

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 12 September 2012. The meeting will commence at 1.30pm.

Further information on possible timings can be obtained from the Committee Officer, Jane Hindhaugh, by telephoning Northallerton (01609) 767016 before 9.00 am on the day of the meeting.

The background papers for each application may be inspected during office hours at the Civic Centre by making an appointment with the Director of Housing and Planning Services. Background papers include the application form with relevant certificates and plans, correspondence from the applicant, statutory bodies, other interested parties and any other relevant documents.

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Director of Housing and Planning Services has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Mick Jewitt
Director of Housing and Planning Services

SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members insufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will usually be selected following a report to the Planning Committee. Additional visits may be included prior to the consideration of a Committee report when a Member or Officer considers that criteria nos 1 - 4 above apply and an early visit would be in the interests of the efficiency of the development control service. Such additional site visits will be agreed for inclusion in consultation with the Chairman or Vice-Chairman of the Planning Committee.

PLANNING COMMITTEE

Thursday 12 September 2013

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	13/01484/FUL Mr J Howe Bedale Page no. 2	Works to drain existing pond, remove and dispose of concrete pond liner and reinstate area using topsoil and seed to match with surrounding grass area and additional amenity shrub planting For: Broadacres Housing Association At: Land at Tom Hall Court, Bedale RECOMMENDATION: REFUSED
2	13/01460/FUL Mrs B Robinson Ingleby Greenhow Page no. 5	Change of use of existing agricultural storage unit (container no 1) to form a pork processing unit and office For: Mr David Jones At: Ingleby Lane Farm, Ingleby Greenhow RECOMMENDATION: GRANTED
3	13/01375/FUL Miss A Peel Scruton Page no. 11	Alterations and extensions to existing livestock building to form an operating centre for livestock movements and agricultural transport For: Mr Mark Pallister At: Blow House Cottage, Scruton RECOMMENDATION: GRANTED
4	13/01238/FUL Mrs H Laws Shipton Page no. 15	Demolition of existing extension, change of use of existing car showroom, MOT car servicing garage to class A1 use (retail) along with external alterations, single storey extension, formation of car parking and construction of boundary fence and gates For: Will & Freddie's Ltd At: North Road Garage, Shipton by Beningbrough RECOMMENDATION: REFUSED
5	13/01147/FUL Mr A Cunningham Topcliffe Page no. 19	Construction of a warehouse and office/mess building with associated access, parking and drainage attenuation pond For: Wagg Foods At: Dalton Old Airfield Industrial Estate, Dalton RECOMMENDATION: GRANTED
6	13/00377/FUL Mr A Cunningham Page no. 26	Revised application for the construction of a dwelling to replace existing caravan For: Mr and Mrs G Kelly At: Greystones Dalton Lane, Dalton RECOMMENDATION: GRANTED

Parish: Bedale
Ward: Bedale
1

Committee Date : 12 September 2013
Officer dealing : Mr J E Howe
Target Date: 20 September 2013

13/01484/FUL

**Works to drain existing pond, remove and dispose of concrete pond liner and reinstate area using topsoil and seed to match with surrounding grass area and additional amenity shrub planting.
at Land At Tom Hall Court Bedale North Yorkshire
for Broadacres Housing Association.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the infilling of a pond within the curtilage of Tom Hall's Court which is a sheltered housing complex operated by Broadacres Housing to the south-west of the former Bedale Workhouse between South End and east of the High School. The pond appears to be a created feature which was formed in the early 1970s when the complex was developed in order to facilitate the drainage of the area previously noted as marshy ground and provide a focal feature. The pond is maintained by pumping from the surrounding land with an outfall towards Bedale Beck. It currently contains some fish, mainly carp.

1.2 The application states that the works will comprise draining the pond, removing the concrete liner and other debris and providing alternative drainage such that the site will not be adversely affected. It would then be infilled with clean clays and soils and seeded to grass to match the surrounding landform.

1.3 Although no detailed justification has been submitted for the works (the applicants have been invited to provide further information to support the scheme) it is understood that the growth of the duck population around the pond has caused problems of droppings and disturbance and the pond is to be infilled to solve this situation.

1.4 The pond is located within an enclosed communal green area with footpath links to adjacent housing areas. It is well landscaped and contains some fine mature Weeping Willow trees.

1.5 An Ecological Survey was commissioned by the applicants predominantly to ensure the absence of great crested newts within the site. The report states that "Absence of great crested newts was proven. The pond was found to have exceptionally low wildlife value on account of the high population of ducks and introduced fish (carp) ; there are no other amphibians present. The proposed filling in of the pond will have negligible impact on wildlife, and no impact on protected species."

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 The Tom Hall Court development was permitted in 1971 comprising 24 sheltered dwellings with warden's accommodation and ancillary communal facilities.

2.2 2/97/011/0365 : Extension to existing common room : Permission Granted 1997.

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 CP16 - Protecting and enhancing natural and man-made assets

Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation

4.0 CONSULTATIONS

4.1 Bedale Town Council: "The Town Council does not want to see the application Approved. It considers it would be a loss of an amenity and a reduction in biodiversity."

