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 15 August 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.
- 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 15th August 2013

	Application Ref/	- vov vov.
Item No	Officer/Parish	Proposal/Site Description
1	13/00819/FUL	Alterations and extensions to dwelling and outbuildings to form
	Miss A Peel	annexe and new dwelling as amended by correspondence
	Kiplin	received by Hambleton District Council on 25th July 2013
	Page no. 3	For: Mr & Mrs S Ramsey
		At: Ladybank House, Kiplin
	40/04000/ELU	RECOMMENDATION: GRANT AS DEPARTURE
2	13/01298/FUL Miss A Peel	Alterations to part of existing outbuildings to form bakery and residential annex
_	Leeming Bar	residential annex
	Looning Dai	For: Mr and Mrs Paxton
	Page no. 7	At: Kirkby Fleetham PO, 3 Forge Lane, Kirkby Fleetham
	13/01146/FUL	RECOMMENDATION: REFUSE
3	Mrs T Price	Construction of double garage and garden store as amended by plans received by Hambleton District Council on 14 June
	Northallerton	2013
	Page no. 11	For: Mr and Mrs S Houghton
		At: 30 Brompton Road, Northallerton
		RECOMMENDATION: GRANT
4	13/00913/OUT	Revised outline application for the construction of a dwelling to
4	Miss A Peel	be used in connection with existing caravan park and fisheries
	Northallerton	business
	Dogg no 45	For Mr and Mrs Cooife
	Page no. 15	For: Mr and Mrs Scaife At: Parklands Coarse Fisheries, Yafforth Road, Northallerton
		7 ta 1 ta
		RECOMMENDATION: REFUSE
5	13/00872/FUL	Change of use of workshop/store (used for the repair and
J	Mrs S Leeming	storage of agricultural and plant machinery and agricultural
	Sandhutton	contracting) to general industrial use (B2)
	Page no. 20	For: Airtech
		At: Unit 1, Skipton Old Airfield, Sandhutton
		DECOMMENDATION, IMPOSE CONDITIONS
	13/01004/FUL	RECOMMENDATION: IMPOSE CONDITIONS Retrospective application for the construction of an outbuilding
6	Mr A Cunningham	as amended by plan received by Hambleton District Council
	Sowerby	on 16 July 2013
	Page no. 26	For: Mr C.A Billet
		At: 146 Front Street, Sowerby
		RECOMMENDATION: GRANT
7	13/01411/FUL	Change of use from an A1 use (shop) to a mixed A1/A3 use
7	Mrs S Leeming	(shop and cafe)
	Thirsk	
	D 00	For: Olivia's Artisan Foods
	Page no. 29	At: 89 Market Place, Thirsk
		RECOMMENDATION: GRANT
		1

8	13/00639/FUL Mr A Cunningham Thirsk	Change of use of apartments 7, 8, 19, 20, 25 and 26 from residential use to office use
		For: Broadacres Housing Association
	Page no. 33	At: Gillings Court, Marage Road, Thirsk
		RECOMMENDATION: GRANT
9	13/00078/FUL Mrs S Leeming Whitehorse	Revised application for the construction of an agricultural workers dwelling
		For: Mr C T Woodhead
	Page no. 37	At: Land to the East of Common Lane, Carlton Husthwaite
		RECOMMENDATION: GRANT AS DEPARTURE

Parish: Kiplin

Ward: Morton on Swale

1

Committee Date : 15 August 2013 Officer dealing : Miss A J Peel

Target Date: 11 June 2013

13/00819/FUL

Alterations and extensions to dwelling and outbuildings to form annexe and new dwelling as amended by correspondence received by Hambleton District Council on 25th July 2013

At: Ladybank House Kiplin North Yorkshire DL10 6AU For Mr & Mrs S Ramsey

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Ladybank House is a detached dwelling with large outbuilding and extensive grounds approximately 350 metres along a gated track off the B6271. This application proposes to build an extension at the north western end of the existing dwelling to create a large living/dining room for the whole family. An extension would also be constructed at the south eastern end of the dwelling to link the main house with the outbuilding. The outbuilding would be extended at the north eastern side and the whole building made two-storey and converted to living accommodation.
- 1.2 The alterations and extensions would result in two units of accommodation: the original dwelling (extended) for the applicants with a three-bedroom annexe for their eldest daughter and her child; and a second four-bedroom dwelling for their younger daughter, her husband and their three children in the majority of the enlarged and extended outbuilding. The garden, driveway and parking facilities would be shared.
- 1.3 The personal circumstances of the applicants' family have been submitted confidentially as part of the planning application. The applicants intend to alter and extend the original dwelling to provide accommodation for the whole family.

2.0 RELEVANT PLANNING HISTORY

- 2.1 08/00716/FUL Alterations and extensions to part of domestic garage to form two residential annexes. Granted 25 June 2008. (This scheme was for two one-bedroom annexes, both within the outbuilding, and with no increase in its roof height or footprint.)
- 2.2 11/00985/FUL Application to replace extant permission in order to extend the time limit for implementation of alterations and extensions to part of domestic garage to form two residential annexes (08/00716/FUL). Granted 1 July 2011.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Development Policies DP1 - Protecting amenity

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

Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Kiplin Parish Council no comment (the Parish Chair is the agent for the application).
- 4.2 Neighbours were notified and a site notice was posted one response from an adjacent landowner comments that the proposal would lead to the intensified use of the gated access from the B6271 and raises concerns that gates will be left open and cattle will be allowed to escape onto the B6271.

5.0 OBSERVATIONS

- 5.1 The main planning issues to be considered in relation to this application relate to the principal of a new dwelling outside Development Limits; the impact of the proposed development on the existing property, the impact on the character and appearance of the countryside and any neighbour amenity issues.
- 5.2 The principle of the formation of two residential annexes has been considered during previous applications and there have been no significant changes to policy since then. It is therefore considered that the conversion and extension to form the proposed annexe is acceptable, in principle.
- 5.3 However, the previous schemes proposed much smaller accommodation, each containing only one bedroom, living space and a small kitchen, and involving only minor external alterations to the building. The previously proposed annexes were therefore clearly subservient to the main dwelling. This scheme proposes significant alterations to the main dwelling and the outbuilding and would create a significant amount of additional accommodation, including one unit that has all the attributes of an independent dwelling. Accordingly the intended use, the need for the accommodation and the visual impact of the proposal need careful consideration.
- 5.4 Policy CP4 of the Local Development Framework supports development in countryside only when an exceptional case can be made. The policy then lists those cases which, with adequate justification, would be considered acceptable. The creation of a new dwelling in the countryside might be considered acceptable if it were to meet the needs of an enterprise with an essential requirement to locate in the countryside, or if it would provide affordable housing. This proposal does not meet with any of the criteria listed within Policy CP4 and is therefore contrary to the LDF. However, in this instance it is considered that the unique personal circumstances of the applicants' family need to be taken into account.
- 5.5 The proposal to extend and alter the dwelling and convert the outbuilding to provide sufficient accommodation for five adults and four children is in direct response to these needs. Whilst the proposed annexe is significantly larger than those permitted before, a three bedroom unit does not appear excessive for a mother and daughter and would allow for visitors or home office use. The new dwelling is far larger than could reasonably be described as an annexe but its four-bedroom form is not considered excessive for a family of five and it would allow a balance to be struck between independent living and the provision of care by other family members. Given the unique personal circumstances of this family it is considered reasonable that they require such a large amount of accommodation to meet the family's needs.
- 5.6 In reaching this conclusion it is acknowledged that the second dwelling could eventually be occupied by persons not in need of care and that it would be possible to subdivide garden areas to create entirely separate curtilages. However, the applicants' family's circumstances are unique and are considered sufficient to justify approval and a condition to limit first occupation of the dwelling to family members is recommended.

