within the applicant's surrounding land to enhance the setting. Photomontages were supplied to indicate the visibility of the new dwelling within the landscape. Members had (on 22nd April) the opportunity to view the site and surroundings on a visit before the April 25th Committee meeting. As a result of this site inspection, and subsequent debate at the meeting of the Committee, it was resolved that the additional details set out in paragraphs 1.1 and 1.2 above should be supplied prior to any decision being made.

5.4 The design is considered to be a mix of traditional scale and massing of a house of this type with natural materials but including modern detailed elements appropriate for the 21st century. It is considered that the design of the dwelling is potentially in accordance with paragraph 60 of the NPPF which states that: "Planning Policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to promote or reinforce local distinctiveness."

5.5 Notwithstanding the general compliance with the NPPF referred to above, the situation is such that in the absence of the details and information previously requested the scheme remains potentially contrary to Policies CP16 and DP30 as mentioned in para 5.3 above and, in the absence of such details, and in the event of an Appeal for non-determination not having been

submitted, would have been recommended for refusal on the grounds as set out in the recommendation below.

6.0 RECOMMENDATION:

The Planning Inspectorate is advised that the Council would have REFUSED planning permission for the following reason:

1. In the absence of detailed information of existing and proposed floor and ground levels together with existing and proposed ridge and roof heights, all related to an identified ordnance base, the Local Planning Authority considers that the substantial replacement dwelling proposed would be detrimental to the openness and intrinsic quality of the landscape character of the area contrary to Policies CP16 and DP30.