4.2 Environment Agency: No objections but have issued guidance to the applicant on removal of fish within the pond.

4.3 Environmental Health Officer: No objections.

4.4 North Yorkshire County Council (Highways Authority): Awaited.

4.5 The application was advertised by site notice on a tree adjacent to the pond and the 35 closest neighbours were consulted. Four individual letters were received objecting to the proposal and a fifth letter from a local resident containing a petition objecting to the proposal which contains 84 signatures. The objections refer to the current amenity and wildlife value of the site and its interest to both local residents and their visitors which would be lost if the works proposed proceed.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the impact (positive or negative) on the amenity and safety of local residents (Policy DP1) together with the impact on a natural asset feature and biodiversity/nature conservation (Policies CP16 and DP31).

5.2 It is apparent from an inspection of the site that there is, what could be considered, an excessive number of ducks around the pond. This could create a situation where duck droppings both on the surrounding paths and the green space comprise a safety risk to visitors, particularly elderly residents. However, it is considered that this is a matter which could be resolved by management of the duck population, by re-location to other sites in the area rather than the loss of the pond itself. It is also apparent from comments received that residents and local people consider that the presence of the pond contributes to their amenity and enjoyment of the complex. The applicants have submitted no evidence that they have considered alternative means of resolving the situation by management methods.

5.3 Policy CP16 states that:- "Development or activities will not be supported which... has a detrimental impact upon the interests of a natural or man-made asset." It has been noted above that the pond under consideration was a created feature formed in the early 1970s to assist the drainage and development of the Tom Hall Court complex. Notwithstanding the 'maintained' nature of the pond by pumping, it has subsequently matured into a feature which comprises an integral part of the local natural environment and is a most attractive facility surrounded by mature trees.

5.4 Policy DP31 states that:- "Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation, geological or geo-morphological value, together with species that are protected or under threat. Support will be given to the enhancement and increase in the number of sites and habitats of nature conservation value." The Ecological Survey submitted with the application confirms that there are no protected species within the pond or immediate area. These comments are noted and accepted. It is, however,

considered that the status and value of this site should be put into context. It is, with the exception of Bedale Beck, the only permanent water feature within the developed area of Bedale/Aiskew. Its value lies, not in the quality of species found but its visual and social existence within the built up area of the town and its enjoyment by, significantly, less mobile residents. The Ecological Survey attributes the "exceptionally low wildlife value" of the pond at least in part to "a high population of ducks." It is, consequently, considered that if the duck population were to be managed the potential for the pond to increase its value and diversity would be possible thereby further enhancing the feature.

6.0 RECOMMENDATION:

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

The reasons are:-

1. It is considered that the infilling of the pond as proposed would result in the unnecessary loss of a feature of visual amenity and no evidence or proposals have been put forward of any scheme to mitigate or compensate for the harm caused, contrary to Policies DP1, CP16 and DP31 of the Council's Local Development Framework.
2. No evidence has been submitted to the Local Planning Authority indicating that other means or methods of management of the pond have been investigated to override any amenity concerns regarding the duck population of the pond. Removal of the pond would reduce the bio-diversity potential contrary of the site that is contrary to the LDF Policies CP1, CP16, DP31 and the NPPF.

Parish: Ingleby Greenhow
Ward: Broughton & Greenhow
2

Committee Date : 12 September 2013
Officer dealing : Mrs B Robinson
Target Date: 11 September 2013

13/01460/FUL

**Change of use of existing agricultural storage unit (container no 1) to form a pork processing unit and office.
at Ingleby Lane Farm Ingleby Greenhow North Yorkshire TS9 6LJ
for Mr David Jones.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is within a field in use for breeding and rearing rare breed pigs. The land is subdivided with post and rail fences and pig arcs are in place. At the back of the site is an agricultural shed with timber sides, 30 x 10 metres, 2 shipping containers used as storage units, a timber shed and an (unauthorised) static caravan, all located on the rear (west) boundary. The caravan is painted green. The field is bounded by hedges at the rear and along the roadside. The front boundary of the site is set back from the road behind a verge with trees. The total site is 2.8 ha. The surroundings are a rural, rolling landscape, about 750 metres from the boundary of the North York Moors National Park.

1.2 The proposal is to change the use of storage container 1 to process home raised meat, and as an office in connection with the existing pig breeding business. The container would be lined and fitted out with appropriate food quality surfaces and would include sinks and work tops. The entrance area would form a cloakroom lobby for staff changing etc. The processing unit is for meat produced on the site. The proposal would involve 1.5 full-time equivalent employees.

1.3 The applicant has submitted additional details showing landscape screening on the south boundary close to the container concerned, and immediately to the east.

2.0 RELEVANT PLANNING HISTORY

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

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

2.3 13/00189/FUL Retrospective consent to retain a residential caravan to be used for an agricultural worker. Refused 20.06.2013

2.4 There are additionally 2 standard 'containers' on site which as they are transportable structures are not operational development requiring planning consent, one of which is the subject of the present application.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside

Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP25 - Rural employment
Development Policies DP26 - Agricultural issues
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - Objection. Reasons:

1. Would add further weight to the applicant's case for maintaining a permanent presence on the site. Would be inconsistent with the recent refusal of a dwelling on the site.
 2. Lack of business case or agricultural appraisal setting out the size and scale of processing unit. Query whether the development would require expansion of the rearing facility or the buying in of pork. Lacks numbers for amount of pork products to be handled.
 3. Doubt is cast on points within the submitted design and access statement including traffic generation, visual impact, scope to accommodate existing storage elsewhere. Might involve more containers being brought onto site.
 4. Query why premises elsewhere cannot be used.
 5. Query whether able to comply with Food Standards Agency.
 6. Query scale and whether viable.
 7. Local objections to use of mobile home/caravan and this proposal.
- Enforcement action should be taken to rectify the current breach with regard to the continued use of the mobile home/caravan.