- 5.7 The alterations proposed will create a much larger building and as there is a public footpath adjacent to the site this will be visible from a public viewpoint. There is no doubt that the proposal would change the appearance of the site and the existing dwelling with detached outbuilding. Nevertheless, it is considered that the extensions and alterations have been designed to take account of the character and appearance of the dwelling and outbuilding. The cumulative effect of each extension creates one very large building but it would have the appearance of a courtyard type development that would not look out of keeping in the open countryside. It is also noted that the link extension allows that annexe to be physically linked with the main dwelling for easy access for care of the applicant's daughter. It is considered that the alterations and extensions would significantly alter the appearance of the dwelling but careful consideration has been given to the design and it is felt that the proposal will not have unacceptable harm to the visual amenities of the open countryside.
- 5.8 There are no nearby neighbours who would be affected by the alterations to the dwelling. There would be an increase in activities at the site but it is felt that this would not necessarily result in the farm gates being left open or that the application should be refused on this basis.
- 5.9 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 is required to comply with Policy DP37. The cost of the Public Open Space contributions has been calculated and this equates to £4455.08. The applicant has agreed to submit a Unilateral Undertaking (under Section 106 of the Planning Act) relating to the payment of funds. The application would therefore comply with Policy DP37.
- 5.10 The proposal meets with policies within the LDF in terms of scale, design, visual impact and effects on neighbour amenity. Furthermore, the formation of an annexe which is occupied by a dependant relative is also considered acceptable. The creation of a new dwellinghouse in the open countryside does not meet with any of the exceptional cases detailed within Policy CP4 and the scheme is therefore contrary to the objectives of the LDF. However, given the personal circumstances of the applicant it is understandable that they require accommodation such as this which maybe separate but is closely linked to allow for the care they need. It is therefore felt that the proposal should be considered as a departure from the development plan, and given the circumstances be considered acceptable. The application is therefore recommended for approval.

SUMMARY

Given the personal circumstances of the applicants' family, confirmed by medical professionals, it is considered that the proposed annexe and dwelling and alterations and extensions to the existing dwelling are acceptable even though the new dwelling does not meet with Policy CP4 of the LDF. The proposal would be not have an adverse impact upon the character and appearance of the countryside or any nearby neighbours.

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 Subject to:

- (a) The advertisement of the application as a departure from the development plan and the consideration of any further representations; and
- (b) The satisfactory prior completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure a contribution of £4455.08 towards retaining, protecting and enhancing Public Open Space;

And 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 annexe accommodation hereby approved shall not be occupied as separate independent dwellings and shall remain ancillary to the use of the main dwelling known as Ladybank House, Kiplin. It shall form and shall remain part of the curtilage of the main dwelling as a single planning unit and shall be used as living accommodation only by the occupiers, members of the family or employees of the occupiers, of the main dwelling.
- 4. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) received by Hambleton District Council on 16th April 2013 unless otherwise agreed in writing by the Local Planning Authority.
- 5. The second dwelling hereby approved shall initially be occupied by Robin and Kelly Larmour and any dependent family members.

The reasons 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. The building in this location is not suitable for separate occupation in view of the location outside defined settlement limits in accordance with Local Development Framework Core Strategy Policy CP4.
- 4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.
- 5. The dwelling is only considered acceptable contrary to Local Development Framework Core Strategy Policy CP4 in recognition of the personal needs of Robin and Kelly Larmour.

Parish: Kirkby Fleetham with Fencote

Ward: Leeming Bar

2

Committee Date : 15 August 2013 Officer dealing : Miss A J Peel

Target Date: 16 August 2013

13/01298/FUL

Alterations to part of existing outbuildings to form bakery and residential annex At: Kirkby Fleetham Post Office 3 Forge Lane Kirkby Fleetham North Yorkshire For Mr & Mrs Paxton

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 This application seeks consent for alterations to part of existing outbuildings to form a bakery and residential annexe. A glazed link will be constructed to link the conservatory on the main dwelling to the bakery within the outbuilding. The ancillary accommodation will consist of kitchen, dining room, living room and WC at ground floor level, and two bedrooms and bathroom at first floor level. The site is located within the Kirkby Fleetham Conservation Area.
- 1.2 An application was submitted in 2006 for alterations to this building to form a residential annexe. The application was refused by Planning Committee on 11 January 2007 for the following reason;
 - The proposed development is contrary to policy H12 (as amended) of the Hambleton District Wide Local Plan as it would adversely affect the amenity of the adjoining residents due to a loss of privacy and would create a poor living environment for the occupiers of the annex.
- 1.3 The application was also dismissed at appeal on 16th October 2007 for the following reason;
 - The proposed development would cause unacceptable harm to the living conditions of the occupiers of 1 Forge Lane in relation to privacy contrary to Policy H12 of the Hambleton District Wide Local Plan.
- 1.4 The main differences between the two schemes are considered to be:
 - Addition of the bakery use which is an expansion of the village post office and shop.
 - Alterations to the internal layout of the annexe.
 - The single storey extension at No1 Forge Lane (04/01320/FUL) has expired and works have not commenced.
 - Obscure glazing to the ground floor windows of the proposed annexe.
 - Omission of windows within the north west elevation of the proposed annexe.
 - Confirmation that the annexe will be used by a family member who will work in the post office.

2.0 RELEVANT PLANNING HISTORY

2.1 No relevant history.

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 DP28 - Conservation

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP32 - General design

Supplementary Planning Document - Domestic Extensions - Adopted 22

December 2009

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Parish Council Wishes to see the application approved. As a village it is important to encourage small enterprise and for the future of the village shop this makes complete sense. The village shop and reading room have always been there with the same access and potential users therefore this should not prove to create problems. Shared access is normal in villages and no problem to most people. It would also help to renovated buildings which could fall into disrepair, received 12 July 2013.
- 4.2 Environment Agency No comments, received 26 June 2013.
- 4.3 NYCC Highways The applicant has not included the access within the red-lined plan. However based on the previous applications for this site, it is understood that access rights exist. Conditions recommended, received 12 July 2013.
- 4.4 Woodland Trust No response, expiry 12 July 2013.
- 4.5 Environmental Health The proposed development is in close proximity to residential dwellings and there is the concern that odours and noise from the proposed bakery may cause nuisance to the adjacent premises.

In order to make a decision about the potential impact on adjacent residential dwellings we would recommend that a scheme is submitted giving details of ventilation and fume extraction. Including the method of treatment to remove odour, particles or droplets and discharge points, details of noise levels generated, any noise attenuation to be incorporated and proposed hours of operation.

The extract ventilation shall be operated and maintained in accordance with manufactures recommendations.

The scheme shall be submitted and agreed in writing by the Local Planning Authority prior to commencement of emissions, received 1 July 2013.

- 4.6 Neighbours consulted and site notice posted -Observations from 3 nearby neighbours have been submitted and made the following comments;
- a) Support for the proposal. Any proposal to improve its service can only be applauded and welcomed.
- b) The proposal for ancillary use has already been refused.
- c) Rights of access.
- d) Overlooking into neighbouring properties.
- e) Noise/odour impact from the bakery.
- f) Fire regulations.
- 4.7 Press Notice No response, expiry 29 July 2013.
- 5.0 OBSERVATIONS

- 5.1 The main planning issues raised by this application include the principle of the change of use, any affects the residential annexe and proposed bakery would have on the amenity of the adjoining residents, the visual impact of the proposed extensions and alterations and any affects on the character and appearance of the Conservation Area.
- 5.2 The site is located inside the Development Limits of Kirkby Fleetham and therefore the change of use of part of the domestic outbuilding to a bakery in connection with the existing shop use is considered acceptable, in principle. The bakery is required to allow the applicant to cope with the demand for baked goods which are provided within the village shop. At present the applicant is using the small domestic kitchen which is not adequate to be used as a family kitchen as well as the bakery for the shop. The proposal is not to supply baked goods to sell off-site, but to sell within the existing shop. Hence, the bakery element will not significantly increase traffic levels to and from the site. It is anticipated that the hours of work will be between 6.30am and 1pm Monday Friday, 6.30am and 12pm Saturdays with no work on Sundays which are considered to be normal working hours, and no more than the existing shop use. The proposal includes the installation of a ventilation system which the Environmental Health department would consider before installation to ensure that the development does not create unacceptable levels of odour, this can be controlled by condition. It is considered that the proposed bakery use is acceptable and will not cause unacceptable harm to the amenities of the neighbours.
- 5.3 The proposed glazed link extension is considered to be acceptable in terms of scale and design. It is felt that this part of the proposal will not cause harm to the character and appearance of the dwelling or the surrounding Conservation Area. The proposed link section fails to comply with the Domestic Extensions SPD. However the neighbour's window is a secondary rear window to the sitting room and the link is a small scale glazed addition. It is therefore considered that it will not appear overbearing or cause unacceptable levels of overshadowing.
- 5.4 The application for an annexe submitted in 2006 was refused as it was considered that the proposal would adversely affect the amenity of the adjoining residents. The inspector noted during the 2006 appeal "the windows on the south east elevation of the building serving a lounge at ground floor levels and a first floor bedroom, office and bathroom would be very close to and directly face the windows of No.1 across the courtyard, including those serving a living room and dining room. Given this proximity, the reinstatement of windows at first floor level and the use of the building for residential purposes would result in a significant loss of privacy for the occupiers of No. 1 even with the use of obscure glazing" The issue of overlooking from the building has been addressed by arranging the internal layout of the building so that the main windows face in a south westerly direction, away from the neighbouring dwellings. The secondary windows on the south east (side) elevation of the building will have fixed bottom sashes with obscure glazing and opening sashes at a high level with clear glazing. The windows will have guick release restrictor stays to allow escape in case of emergency. The windows and doors to the living room are at the south western end of the building and do not face directly onto windows within No.1. The only window to the dining room will be installed with obscure glass, as will the bedroom windows and the bathroom. The ground floor dining room window will not face directly onto the ground floor windows at No.1, and the first floor windows will face towards the first floor windows at No.1 but these include an obscurely glazed bathroom window, staircase and dressing room, none of which are habitable rooms. The inspector considered that the 2006 proposal would result in unacceptable overlooking, even with the use of obscure glass. However, it is felt that due to the use of fixed obscure glass, window positioning and internal layout of the annexe and No.1, there will not be an unacceptable level of overlooking from the building in this instance.
- 5.5 The Domestic Extensions SPD states that 'annexes can be either attached or detached from the main dwelling, however they must be closely integrated with the existing building often through shared internal facilities and a driveway'. The annexe would share a driveway and access with No.1 and No.3. The plans include an internal doorway between the annexe and the bakery which would link the main dwelling with the annexe, however access through the shop and dwelling would not be an easy and convenient route and so it is likely that the

occupiers of the annexe would use the driveway and enter the annexe through its own separate entrance. With two bedrooms, a bathroom, and its own kitchen, living room, dining room, entrance and garden the annexe could easily be occupied as a separate dwelling, and the only link to the main dwelling, the internal doorway, could be closed off. Furthermore, the accommodation would be such a size that it could be occupied by a whole family rather than a single dependant relative. It is considered that the accommodation is too large to be considered an annexe to the main dwelling. Hence, due to its scale, its use as an independent unit and very close proximity to the neighbouring property (No.1) it is considered that the development will give rise to unacceptable levels of disturbance from pedestrian, vehicle movements and general residential activities. Furthermore, the use of the shared access area between the proposed annexe and No.1 would result in mutual overlooking of the two properties. Whilst obscure glazing within the proposed annexe may prevent this there is clear glazing within No.1. It is therefore considered that the proposal would result in significant levels of disturbance and overlooking of the occupiers of No.1.

5.6 Taking the above into account it is clear that the alterations to the building would not have a harmful impact upon the appearance of the building or the Conservation Area, or impact upon highway safety. However, these factors cannot outweigh the harm caused by overlooking to the neighbouring property, No.1 Forge Lane, and by disturbance through vehicular and general domestic activity.

6.0 RECOMMENDATION:

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

The reasons are:-

1. Due to the design and layout the proposed annexe would lend itself to separate occupation which would lead to the increased use of the access and driveway and the frequency of the noise and activity at the site. This would result in an adverse affect on the amenities of nearby residents and would not accord with Policy DP1 of the Hambleton Local Development Framework.

Parish: Northallerton Ward: Northallerton North

3

Committee Date : 15 August 2013 Officer dealing : Mrs T Price

Target Date: 29 July 2013

13/01146/FUL

Construction of double garage and garden store as amended by plans received by Hambleton District Council on 14 June 2013 and 12 July 2013 At: 30 Brompton Road, Northallerton, North Yorkshire DL6 1EA For: Mr & Mrs S Houghton.

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 This application seeks planning consent for the construction of a double garage and garden store at 30 Brompton Road in Northallerton as amended on the 14th June and the 12th July 2012.
- 1.2 30 Brompton Road is a semi detached property, the south of the pair of dwellings.
- 1.3 The existing garden shed and garage to the rear is to be removed along with the hedgerow on the boundary. The proposed double garage/ garden store is to be constructed 250mm from the rear eastern boundary line and is to measure 8.2m x 6.4m x 4.065m to the pitch and 2.5m to the ridge with a hipped roof design.
- 1.4 Materials for the proposed works will comprise of facing brickwork and concrete roof tiles with a plastic coated roller shutter door and single pedestrian door to the west elevation. An additional 3.4m x 3.4m area of hardstanding is to be located outside the proposed garage constructed of permeable block paving to match that of the existing. A timber fence measuring 1.5m high is to be located to the east, rear, and north and south side elevations.
- 1.5 It is noted that the rear hedge was removed on Monday 17th June 2013. Members will have the opportunity to visit the site prior to the Committee Meeting.
- 2.0 RELEVANT PLANNING HISTORY
- 2.1 There is no relevant planning history.
- 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 CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP32 - General design

Supplementary Planning Document - Domestic Extensions - Adopted 22

December 2009

4.0 CONSULTATIONS

- 4.1 Northallerton Town Council No observations
- 4.2 Neighbours notified and site notice posted; expires 2nd July 2013 Five responses have been received and can be briefly summarised below:
 - Scale and massing structure will span full width of rear garden
 - Close proximity to neighbouring gardens and buildings.
 - Varying degrees of impact

- Out of character
- Not subservient to the original dwelling large footprint
- Resembles a small bungalow
- Removal of attractive hedge
- Loss of light to neighbouring sunroom
- Impact on existing trees in neighbour's garden.
- Set a precedent for other similar developments
- Future effect on property price
- Potential noise from the use of the building
- Localised flooding due to increased hard surfaces
- Inappropriate development
- Substantial structure for the rear of the plot
- Does not accord with the SPD (paragraph 6.4)
- Does not accord with the NPPF (paragraph 59)

One letter of support has been received and can be summarised below:

The previous owner of the property confirmed problems with car theft; the proposed garage is supported and would discourage thieves.

5.0 OBSERVATIONS

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

Scale and massing

5.2 It is considered that the works to the rear of the plot are large on the adjoining boundary line however given the change in the level of the land and elevation of the pitch is considered appropriate in design and massing. The works would maintain an acceptable level of private garden space to allow for sitting out, children's play, drying clothes and storage of bicycles and bins, as well as allowing a vehicle to turn. All of which is in accordance with the Domestic Extension Guide SPD. Paragraph 6.4 states that 'the provision of an attached garage within the domestic curtilage of a property must relate to the overall design of the dwelling in that its size should not dominate or discord with this existing building'. The garage is smaller in scale than the dwelling and is clearly a subordinate structure in a secondary position in relation to the principal building.