4.2 NYCC Highways. No objection.

4.3 Environmental Health - No comments to make in respect of this proposal.

Background details were recorded as follows :

No concerns in relation to impact on amenity as the application site is not in close proxy to other properties. Spoke to Steve Claxton who has been involved at pre-planning stage and he said his waste products will be collected by Warrens but this should be limited and that there should be limited demand on the existing septic tank system to cause impact. The kitchen catering sinks will also have a filter system to prevent food waste from entering the drainage run.

4.4 Neighbours and site notice - letters from 2 persons.

Issues raised are:

1. Will give support to need for full time supervision and therefore retention of caravan, and Ingleby Lane farm acreage is not appropriate for agricultural pursuits or processing procedure necessitating permanent occupancy. Also, will give rise to need for further storage container. From plans submitted current and future development plans are already over concentrated for such a small site.
2. This site is not practical for meat processing, which are normally undertaken off site elsewhere. The proposal is contrary to the councils policies. Attention is drawn to standard pig rearing and processing procedures elsewhere, and the Food Standards Agency requirements. The proposal is a secondary manufacturing process and not an agricultural one, and would be inappropriate in a rural setting. The proposal is against the Councils policies. The existing buildings are mainly unauthorised and an eyesore and alternative locations within a settlement would be more suitable. DP26 is not relevant as this a small specialist operation and is not a sustainable operation that will provide a living income on its own.

Correspondence between the applicant and neighbours

4.5 The applicant has put forward letters in response to the above, reiterating the nature of the business as a well managed, small, but viable business, as confirmed by a recent independent

report, that selling outlets on local markets and individual customers are in the process of being set up, the planning history of the business, and that the typical large scale rearing practises are not applicable to the high RSPCA Welfare Standards, which are practised here. The applicant confirms that pork from outside will not be brought onto the site, as this will not fit the business model and 'full traceability'.

4.6 A further letter has been received from an objector, noting the explanations made by Mr Jones, but nevertheless holding to the view that this proposal will lead to the creation of a business operation on an unsuitable site and in patently unsuitable structures, and harmful to the environment. and that environment/amenity concerns should take precedence over economic concerns in this case.

5.0 OBSERVATIONS

5.1 The site is in rural surroundings away from any sustainable settlement and justification is required as an exception to the principles of CP1 and CP2, in accordance with CP4. The proposal relies on the existing agricultural use and as such is potentially acceptable to meet the needs of agriculture and support a sustainable rural economy in accordance with Criteria i. of CP4; subject to other relevant policies of the District Wide Local Plan.

5.2 The NPPF aims to support the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion and well designed new buildings; and also to promote the development and diversification of agricultural and other land-based rural business. This policy indicates support for the proposal, subject to other relevant issues. Issues to consider therefore are whether the site and buildings are suitable for a farm diversification scheme, (CP15, DP25, DP26), effects on the rural surroundings (CP16 DP30) and any traffic/highway safety concerns.

5.3 CP15 (criterion iv.) Supports diversification of the rural economy in principle. DP26 sets out measures by which agriculture may be supported. These include:

- i) encouraging farm diversification which helps to support the existing agricultural enterprise
- ii) promotion of sustainable forms of agriculture including environmentally sensitive, organic and locally distinctive food production, together with processing, marketing and retailing.
- iii) Support for integration of agricultural activities including for slaughter, processing and packaging facilities on farms which serve clusters or co-operatives of producers.
- iv) Guiding the development to of new agricultural buildings to locations which are sensitive to their environment.

5.4 The present proposal supports the existing specialised pig rearing enterprise and would represent a locally distinctive food production by the small scale processing and marketing proposed. The on-site processing and packaging is not of a scale that will serve other farms but its small scale is appropriate in this location as set out in the policy details above. There is no evidence of any local existing farm based meat processing facility that would serve this enterprise. The location is in an area of high landscape quality and the impact of the new use upon the local environment is discussed further in connection with the effect on the countryside. Setting aside the issue of landscape impact the proposal would be in accordance with Policy DP26.

5.5 In terms of DP25, development is supported if it is:

- i. Small in scale
- ii. Comprises conversion and reuse of rural buildings of sound construction which are otherwise acceptable in terms of LDF policies,
- iii. The development is not capable of location with a settlement by reason of the nature of the operation or the absence of suitable sites.
- iv. Supported by an appropriate business case which demonstrates that support will be provided to the local economy which in turn will help to support rural communities.
- v. The development will not adversely impact on the economy of the Service Centre.

5.6 The present proposal is small scale and involves the conversion of an existing unit on the site, albeit a container rather than a building as such, and the proposal is considered to be in the spirit of this criterion. The economic use concerned is inherently rural in that it is intended to process meat produced on this site and is to be marketed locally, enhancing the rural economy. The proposal is too small in scale to impact on the economy of the service centre to any significant degree.

5.7 With regard to the effect on the rural surroundings, the unit concerned is relatively small and is coloured green. In the position proposed, ie its existing position, the unit can be seen to be inconspicuous against the background of the adjacent hedge, and will not have a harmful effect on the wider surroundings.

5.8 With regard to highway issues, the site has an existing access off the road. The development is small in scale and is intended to be operated by the existing owner, and the overall traffic generation is not considered to give rise to concern about the impact on road safety. The extent of selling from the farm, and thus an element of traffic generation can be controlled by condition, if the application is approved.

Parish Council and neighbour observations.

5.9 With regard to concerns that the proposal will support the case for residence on the site; The processing unit proposed will add value to the meat produced on site, and may enhance the financial viability of the business. It does not contribute to the functional need to live on the site in terms of animal welfare, but may contribute to the time spent on the business overall. Notwithstanding these points, the present proposal is not dependant on residence on site and particularly taking into account the presumption in favour of rural diversification contained in the NPPF as well as the Councils policies, the application can therefore be considered on its own merits.

5.10 With regard to scale. The extent of the processing that would take place if the application is approved is limited by the small size of the unit concerned. The applicant's proposal is to process meat from the rare breed pigs raised on site, this being part of the unique selling point of the business, and giving access to a high value niche market. Any processing of additional meat brought from off site can be controlled by condition, if the application is approved.

5.11 With regard to viability. The meat processing enterprise does not need to be viable as a stand-alone enterprise as it forms part of the existing rare breed enterprise, as noted above.

5.12 With regard to the suggestion that the meat processing could take place elsewhere. It is a reasonable for the applicant to propose to use this unit on the existing site as diversification of the existing business, and it can be assumed that it will enable the business to operate more efficiently than if the processing took place elsewhere.

5.13 Food hygiene. The applicant understands the requirements in relation to food hygiene and has undertaken discussions with the relevant authorities with a view to achieving the required standard. As this is a matter dealt with under separate regulations, it does not affect the planning merits of the present proposal.

5.14 Issues such as visual impact and traffic generation are addressed above, and there is no reason to suppose that the proposal will lead to a need for an excessive amount of new storage.

5.15 With regard to comments that the 'industrial' nature of the proposal is unsuitable on the site. As noted above, the proposal fits the criteria of a farm diversification and it is appropriate to consider the merits of the application within the confines of the agricultural unit to which it relates.

5.16 Usual practise in pig rearing. Reference to 'standard' practise wherein pigs are grown in finishing sheds and the meat slaughtered and processed elsewhere is not relevant to this specialist enterprise which relies on outdoor breeding of rare breed pigs, for a specific market.

5.17 Consent for existing buildings and structures. No new applications are required at present in relation to this site however any that are shown to be necessary can be pursued as required and do not influence the acceptability of this proposal.

SUMMARY

The proposal is an appropriate small scale farm diversification closely related to the existing enterprise and without harm to the open character of the rural surroundings or highway safety concerns, and is able to comply with the above policies.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 17th July 2013 unless otherwise agreed in writing by the Local Planning Authority.
3. The use hereby proposed shall be restricted to meat produced on Ingleby Lane Farm and not for any other form of manufacturing or processing, or for any meat produced elsewhere, unless previously approved in writing by the Local Planning Authority.
4. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

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(ies) .
3. To enable the Local Planning Authority to exercise control over any alternative use, in accordance with the relevant policies of the Local Plan.

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

Parish: Scruton
Ward: Leeming Bar
3

Committee Date : 12 September 2013
Officer dealing : Miss A J Peel
Target Date: 30 September 2013

13/01375/FUL

Alterations and extensions to existing livestock building to form a transport depot and the formation of a new vehicular access and hardstanding for a parking area, at Blow House Cottage Scruton North Yorkshire DL7 9LQ for Mr Mark Pallister.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks consent for alterations and extensions to an existing livestock building to form an operating centre for livestock movements. The application also proposes the formation of a new vehicular access and hardstanding to be used as a parking area. The proposed extension to the building measures approximately 13 metres x 8 metres with a height of 6.5 metres.

1.2 The existing building is sited on agricultural land to the east of Blow House Cottage. The applicant's are currently renovating the dwelling which was in a poor state of repair and intend to occupy the property once it is complete. The site is currently accessed from the A684 by a track which extends along the rear of site.

1.3 The applicant's currently run their business from a site in Dishforth, the site is being sold and the applicant needs to find alternative living and business accommodation. The applicant has three wagons and six trailers which are used to transport livestock from farms to the auction mart and onto the abattoirs. One of the wagons is generally used at a local level and will leave and return to the site on a daily basis and will be stored overnight within the building. The other two wagons are generally used at a European level and return to the site approximately every three weeks. When necessary these vehicles will be parked for short periods of time on the hardstanding outside the building.

2.0 RELEVANT PLANNING HISTORY

2.1 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
- Development Policies DP1 - Protecting amenity
- Core Strategy Policy CP2 - Access
- Development Policies DP3 - Site accessibility
- Core Strategy Policy CP4 - Settlement hierarchy
- Development Policies DP9 - Development outside Development Limits
- Core Strategy Policy CP15 - Rural Regeneration
- Development Policies DP25 - Rural employment
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Parish Council - Wishes to see it refused, received 21 August 2013.

4.2 NYCC Highways - Further information required, received 27 August 2013.

4.3 Environmental Health - No objections, received 6 August 2013.

4.4 Neighbours consulted and site notice posted - Response from nearby neighbour:

- a) Visual impact of the proposal.
- b) Devalue neighbouring dwellings.
- c) Other lorry parks near to the site could be used.
- d) Similar application refused at the site in 2007.
- e) Good to see the property is being renovated. It is an eyesore.
- f) There are several businesses in the area so suitable site.
- g) Creation of local work. Good for the economy.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the acceptability of the change of use proposed given its countryside location outside Development Limits, the visual impact of the proposal, highway safety matters, and any effects on the neighbour's amenities.