Impact on residential amenity

The impact on the amenity of neighbours by virtue of overlooking, overshadowing must be considered. Properties to the rear 10 and 12 Winston Court are located approximately 10m away (it is noted that neighbouring property no.10 has had a conservatory extension at the rear following on from the main dwellinghouse). Due to the higher land levels within the gardens of Winston Court the rear of the garage will appear 1.8m to the eaves and 3.4m to the ridge. The introduction of a hipped roof to the garage along with fencing will soften the garages appearance. Whilst the garage may block views from the neighbouring dwellings at the rear, this is not a material planning consideration, and it is felt that garage will not appear overbearing or cause unacceptable levels of overshadowing. The roof pitch slopes away from the boundary and therefore the increased height of 4.065m will not have a significant detrimental impact on the amenity of the neighbours contrary to Policy DP1. The neighbouring properties are set forward of the proposed development. Given the orientation, position of the boundary treatment and distance from the neighbouring houses it is considered that the scheme would not create an unacceptable level of overlooking or loss of light. Concern has also been raised regarding potential noise from the development, the garage is proposed to be used for domestic purposes for the storage of motor vehicles and gardening equipment, such use would not

normally give rise to excessive noise. The use can be conditioned to ensure the domestic use only is implemented and Environmental Health noise control exist if domestic use gives rise to excessive noise.

Impact on the landscape

5.4 The removal of the hedge to the rear is considered a loss to the site, whilst overgrown it did positively define the boundary space. Planning permission was not required to remove this hedge, and a 2m brick or timber fence can be erected in its place without planning permission. Some soft landscaping is to remain on the site with a lawned area and border planting. The applicant has submitted details to protect the existing neighbouring boundary trees and has confirmed that 'a root barrier will be located to the face of the garage wall to protect the structure and the roots re-directed to the open excavation to the rear of the garage and covered back over with top soil'.

Precedent

5.5 Other properties on Brompton Road have sheds and garages located on the boundary line and even though this structure is large in terms of the rear street scene the garage would not look out of context as the rear gardens in terms of layout and design do not follow any uniform pattern. It is noted that the works will be largely hidden from public view from Brompton Road.

Flooding

5.6 Neighbouring properties have had concern regarding future drainage and flooding on the land, the applicant has contacted Yorkshire Water; a written response was received on 18th June 2013, confirming they have no objection to the works.

National Planning Policy Framework

- 5.7 Paragraph 59 of the National Planning Policy Framework states that 'Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally'. It is considered that the garage meets the requirements set out within the Hambleton LDF providing a functional, accessible safe and low maintenance development that relates in design to the existing dwelling on the site and will not have an overbearing impact upon the surrounding area.
- 5.8 Overall it is considered that the proposed garage would accord with the policies of the Hambleton Local Development Framework. Hence this application is recommended for approval.

SUMMARY

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

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

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)
 - 1. The development hereby permitted shall be begun within three years of the date of this permission.
 - 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered HDC01, 2013:27/01A, 02D, 04D received by Hambleton District Council on 3rd JUNE and 12th JULY 2013 unless otherwise agreed in writing by the Local Planning Authority.
 - 3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 - 4. The garage and garden store hereby approved shall not be used other than for the parking of motor vehicles and storage of garden equipment.

The reasons are:-

- 1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP17, DP1, and DP32.
- 3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
- 4. The Local Planning Authority would wish to carefully examine any alternative use of the garage and garden store space to assess whether the development would be acceptable in terms of policy, access and amenity in accordance with the Local Development Framework

Parish: Northallerton Ward: Northallerton North

Committee Date : 15 August 2013 Officer dealing: Miss A J Peel

Target Date: 25 June 2013

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

- Consideration of this application was deferred at the 18 July meeting of the Planning Committee so that members could inspect the site before making a decision. This report has been revised to take account of additional information provided by the agent after the previous report was published.
- 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.
- 1.3 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.
- 1.4 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 March 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 February 2008.
- 2.3 11/01004/MRC Application to vary conditions 2 and 8 of 07/03812/FUL to allow 2 selfcontained eco pods and 32 spaces for caravans. Permission granted 16 August 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 no direct responses. Letters of support have been received from 4 interested parties. Their 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 caravan owners 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 hour assistance;
- e) It would enhance security and safety; and
- 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 Policy CP4 recognises that there must be exceptions to this principle of excluding new development from the countryside, for example where there is an essential requirement to locate in the countryside. Essentially the purpose of CP4 is to exercise strong restraint on development in locations outside the sustainable settlement hierarchy (second paragraph of CP4). Restraint is applied through three tests, all of which must be met to justify development.
- 5.4 Test One: "Exceptional Case" in terms of CP1 and CP2. Making an "exceptional case" does not mean showing how a proposal meets the criteria and provision of CP1 and CP2. The Plan states that the benefits sought by CP1 and CP2 are more likely to be achieved by locating development within the sustainable settlement hierarchy (Core Strategy paragraph 4.1.9). The assumption is that development in locations outside the sustainable settlement hierarchy would likely to be contrary to CP1 and CP2. "Exceptional Case" therefore means providing evidence as to why a proposal that does not comply with the intentions of CP1 and CP2 should be permitted.
- 5.5 CP1 is a very general policy providing fundamental criteria to be applied as a starting point to all developments aimed at ensuring all development is sustainable and located to help promote sustainable communities. The "exceptional case" in terms of CP1 is, therefore, about providing evidence as to why development should be located in a less sustainable location. Consequently, the aim should be to assess how serious a breach of CP1 a proposal is, which should be weighed against the "exceptional case".
- 5.6 CP2 is another broad policy which sets down the LDF's intention toward transport and accessibility. CP2 aims to ensure that all development is located so as to minimise the need for travel, particularly by private car. The "exceptional case" in terms of CP2 is, therefore, about providing evidence as to why a proposal which would be contrary to the intentions of CP2 (i.e. a proposal which would increase the need for travel) should be permitted. Again, the aim should be to assess how serious a breach of CP2 a proposal is, which should be weighed against the "exceptional case".
- 5.7 Test Two: is more straightforward, it means being able to meet at least one of the criteria i) to vi) in CP4 and provide the evidence to prove this. This is additional to the policy test to demonstrate an exceptional case.
- 5.8 Test Three: requires proposals not to conflict with the environmental protection and nature conservation policies of the LDF (final paragraph of CP4).
- 5.9 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.
- 5.10 In certain circumstances it is necessary for someone to be available at a business 24 hours a day. An appropriate example of this is for a farm worker where the livestock require full time permanent care throughout the day and night in case of illness, failure of feeding or watering equipment, or if they come into difficulties during lambing/calving. In such instances

the business would need to be well established, provide enough work for at least one full time worker and be economically viable. It can then be justified that there is an essential need for a full time worker to be available permanently on site. Whilst it would be useful to have someone available at Parklands 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.

- 5.11 The fishing lakes lie within flood zones 2 and 3 (the caravan site does not) and it is understood that this forms a large part of the applicants' reason for wanting a permanent onsite presence. It is understood that a flood would allow fish stocked in the lakes to escape and they could become stranded when the flood waters subside. However, flood events are not regular and the applicants advise that the Environment Agency recorded six severe flood events between September 2008 and November 2012. It is considered that in these circumstances the manager would have sufficient time to prepare as the waters rise and before they subside. It is not clear what advantage being able to sleep on site would bring and this is therefore not considered to provide adequate justification for a dwelling to be located on site.
- 5.12 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. Similarly, it is understood that site users would enjoy having a 24-hour presence but nothing has been submitted to demonstrate that this is essential, which is the appropriate test applied by national and local policy for new dwellings in the countryside.
- 5.13 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.
- 5.14 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.
- 5.15 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 £2,227.54. 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.
- 5.16 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.