5.2 LDF Policy CP4 allows development in principle if the site lies within the Development Limits of settlements that are defined in the Settlement Hierarchy, and which is of a scale and nature appropriate to secure the sustainability of each settlement. The site is within the parish of Scruton and lies adjacent to the A684 road, beyond the Development Limits of any settlement. Any development in this location therefore needs to be justified as an exception to Policy CP4. Criterion iv of this policy states that an exception can be made if "it would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy..."

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

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

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

5.5 The LDF requires proposed employment use to meet all the criteria of Policy DP25, including evidence to show that the business is not capable of being located within a sustainable settlement and that it will be supportive of the local economy and rural communities. The applicants state that the business is small in scale and is ongoing locally but outside the district. It will re-use and extend an existing building and the applicants will occupy the previously derelict dwelling adjacent to the site. The applicants consider that the proposed yard for the vehicles needs to be within close proximity of the applicants dwelling for security reasons. They have found that the proposal

is not capable of location within a settlement with Development Limits as there is an absence of suitable sites which would provide this facility. The Council have no evidence of sites that are available within Development Limits with which to contest the case of the applicant.

5.6 NYCC Highways have requested further information before they can conclude their assessment.

5.7 It is considered that the proposal is small in scale and the number of vehicle movements will not be excessive or cause high levels of disturbance. Environmental Health has no objections. It is considered that the proposal will not significantly impact upon the amenities of the nearby neighbours. The impact of the development on the valuation of the nearby properties is not a material planning consideration.

5.8 The proposed extension to the building is considered to be an appropriate addition and the resultant building will be in keeping with the appearance of the other buildings near to the site. The applicant has agreed to landscape the site and this could be controlled by condition. The site is located adjacent to other business units and the A684 road so it is not in an isolated position. It is considered that the proposal will not cause unacceptable harm to the character and appearance of the surrounding countryside, indeed the restoration of the land including the dwelling will benefit the appearance of the place.

5.9 A planning condition has not been recommended to control the use of the site as a haulage contractor's vehicle depot is a 'Sui Generis' use and as such there are no permitted changes and any alternative use would require planning permission.

5.10 NYCC Highways have not yet made a recommendation. Providing they have no objections to the development in terms of highway safety it is considered that the proposal complies with Government guidance and the policies of the Local Development Framework and is therefore recommended for approval.

SUMMARY

The scheme is in accordance with the requirements of the policies stated above and will not cause harm to the character and appearance of the landscape or highway safety and will include a small rural employment use which will help to sustain the existing enterprise.

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

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

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

4. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) received by Hambleton District Council on 26 July and 2 August 2013 unless otherwise agreed in writing by 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 to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.

3. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.

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

Parish: Shipton
Ward: Shipton
4

Committee Date : 12 September 2013
Officer dealing : Mrs H M Laws
Target Date: 23 August 2013

13/01238/FUL

Demolition of existing extension, change of use of existing car showroom , MOT car servicing garage to class A1 use (retail) along with external alterations, single storey extension, formation of car parking and construction of boundary fence and gates as amended by plan received by Hambleton District Council on 21 August 2013. at North Road Garage Shipton By Beningbrough North Yorkshire YO30 1AL for Will & Freddie's Ltd.

1.0 PROPOSAL & SITE DESCRIPTION

1.1 The application site lies approximately 1.2km to the north of the village of Shipton and is sited on the eastern side of the A19. The site lies within the York Green Belt. A dwelling lies immediately to the north of the application site with 2 more dwellings approximately 70m further north. A furniture store lies immediately to the south of the application site and shares the same access.

1.2 The building was previously used as a car showroom, servicing, MOT station and petrol filling station; the petrol pumps are still in operation at the front of the site. A shop, associated with the filling station, formed part of the building's use, covering an area of 110sqm.

1.3 The application seeks permission to use the entire building as a Class A1 retail use with ancillary office, storage and WC and a seating area for 'food sampling'. The building would also be extended to the rear, adding approximately 20 sqm. The total retail and food sampling area, excluding storage and toilets would be approximately 230 sqm.

1.4 A section of the building at the rear, used as a toilet block, has been demolished to make way for the new extension, which is used as storage and toilets. The roof of the building has been altered to create a uniform frontage with gables to the sides and a rear gabled offshoot.

1.5 A total of 14 car parking spaces are proposed including 4 disabled drivers' spaces.

1.6 The application indicates that two full time and 6 part time workers would be employed at the site.

1.7 Following submission of the application, work commenced at the site to convert the building; the Will & Freddie's retail use has now commenced and is operating as a convenience goods store.

2.0 PLANNING & ENFORCEMENT HISTORY

2.1 2/79/131/0019D - Construction of a forecourt canopy. Permission granted 30/8/1979.

2.2 There have been several applications for the creation of and subsequent alterations to the petrol filling station but none are directly relevant to this application.

2.3 Whilst the recent alterations and extension to the building and the change of use to retail are unauthorised it is appropriate to allow the relevant planning issues to be determined through consideration of this application, in accordance with the Council's current Enforcement and Compliance Policy and draft Enforcement Plan, now agreed by Cabinet for public consultation.

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 CP14 - Retail and town centre development
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP24 - Other retail (and non-retail commercial) issues
- Development Policies DP25 - Rural employment
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - no objection to the above proposed development and would wish to see it approved.

4.2 NYCC Highways - no objections subject to conditions.

4.3 HDC Environmental Health Officer- no objections/recommendations regarding the proposals

4.4 Environment Agency - no objections but attention is drawn to land contamination advice.

4.5 Site notice/local residents - no comments received (expiry date 24 July 2013).

5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of the retail use in this location; the effect of the alterations to the building on its character and appearance and that of the wider rural landscape; the impact on the amenity of neighbouring residents and highway matters.

5.2 The site lies outside the Development Limits of Shipton and therefore an exceptional case must be made for the retail use in this location. The case put forward is that there are no other available sites with such an area of floorspace within Shipton and that the proposal is re-using an existing building. Policy CP1 states that development that would generate an adverse traffic impact will not be permitted. The Highway Authority's advice, reported in section 4, indicates that there would be no conflict with this aspect of the Policy. Policy CP2 requires development to be located so as to minimise the need to travel by private car. The site lies approximately 1.2km from the edge of Shipton, which is within normal walking and cycling distance but due to the nature of the road without a footway and street lighting it is unrealistic that pedestrians would walk from the village and many may be reluctant to cycle due to the speeds of vehicles on the A19.

5.3 Whilst the Applicant's wish for premises of this size is understood, this does not of itself provide a planning justification for the development of a shop outside any recognised retail location. The Council's planning strategy is to direct retail uses to within the Development Limits of Service Centres and Service Villages. Shipton is a Service Village so it needs to be determined whether a shop is acceptable in the countryside. It is noted that the village shop closed in 2006 and its conversion to a dwelling was allowed on appeal that year. The adjacent furniture store was originally a restaurant and its conversion to retail use was permitted development and so did not require planning permission.

5.4 Exceptions to the normal restraint on development in areas like this may be allowed for by Core Strategy Policy CP4, provided there is no conflict with Policies CP1 and CP2. However, as stated in paragraph 5.2, the development cannot comply with Policy CP2 because of the poor access for non-car users, so an exception cannot be made. But for this, it might be possible to rely on an exception under Policy CP4 on the basis that the development would help support a sustainable rural economy. In that regard, the proposal re-uses the building without substantial alteration or reconstruction and would be an employment generator, which is supported by the NPPF, and it is envisaged that the store would sell a range of local produce, although that cannot be guaranteed. These aspects would therefore to some extent help to support a sustainable rural economy (CP4 criterion iv).

5.5 Paragraph 28 of the NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas, whilst the proposal is in some degree in accordance with CP15 by "encouraging" development proposals that will support the "social and economic needs of rural communities". The proposed use is within easy reach of the two properties immediately to the north and those nearby on Amblers Lane but would realistically require a car journey to be made from any other part of the rural community. However, it is noted that the village lacks shopping facilities and so this store offers an alternative to retail facilities in settlements to the south, closer to York. However, it is highly unlikely that a shop would open in the village if this store continues to trade.

5.6 The NPPF requires policies to recognise town centres as the heart of their communities and support their viability and vitality, which is reflected in the policies of the Local Development Framework. The proposal would provide a retail floor space of 230sqm, which is unlikely to be of a scale to affect the viability of a town centre such as Easingwold or any retail centre within York. The proposed development is not over the LDF threshold of 500sqm (Policy DP23) where a sequential approach is required. Policy DP24 however requires retail development to be small in scale and to be located to serve local communities.

5.7 Policy DP17 requires development to be safeguarded for employment purposes and no marketing evidence has been submitted to demonstrate that the previous employment use was not viable, as required by this Policy. The Applicant states that the proposed retail use would provide employment for two full time and six part time staff and therefore fulfils this requirement, however the Policy is concerned with non-retail commercial uses.

5.8 The supporting documentation refers to an Established Use Certificate described as "Change of use of existing vehicle repair garage for use as a shop". However this relates to North Road Garage, Stokesley and not to the application site at Shipton. The previous A1 retail use at Shipton was clearly an ancillary part of the petrol filling station use rather than a Class A1 use in its own right.

5.9 Policy DP24 concerns small-scale retail developments outside Primary Retail Areas and indicates that they will be permitted where they serve neighbourhoods and residential areas, including village shops. However, in view of the relative inaccessibility of the site to all but car-borne shoppers, the site is not considered to act as a village shop for Shipton. The Policy does

offer support to specialist retailing including farm shops, garden centres and similar outlets selling good manufactured on site, but the store is not considered to constitute a specialist retailer.

5.10 The alterations and extensions do not detract from the character and appearance of the site and do not harm the rural character of the surrounding landscape. The extension does not conflict with the advice regarding development in the Green Belt within the NPPF. The scheme is in accordance with LDF Policies CP16 and DP30.

5.11 The dwelling that lies closest to the application site lies within the control of the applicant and the neighbouring dwellings to the north lie far enough from the site for there to be no greater impact on residential amenity. The proposal does not conflict with LDF Policy DP1.

5.12 The Highway Authority has no objections to the retail use of the site subject to a condition ensuring the parking area is retained.