5.17 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: SandhuttonCommittee Date :15 August 2013Ward: The ThorntonsOfficer dealing :S LeemingFTarget Date:15 July 2013

5 Target Date: 15 July 2013

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: Unit 1, Skipton Old Airfield, Sandhutton

For: Airtech

1.0 BACKGROUND

- 1.1 The attached report (in italic script for ease of reference) was presented to the July meeting with a recommendation that permission be refused. Members resolved to grant permission and the purpose of this report is to recommend appropriate conditions.
- 1.2 In addition to the attached report, a letter setting out details of attempts to market the building with the current planning restrictions was tabled as supplementary information.

2.0 OBSERVATIONS

- 2.1 The recommended conditions are outlined below. Those most pertinent to the characteristics of the application and the site are:
 - Sound insulation recommended by the Environmental Health Officer in order to protect the amenities of nearby residents of Nitrovit Row;
 - Hours of operation limited to standard day time working hours of 08.00 to 18.00 Monday to Saturday with no work on a Sunday and Bank Holiday - in order to protect the amenities of nearby residents of Nitrovit Row;
 - Details of foul drainage arrangements in response to comments made by the Environment Agency;
 - Details of any areas proposed for external storage in order to control the appearance of the site;
 - Provision of parking and vehicle loading/unloading areas within the site for highway safety and general amenity reasons; and
 - Landscaping around the boundaries of the site in order to improve the overall appearance of the site.

3.0 RECOMMENDATION:

- 3.1 The grant of permission is subject to the following conditions:
- 1. The development hereby permitted shall be begun within three years of the date of this permission.
- 2. No plant and machinery shall be used at the premises unless prior to its use, it has been fitted with sound insulation materials in accordance with a scheme which has been approved by the Local Planning Authority. The sound insulation materials shall be kept in place at all times when the machinery is in use.
- 3. The use hereby approved shall not operate outside the hours of 08.00 to 18.00 Mondays to Saturdays and shall not operate on a Sunday or Bank Holiday

- 4. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
- 5. No plant, machinery, materials or waste products shall be stored on any part of the application site outside the building, the use of which is hereby approved, except within those areas indicated for such open storage on a plan to be submitted to and approved in writing by the Local Planning Authority prior to the use commencing.
- 6. The use shall not be commenced until details of the layout of an access parking and turning space (including for the loading and unloading of vehicles) within the site have been submitted to and have been approved in writing by the Local Planning Authority. The approved access arrangements and turning space shall be provided before the use is first commenced. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 7. The use shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs to be planted on site boundaries, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

The reasons for the above conditions are:-

- 1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. To safeguard the amenities of the surrounding locality by ensuring a satisfactory noise environment is maintained in accordance with LDF Policies CP1 and DP1
- 3. To protect the amenities of the neighbours in accordance with LDF Policies CP1 and DP1
- 4. In order to avoid the pollution of watercourses and land
- 5. To ensure that the site is maintained in a tidy manner in the interests of local amenity
- 6. To ensure appropriate on-site vehicle parking facilities with associated access and manoeuvring areas, in the interests of highway safety and the general amenity of the development.
- 7. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy DP33.

ORIGINAL REPORT (FOR INFORMATION)

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.
- 1.4 Members resolved to approve this proposal contrary to Officer's recommendation at last months Committee Meeting. The purpose of this report is to discuss the proposed conditions. A copy of last months report is appended.
- 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 commended 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:

Development Policies DP1 - Protecting amenity

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

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.
- 5.1 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 know 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.

Parish: SowerbyCommittee Date :15 August 2013Ward: SowerbyOfficer dealing :Mr A J Cunningham

Target Date: 29 July 2013

13/01004/FUL

Retrospective application for the construction of an outbuilding as amended by plan received by Hambleton District Council on 16 July 2013 At: 146 Front Street, Sowerby, North Yorkshire YO7 1JN

For: Mr C.A Billet

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 This application seeks retrospective planning consent for the construction of a detached outbuilding to the rear (south-western) elevation of the end of terrace dwelling at 146 Front Street, Sowerby.
- 1.2 Amended details have been received on 16 July 2013 revising the external material to the walls and windows of the outbuilding. The agent for the applicant advises that the structure is formed of a timber framework and therefore the existing painted block work walls can be replaced with facing brickwork.
- 1.3 The outbuilding is formed of painted blockwork and felt roof tiles, with upvc windows and a timber door. Dimensions of the structure are 3.4m x 3.7m, with a total height of approximately 3.4m. Amended materials would comprise reclaimed brickwork and timber windows. The existing adjacent Grade II Listed dwelling to which the outbuilding relates is formed of brick with a slate tiled dual pitched roof.
- 1.4 The site is located within the Sowerby Conservation Area.
- 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY
- 2.1 13/00004/CAT3 Unauthorised building and alterations to Listed Building; Pending Consideration.
- 3.0 RELEVANT PLANNING POLICIES:
- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

Core Strategy Policy CP1 - Sustainable development

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP28 - Conservation

Development Policies DP32 - General design

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Sowerby Parish Council - Wish to see scheme refused and referred to Planning Committee; 'Far from being an outbuilding, this structure would appear to be a form of dwelling'.

- 4.2 Neighbours notified and site notice posted; expired 03.07.2013 No responses received as at 30.07.13.
- 4.3 The Council for British Archaeology; expired 28.06.13 No responses received as at 30.07.13.
- 4.4 Listed Building Officer No objections to amended scheme.
- 4.5 Press Advert; Published: 21.06.2013; Expired: 15.07.2013 No responses received as at 30.07.13.

5.0 OBSERVATIONS

- 5.1 The main planning issues to take into account when considering this application relate to the impact of the outbuilding on the visual amenity of the surrounding built environment and the Conservation Area, any impact on neighbour amenity and the setting of the adjacent Grade II Listed dwelling.
- 5.2 The detached structure is not prominent in the street scene and views of it are confined from the rear of adjacent property. The scheme as amended would blend well with the design, scale and materials of the host dwelling and the surrounding area. Due to this and the discrete siting of the structure there would not be an adverse impact on the visual amenity of the built environment or the wider Conservation Area, or the setting of the Grade II Listed Building. Amendments have not been sought to the roof material as its colouration and texture is not considered harmful in comparison to the adjacent dwelling, and would blend well with the reclaimed bricks proposed in place of the painted blockwork. The use of the building and its relationship to the host dwelling and adjacent properties is such that there would not be an adverse impact on neighbour amenity.
- 5.3 The use of the building has been raised with the agent for the applicant who has confirmed that the building is used for storage purposes. Whilst the inclusion of a shower tray, wash hand basin and w/c within the structure is noted the Local Planning Authority must approach the scheme on the basis of the consent that is being sought which in this case relates to an outbuilding. If in future the use of the building differs to this a judgement needs to be made firstly as to whether planning consent is required for the use, and a planning application invited if permission is required.
- 5.4 Having taken the above into account it is considered that the building, as amended, accords with the policies of the Hambleton Local Development Framework. Hence this application is recommended for approval.

SUMMARY

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

The Local Planning Authority has acted positively and proactively in determining this application by 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. Within three months of the date of this permission the blockwork walls of the building shall be removed and replaced with brickwork in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.
 - 2. Within three months of the date of this permission the existing UPVC windows shall be removed and replaced with timber framed windows in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority.
 - 3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 10 May 2013 and 3 June 2013 as amended by plans received by Hambleton District Council on 16 July 2013 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:-

- 1. To ensure that the building maintains the character and appearance of the Conservation Area and safeguards the setting of the Listed Building at 146 Front Street.
- 2. To ensure that the building maintains the character and appearance of the Conservation Area and safeguards the setting of the Listed Building at 146 Front Street.
- 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 CP1, CP16, CP17, DP1, DP28 and DP32.