5.13 The previous business had an ancillary retail use but the proposal to extend this use to provide a retail area of more than 200sqm results in a significantly different operation. The site lies outside the Development Limits of any settlement and there is no exceptional reason why a convenience goods store should be located here. The use is clearly an employment generator and therefore draws some support from the NPPF but is not a sustainable form of development, which is at the heart of the NPPF and the policies of the Local Development Framework because of its limited accessibility to non-car users. For this reason, whilst being mindful that Shipton lacks a village shop, the development is contrary to the Council's planning strategy and refusal of the application is therefore recommended.

6.0 RECOMMENDATION:

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

The reasons are:-

1. Policies CP1, CP2, CP4 and DP9 of the Hambleton Local Development Framework seek to ensure that all new development, other than in exceptional circumstances, is located within designated settlements. The retail use of the premises is contrary to these policies and the advice within the NPPF and would not minimise the need to travel by private car. No evidence has been supplied to demonstrate an essential requirement to locate in this countryside location.
2. The proposed development is contrary to Hambleton Local Development Framework Policy DP24, which requires small scale retail development to be located to serve neighbourhoods and residential areas. The proposed development is not sited in a location that would serve a local rural community sustainably and is not a form of specialist retailing that would need to be located in this position to provide support for the rural economy.

Parish: Topcliffe
Ward: Topcliffe
5

Committee Date : 12 September 2013
Officer dealing : Mr A J Cunningham
Target Date: 20 September 2013

13/01147/FUL

**Construction of a warehouse and office/mess building with associated access, parking and drainage attenuation pond.
at Wagg Foods Dalton Old Airfield Industrial Estate Dalton North Yorkshire
for Wagg Foods.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for the construction of a warehouse and office/mess building with associated access, parking and a drainage attenuation pond at land to the east of Eldmire Lane and to the north-west of Wetherby Stone at Dalton Old Airfield Industrial Estate, Dalton.

1.2 Wagg Foods is one of the largest producers of pet foods in the UK and has grown over the last 20 years from a turnover of £1m in the early 1990s to a current £50m turnover company. The existing production output generates approx. 100,000 tonnes of product. The proposed warehouse would release space within existing buildings at Dalton to allow production to increase to 160,000 - 200,000 tonnes. Additional warehouse space is also required to facilitate export and to allow more product lines. Export is currently approx. 3 % of total turnover and this is envisaged to increase to a target of 20% over the coming years. The new 10 acre site for warehousing would allow up to 100 % expansion for the company and will allow it to achieve production and warehousing all within Dalton Airfield Industrial Estate.

1.3 The Applicant's current premises at Dalton have reached capacity and therefore 3-4,000 pallets are stored off site. Bringing this storage to Dalton achieve a reduction in food miles in the order of 30 to 40 lorry loads per week at present capacities.

1.4 The site extends to 4 hectares in size and the warehouse area would extend to 10,041 square metres with the building measuring approximately 186m (length) by 52m (width), with a total height of approximately 16m. The warehouse would have racking internally to store products, with loading and unloading bays positioned to the eastern gable of the proposed building.

1.5 The attached two storey office building would measure approximately 41m (length) by 9m (depth), with a total height of approximately 9.5m. It would accommodate office and warehouse staff including meeting rooms and messing facilities for the site.

1.6 Materials for the proposed office and warehouse building would comprise coloured cladding to the roof and walls to match with adjacent industrial buildings. The access roads and service yards would be formed of a concrete surface with the parking areas finished in a granular material.

1.7 The site falls generally north to south and west to east, towards the old runway/taxiway hardstanding to the eastern boundary and towards the Eldmire Grove. The site is currently formed of grassland enclosed by a 1.8m high perimeter fence to the north-western boundary of the site.

1.8 A Flood Risk Assessment has been submitted in support of this application concluding that the flood risk to the site is low and as it is located in Flood Zone 1. The report has considered the other potential sources of flooding to the site, including sea, rivers, groundwater, land, existing sewers and other artificial sources and shows that the flood risk is low and considered to be acceptable.

1.9 The new warehouse and office facility would create an additional 10 jobs over and above the existing 150 Wagg Foods employees at various locations within the Industrial Estate. The proposed office element at the new unit will allow consolidation of office operations under 'one roof'.

1.10 Access to the development is proposed from Eldmire Lane using the existing infrastructure associated with Dalton Airfield Industrial Estate. The relocated employees are already present at the site and hence would not be new to the highway network. The development would provide some 75 car parking spaces, which is in general accordance with NYCC standards. The level of car parking proposed would accommodate those office staff relocating to the new facility and also provide for the new employees and visitors to park. Parking provision for service vehicles would be provided on site, which is in accordance with the expected number of daily deliveries to the proposed facility.

1.11 The Applicant advises that there is the potential for future expansion at the facility for a further 3,750 sqm (gross floor area) of B8 warehouse use. However this element of the development would be subject to a separate planning application.

1.12 A Landscape Character Appraisal has been submitted in support of the application concluding: 'The WAGG Foods development would not affect the landscape character as it would be seen within the context of an industrial estate. The area of rough grassland and limited tranquillity that is afforded within part of the site would be diminished, but this would not be a significant change. Topcliffe Manor and the bungalow on Eldmire Lane would experience Minor Adverse Impacts. These are located to the west of the site'. Mitigation measures, in the form of the landscaping of the site, are recommended.