Parish: ThirskCommittee Date :15 August 2013Ward: ThirskOfficer dealing :S Leeming7Target Date:30 August 2013

13/01411/FUL

Change of use from an A1 use (shop) to a mixed A1/A3 use (shop and cafe) At: 89 Market Place, Thirsk, North Yorkshire YO7 1ET For: Olivia's Artisan Foods

- 1.0 PROPOSAL AND SITE DESCRIPTION
- 1.1 This application seeks permission to change the use of 89 Market Place Thirsk from A1 (shop) use to a mixed A1 and A3 (shop and cafe) use. 89 Market Place is located on the corner of Market Place and Finkle Street and has been vacant for some time.
- 1.2 The proposal relates to the ground floor of the property only and the proposed ground floor layout illustrates retail use to the front with a mix of retail/cafe use to the rear and southern side section of the premises. Staff facilities and toilets are also proposed resulting in approximately one third of the total floor area being in the mixed retail/cafe use.
- 1.3 The Agent has submitted a supporting statement to accompany the application and this states that this proposal is by The Clervaux Trust (now to be known as Olivia's Artisan Foods) who opened their first premises in Darlington in 2010 and has recently opened a similar retail/cafe premises on Northallerton High Street. The Trust is a project working with young people to improve their opportunities for employment and to boost their confidence. All baking and cooking will continue to take place in Darlington with the proposed premises in Thirsk (like that in Northallerton) becoming an outlet for the artisan bread, cakes, scones and other organic produce with a retail area together with an area for customers to have tea/coffee and e.g. panini and toasted breads as well as cold goods.
- 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY
- 2.1 2/01/152/0542A Planning permission for replacement windows granted 2001.
- 2.2 2/02/152/0542B Advertisement Consent for externally illuminated fascia sign for the video rental shop at ground floor level granted 2002.
- 2.3 2/02/152/0542C Change of use of existing first and second floor retail and domestic accommodation to office use and provision of a ground floor entrance granted 2002 (now occupied by Coles Solicitors).
- 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 CP14 - Retail and town centre development

Development Policies DP21 - Support for town centre shopping

Core Strategy CP13 - Market towns regeneration

Development Policies DP19 - Specific measures to assist market town regeneration

Development Policies DP20 - Approach to town centre development

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Thirsk Town Council -"Decision Refused. We are concerned about the number of food outlets and cafes in the Market Place area and in particular in Millgate where there are currently 9 units selling food and drink of various sorts. We feel that this proposal is not in the interests of these shops or of Thirsk as a whole. We understand that the preferred ratio of A1 uses to others should be in the region of 75:25. At present in Thirsk this is more like 55:45. Thirsk is a tourist destination but we need more than the World of James Herriot and cafes to continue to attract visitors, otherwise the town will die. We would strongly request a site visit, not just to this unit but to acquaint the planning committee with Millgate in general, and make the committee fully aware of all aspects of the case before they make a decision"
- 4.2 EHO no objections but requests details of extract ventilation to be submitted and approved prior to use commencing
- 4.3 Neighbours/site notice expire 31 July. 4 objections received. Comments and concerns raised include:
- a) "Whilst no-one disputes that the continued prosperity of Thirsk town centre is vitally important; it is highly debateable whether we need yet another food outlet".
- b) It is considered to be contrary to Policy DP21 and details have been provided of the number of businesses around the Market Place that provide food (stated as being 26 in the primary retail area at present) and is noted that if this is approved it would total "three consecutive A3 premises in the frontage". It is felt that any further increase in this number "would be a dilution of trade" and "We need DIVERSITY to draw people to Thirsk NOT to have more of the same".
- c) It is queried whether there is an area to store commercial waste bins and queried whether there is a flood risk as it lies within a flood risk area.
- d) There are already 3 other similar businesses within the town- Upstairs Downstairs, Bliss and Greggs.
- e) Work already appears to have commenced on the premises (but the Agent states it has not).
- f) "Objecting on the basis of there are already too many cafes in Thirsk town centre Thirsk needs a multiple array of shops selling a wide variety of products. This will attract people to shop in Thirsk rather than going to Teesside Park, Middlesbrough, York etc."

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to the impact of the proposal upon the vitality and viability of Thirsk town centre as well as any impact the proposal may have upon the amenities of neighbours.
- 5.2 The proposal must be assesses against policies CP14, DP20 and DP21 in addition to the most relevant section of NPPF, paragraph 23. It is noted that the NPPF promotes competitive town centres, customer choice and diversity and this must be considered along side Policy DP21.
- 5.3 The site falls within the Primary Shopping frontages area for Thirsk Town Centre (with its main frontage being on to Market Place). Within Policy DP21 this states that "non-retail commercial uses will be permitted where they will not constitute more than 25% of the frontage (measured by total distance). A recent survey of Thirsk Town Centre has found that 43% of the shop frontages within the Primary Retail Area of Thirsk are in non A1 use. As such the limit was breached some time ago. This application, however, proposes the premises 'frontage will remain in A1 retail use with only a subordinate proportion at the side and rear being a cafe use. In view of this layout, and the direct relationship between the retail and cafe uses, it is considered that the proposal is not contrary to the Policy.

- 5.4 The comments of the neighbours are noted in respect of there being more than 3 consecutive A3 frontages as a result of this. However, this is a policy requirement for Secondary Shopping Frontages and the site lies within a Primary Shopping Frontage, where the relevant test is considered in paragraph 5.3. The plans show a strip across the frontage remaining in retail use with retail extending approximately 7 metres in depth behind half of the frontage. The plan shows the café element sited behind the retail strip in the other half of the frontage in an area marked "mixed café/retail".
- 5.5 Policies CP14 and DP20 both seek to support the provision of services which lead to the regeneration, maintenance and enhancement of the District's Service Centre functions. Policy DP20 specifically gives support for uses, activities and investment which will sustain or enhance their character, attractiveness, conservation heritage, vitality and viability and lead to the centres being more vibrant and successful. The establishment of an independent business of this type, is considered to meet the aims of these policies.
- 5.6 Paragraph 23 of the NPPF states that local authorities should promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. It is noted that in objecting to the proposals some neighbours consider that this will not result in a diverse range of uses within the town but as this proposes an independent business which will increase the competition within the town centre, it is considered that the current proposal is in accordance with this aim.
- 5.7 In response to some of the objections and queries raised the Agent has submitted a further letter which is appended to this report. The letting agents for the property have also responded and confirm that regarding flooding there is a pump in the basement in case of any damp but it is noted that during the wet summer of last year there was at no time any standing water within the basement. The recent work carried out to the building has not been carried out by the applicants but by the buildings owners in order to improve its general appearance. Regarding the provision of waste bins they note that previous occupiers have placed a bin at the side of the property near the rear entrance or arranged to have waste collected from the front. A condition is recommended in order to ensure that the disposal of waste is carried out in a satisfactory manner.
- 5.8 Due to the proposed opening hours of the premises (08.00 to 18.00 Monday to Saturday and 10.00 to 16.00 Sunday) and the fact that the main baking will not take place on this site, it is considered that the proposed use will not have any significant adverse impact upon the amenities of the neighbours. Approval is therefore recommended for this proposal.

SUMMARY

The proposed change of use is considered to be an appropriate use within the Market Place and it will not have any significant adverse impact upon the amenities of the 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:

- 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 Proposed layout received by Hambleton District Council on 5 July 2013 unless otherwise agreed in writing by the Local Planning Authority.
- 3. No development shall commence until a scheme for ventilation and extraction (including odour filtration as may be required) has been submitted to and approved in writing by the Local Planning Authority. The premises shall not be used unless the approved scheme has been installed and maintained in accordance with the approved scheme.
- 4. The use hereby permitted shall not commence until a scheme specifying the method of disposal of waste from the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented and maintained in accordance with the approved details at all times
- 5. The premises in the mix of A1 and A3 uses that is hereby approved shall not be open outside of the hours of 08:00 to 18:00 Monday to Saturday and 10:00 and 16:00 Sunday.

The reasons 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 DP21.
- 3. To safeguard the amenity of the locality in accordance with Hambleton Local Development Framework Policies CP1 and DP1
- 4. To safeguard the general amenities of the area and the neighbouring residents in accordance with Policy DP1 of the Hambleton Local Development Framework.
- 5. To limit the hours of use to that made in the application and to safeguard the amenity of neighbours in accordance with the Local Development Framework Policies CP1 and DP1.

Parish: ThirskCommittee Date :15 August 2013Ward: ThirskOfficer dealing :Mr A J Cunningham

8 Target Date: 8 July 2013

13/00639/FUL

Change of use of apartments 7, 8, 19, 20, 25 and 26 from residential into office use At: Gillings Court, Marage Road, Thirsk, North Yorkshire For: Broadacres Housing Association

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 This application seeks planning consent for the change of use of apartments 7, 8, 19, 20, 25 and 26 from residential to office use at Gillings Court, Marage Road, Thirsk. The site is located within the Thirsk Conservation Area, and Flood Zones 2 and 3.
- 1.2 The apartments the subject of this change of use would be accommodated at first floor on the north-western elevation of the northern portion of the building and at ground and first floor level on the north-eastern elevation of the eastern portion of the building.
- 1.3 No external works are proposed to the building.
- 1.4 The total gross internal floor space proposed for office use would total 72 square metres.
- 1.5 The proposed hours of operation for the office use would be from 9am to 5pm, Monday to Friday only.
- 1.6 Additional information has been received on 19 July 2013 addressing the principal of the proposed office accommodation.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/75/152/0049 Details of the construction of 33 elderly persons' flatlets and wardens dwelling; Granted 1975.
- 2.2 There is no enforcement history.
- 3.0 RELEVANT PLANNING POLICIES:
- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP8 - Type, size and tenure of housing

Core Strategy Policy CP12 - Priorities for employment development

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP8 - Development Limits

Development Policies DP13 - Achieving and maintaining the right mix of housing

Development Policies DP16 - Specific measures to assist the economy and employment Development Policies DP28 - Conservation

Development Policies DP32 - General design

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Thirsk Town Council Wish to see the application refused: 'We have been told that the apartments concerned are only 'bedsit' i.e. no separate bedrooms and are difficult to let and are therefore often empty, but this was built as social housing and we are not happy to see the loss of these six units'.
- 4.2 Environmental Health My understanding is that the offices are to be used by Broadacres staff primarily during the working week. This being the case I have no objection to the proposal. To further protect the residents of Gillings Court it may be prudent to formalise that arrangement. This could be achieved by either conditioning the hours of use or tying the permission to the owners of the residential accommodation i.e. Broadacres.
- 4.3 NYCC Highways 'Concern must be expressed with regard to the lack of parking space associated with the development however given the close proximity of off-street parking areas and waiting restrictions that protect the highway in the vicinity, there can be no Highway Authority objection'. Condition recommended regarding on-site parking, on-site storage and construction traffic during development.
- 4.4 Neighbours notified and site notice posted; expired 13.06.2013 Two objections received raising concern that this scheme would reduce sheltered housing in this central location, that the units proposed for the alternative use should be occupied by those in housing need, that the applicant should look elsewhere for office accommodation. Further non-planning related comments made in regard to business rates and financial matters relating to Broadacres.

5.0 OBSERVATIONS

- 5.1 The main planning issues to take into account when considering this application relate to the principle of the proposed use in this location, any impact on neighbour amenity, any impact on the visual amenity of the locality and any highway safety issues that may arise.
- 5.2 Gillings Court is positioned within the settlement limits of Thirsk and is close to the town centre. The location and type of use proposed is compliant with policies CP4 and DP8 and is in principle acceptable. Additional information received on 19 July 2013 has demonstrated the reasoning behind the proposal which is considered acceptable.
- 5.3 The proposed office use would be adjacent residential uses and therefore it is important to protect the amenity of the occupiers of this adjoining property. The type of use and hours of operation proposed would not harm neighbour amenity, and is considered in accordance with policy DP1 and is acceptable subject to a planning condition restricting the hours of operation to those sought on the application form.
- 5.4 No external alterations are proposed to Gillings Court and therefore no impact on visual amenity would arise.
- 5.5 NYCC Highways have appraised the scheme and not raised an objection subject to the condition recommended. The Local Planning Authority have taken this response into account and note the public parking adjacent to the site and the town centre location that may reduce the reliance on the use of the car. The scheme is therefore not prejudicial to highway safety.

- 5.6 In regard to the Town Council and neighbour responses it is highlighted that the Local Development Framework policy DP19 which addresses specific measures to assist market town regeneration refers at part (iii) to resisting the loss of existing residential accommodation. Broadacres have in their additional information supplied on 19 July 2013 clarified the lack of demand for the bedsits, measures taken to try and use the building for residential purposes, and the specifics of the proposed staffing of the offices. This evidences that the loss of the residential accommodation is justified in this instance.
- 5.7 The location of the site within Flood Zones 2 and 3 is noted. The use proposed is less sensitive than the existing use and would not therefore increase the risk to occupiers of the office units. It is recognised that the hours of use of the offices is to be during daytime when the occupants could respond to flooding matters if required.
- 5.8 Having taken the above into account it is considered that the proposed development would accord with the policies of the Hambleton Local Development Framework. Hence this application is recommended for approval.

SUMMARY

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

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

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)
 - 1. The development hereby permitted shall be begun within three years of the date of this permission.
 - 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 21 March 2013, 25 April 2013 and 13 May 2013 unless otherwise agreed in writing by the Local Planning Authority.
 - 3. The use hereby approved shall not operate outside of 9am to 5pm, Monday to Friday unless otherwise agreed in writing with the Local Planning Authority.

The reasons are:-

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

- 2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP17, DP1 and DP32.
- 3. To protect the amenity of occupiers of nearby residential property in accordance with policy DP1 of the Hambleton Local Development Framework.

Parish: Carlton Husthwaite

Committee Date : 15 August 2013 Officer dealing: S Leeming Ward: Whitehorse Target Date: 15 March 2013 9

13/00078/FUL

Revised application for the construction of an agricultural workers dwelling At: Land to the East of Common Lane, Carlton Husthwaite, North Yorkshire For: Mr C T Woodhead

PROPOSAL AND SITE DESCRIPTION 1.0

- 1.1 This application seeks permission for the construction of a temporary agricultural worker's dwelling on land to the east of Common Lane Carlton Husthwaite.
- The land consists of 1.41 acres of grassland used for rearing pheasants and partridges adjacent to Common Lane Carlton Husthwaite which the applicant bought 2 years ago having initially rented it for 5 years prior to that running it initially as a hobby. The land is presently occupied by 8 rearing sheds with pens, a secure store and 2 open fronted storage/poultry rearing buildings.
- The proposal is for a log cabin type dwelling which is temporary in nature. This is to measure approximately 15m x 6.6m with 2 bedrooms and a study and a kitchen/living room with an external decked area.
- 1.4 The proposal put forward is that the applicant requires the dwelling in this location as a result of the combination of two factors:
 - In connection with the use of the land for the raising of pheasants and partridges from April to September, turkeys and chickens from September until December with sheep grazing the land from January until April; and
 - The specific health issues of himself and his wife (for whom he is the main carer).

As such the case is put forward that there is a combined requirement to live on this site due to protection of the livestock and the fact that the applicant states "I need to be close to my wife all the time as I am her main carer and need to ensure her safety and well-being throughout the day and night".

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 12/01470/FUL -Construction of an agricultural workers dwelling - Withdrawn in 2012 in order to allow information now submitted in the current application to be gathered.

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

Development Policies DP9 - Development outside Development Limits

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 Carlton Husthwaite Parish Council wish to see approved.
- 4.2 Highway Authority no objections.
- 4.3 Yorkshire Water advise that the area is not served by the public sewerage network.
- 4.4 Neighbours/site notice expired 11 June no response.

5.0 OBSERVATIONS

- 5.1 The main issues for consideration in this case relate to the applicant's specific requirements for the proposed temporary dwelling in this location. The site falls outside Development Limits and it is therefore necessary to establish whether this can be considered as an "exceptional case" under Policy CP4. In brief, the six exceptions offered by the Policy are:
 - It is necessary to meet the essential needs of farming or another rural enterprise; or
 - It would secure an environmental improvement or conserve an important feature; or
 - It would meet a local need for affordable housing; or
 - It would re-use a building and meet local economic or housing need; or
 - It would make provision for renewable energy generation; or
 - It would support rural social and economic regeneration.
- 5.2 The case put forward by the applicant and his Agent has 2 main strands to it: 1. that it is necessary for the applicant to live on the site to deal with emergencies and supervision of his stock; and 2. that the applicant needs to remain as a constant presence at home in order to care for his wife. The case is therefore submitted that the applicant cannot do both of these things whilst living at his present address (approximately 4 miles away).
- 5.3 In support of the application a supporting statement confirms that the applicant is employed full time on the land and that there are 5,000 birds on the site during the high season of April until September which requires 24 hour care especially during the initial growth stages. At present a touring caravan is used on the site for any overnight stays.
- 5.4 An independent assessment relating to the need for a dwelling to serve the agricultural enterprise has been carried out by Mouchel. This clarifies that there is no other dwelling in the vicinity that would be suitable and available to fulfil any agricultural need.
- 5.5 The agricultural use is described as follows:
 - Three sheds and pens are stocked with 1,500 day-old partridge chicks each June and they stay on the holding for 12-14 weeks when they are sold to local shoots for release, or for sale direct to game dealers for the table;
 - Five sheds and pens are stocked with 3,000 day-old pheasant each June and they stay on the holding for 12 weeks when they are sold to local shoots for release, or for sale direct to game dealers for the table;
 - Once the first batch of pheasants has been sold the five pens and sheds are cleaned out and re-stocked in mid-September with another 3,000 day-old pheasant chicks. These birds stay on the holding for 8 weeks when they are sold to local shoots for release, or for sale direct to game dealers for the table;

- In the 7 weeks leading up to Christmas 45 week-old chickens are bought the holding and grown to a weight of around 3.6k (8lbs) and sold into the Christmas poultry market;
- In addition the applicant also owns 2 ewes; and
- It is understood that the applicant may wish to purchase additional nearby land if it becomes available and he may purchase additional sheds and pens meaning a possible increase to 9,900 game birds in total.
- 5.6 Mouchel clarifies that the labour requirement at present would be around 0.26 of a labour unit with each possible future expansion leading to around an additional 0.3 of a labour unit. The finances of the unit have been considered and it is noted that the unit is stocked for 6 months of the year and un-stocked (other than by the 2 ewes and their lambs) for the other 6 months of the year. It is concluded that there are insufficient birds and stock accommodated on the holding to generate a need for a full time worker to attend to them, and that the unit is basically un-stocked for 6 months of the year. As such on the basis of the agricultural need for the dwelling it is considered that there is no exceptional case proven to allow the dwelling in this location as it has been shown that it is not essential for a permanent dwelling to be sited here due to the numbers of birds and the fact that the holding is basically without stock for 6 months of the year.
- 5.7 However, the applicant has submitted a letter from his GP noting his medical condition and confirming that he is under the care of a Consultant Orthopaedic Surgeon. The letter concludes that the applicant's general level of mobility and dexterity make him unsuited to general employment. Mouchel's assessment of agricultural justification is based on normal assumptions of a person's ability to carry out tasks and in light of this medical evidence it is reasonable to conclude that the applicant will need to spend more time on the land in order to carry out the business than would normally be expected. This provides some support to the applicant's personal case for living on the land although this cannot be quantified.
- 5.8 Turning to the other strand of the argument, it is the applicant's case that his current home is unsuitable for his wife's needs because she can only use the ground floor. This is confirmed in a letter from her Consultant Orthopaedic Surgeon. It is accepted that it is in the applicant's interest for he and his wife to move to an appropriate single-storey dwelling, although the application site is not the only way in which this could be achieved. As such it is concluded that only limited weight can be afforded to this aspect of the applicant's case.
- However, it is considered that greater weight can be attached to the demands placed on the applicant as the primary carer for his disabled wife. As already noted, the applicant's employment opportunities are limited and therefore his prospects of finding alternative gainful employment would be similarly limited if he were unable to raise birds on this site. The demands of the business and the applicant's need to care for his wife create a highly unusual set of circumstances and whilst neither might justify a dwelling in this location in its own right, the combined effect of these factors is considered to provide justifiable support for the applicant. However, this is not an exception provided for by Policy CP4 and therefore a decision to grant planning permission would have to be treated as a departure from the development plan, which would require advertisement and consideration of any representations.
- 5.10 Two factors combine to allow the grant of planning permission to be considered in this unique case.
- 5.11 The first is that the proposed dwelling is of a temporary construction, one that can relatively easily be dismantled and removed from the site if no longer required. The proposed vehicular access and parking and turning areas are considered acceptable. As such a temporary planning permission could be granted and this would allow the need for the building to be reviewed if the business does not succeed. A new dwelling would normally give rise to a need for contributions

towards open space, sport and recreation but in this case it is not considered reasonable for a time-limited use.

- 5.12 The second factor is that a personal planning permission could be granted, such that the dwelling would not be available for us by anyone other than the applicant.
- 5.13 In environmental terms, the timber construction and single storey height of the building would ensure that it satisfactorily respected the general appearance of the site itself and its surroundings. It would be partially screened by an existing hedgerow which runs along the roadside boundary.
- 5.14 Subject to the application being advertised as a departure from the development plan and consideration of any representations received in response to this, planning permission is recommended to be granted.

SUMMARY

In light of the special circumstances confirmed by written advice of medical professionals, the proposed temporary dwelling is considered appropriate subject to a personal condition and on a temporary basis only. It is considered to be an exceptional case contrary to the normal provisions of CP4 but would not result in any significant harmful visual impact upon the appearance of the area or any significant harmful impact upon highway safety.

6.0 RECOMMENDATION:

- 6.1 Subject to the application being advertised as a departure from the development plan and consideration of any representations received in response to this, planning permission is **GRANTED** subject to the following condition(s)
 - 1. The temporary permission hereby granted is valid only until 15 August 2016 and the building(s) and resulting materials, and associated structures shall be removed from the site, and the land re-instated to its former condition on or before that date.
 - 2. The dwelling hereby approved shall only be occupied by Mr Christopher Woodhead and any dependents of him residing with him and shall only be occupied in association with the operation of the land as a game bird rearing operation.
 - 3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered PLP/110/02, 03 and 04 received by Hambleton District Council on 11 Jan 2013 unless otherwise agreed in writing by the Local Planning Authority.

The reasons are:-

- 1. In order to allow the continued assessment of the agricultural need for the dwelling and because the building is not considered to be visually acceptable or constructed of suitable materials for permanent retention on this site,
- 2. The dwelling is in an area where the Local Planning Authority considers that new residential development should normally be restricted in accordance with Hambleton Local Development Framework Core Strategy Policy CP4 and an exception is only considered appropriate in view of the applicant's personal circumstances.



41