1.13 An Ecological Appraisal of the site has been submitted in support of this application concluding:

- No statutory or non-statutory nature conservation sites were found within 2 km of the application site.

- The habitats within the site are considered to be of low conservation value, holding limited botanical interest and being widely replicated within the surrounding area.

- No adverse impact on Great Crested Newts, Bats or Water Voles is anticipated from the proposed development. Works should take place outside of the nesting bird period (March - August inclusive) to avoid impacting upon ground nesting birds.

1.14 A proposed drainage pond would be positioned to the northern tip of the site.

1.15 The site is proposed to operate 24 hours a day, 7 days a week.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 Whilst the existing Wagg Foods site to the south east has been the subject of several applications, none are directly relevant to this site, which has no planning history of its own.

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 CP3 - Community assets
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP10 - The scale and distribution of new employment development
 Core Strategy Policy CP10A - The scale of new employment development by sub-area
 Core Strategy Policy CP11 - Distribution of new employment development
 Core Strategy Policy CP12 - Priorities for employment development
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP16 - Specific measures to assist the economy and employment
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP34 - Sustainable energy
 Development Policies DP36 - Waste
 Development Policies DP43 - Flooding and floodplains
 National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Topcliffe Parish Council - No response received.

4.2 Dalton Parish Council - No objections to the proposal.

4.3 Neighbours notified and site notice posted; expiring 18.09.13 - Response awaited.

4.4 Environmental Health - No objections or recommendations to make in regard this application.

4.5 Environment Agency - No objection to the development subject to a condition regarding drainage details.

4.6 Economic Development Officer - Without reference to Planning Policy Documentation, the comments from an Economic Development perspective would be: The proposed development allows the continued growth of a long established successful business within the district. The development would provide the potential to create further employment. The development proposals are in keeping with the surrounding area and neighbouring businesses.

4.7 Swale and Ure Drainage Board - No response received.

4.8 NYCC Highways - Conditions recommended regarding: details of access, turning and parking, precautions to prevent mud on the highway, on-site parking, on-site storage and construction traffic during development.

4.9 Yorkshire Water - Response awaited.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of the proposed warehouse and office building and associated works in this location; any impact on the visual amenity of the surrounding area; any impact on neighbour amenity; and any highway safety issues that may arise.

5.2 Policy CP11 relates to the scale and distribution of new employment development. In regard to Dalton Airfield the policy states that '.....but if land cannot be identified in Thirsk, some development will also be supported at Dalton Airfield as will development to meet the needs of existing businesses'. This indicates that Dalton Airfield is generally viewed as a secondary location for future employment development, which will primarily occur at Sowerby Gateway. However, the case made by Applicant is that the development proposal is to meet the needs of their existing business by facilitating expansion of production and warehousing. The proposal is undoubtedly a very large extension to the business; nonetheless it would maintain the business strength and allow for future growth of a significant employer in Hambleton. On the basis that the proposal satisfies the clause in CP11 that the development represents an extension to meet the needs of the existing business, the scheme is in principle considered acceptable.

5.3 Accessibility of the site and premises are important to ensure that the development is as sustainable as reasonably possible given its location outside of a service centre. The travel plan statement submitted with the application would maximise the achievement of sustainable methods of travel for staff. The relationship of the development with the existing Wagg Foods sites at Dalton is noted, as is the accessibility of the site to the major road network without passing through any settlement. Taking into account the increased scale of net vehicle movements associated with the development along with the response of NYCC Highways no objections are raised in regard to highway safety.

5.4 The Landscape Character Appraisal is summarised in the first section of this report. It has assessed the visual impact of the proposal in the context of the landscape in which it is proposed to sit, and has identified that Topcliffe Manor and The Bungalow to the west of the site would experience 'minor adverse' impacts. The building is large scale but would be positioned adjacent the existing industrial estate which absorbs a good deal of its visual impact, as does the surrounding land form, vegetation and separation distance to nearby dwellings and public viewpoints. Policy DP30 requires that the openness, intrinsic character and quality of the District's Landscape will be respected and where possible enhanced. Policy DP1 is also applicable in this instance in that it refers to safeguarding amenity, in this case visual. Taking into account the landscape at Dalton Old Airfield, the overall design of the proposal, and the relationship of the scheme to the existing industrial estate complex it is not considered that the works would harm the visual amenity of the locality and would respect the openness, intrinsic character and quality of the landscape.

5.5 The warehouse building and associated offices would provide a complimentary function to the existing Wagg Foods enterprises at Dalton Old Airfield; specifically it would provide a storage facility that would remove the storage areas in existing buildings to permit a greater manufacturing capacity. The use of the building, the adjacent industrial environment, along with the proximity of the development to sensitive receptors is such that there would not be an adverse impact on neighbour amenity.

5.6 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, subject to the outstanding consultation responses.

SUMMARY

The scheme accords with the policies of the Hambleton Local Development Framework as it will help to secure the future of an existing major business on the Dalton Old Airfield Industrial Estate without causing significant impact upon the landscape and subject to control by planning conditions will not harm the amenity of neighbours or adversely impact highway safety.

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 3 June 2013, 24 June 2013, 2 July 2013 and 30 August 2013 unless otherwise agreed in writing by the Local Planning Authority.
3. Prior to development commencing the colour scheme for the external surfaces of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.
4. No part of the development hereby approved shall be used after the end of the first planting and seeding seasons unless the approved landscaping scheme submitted to Hambleton District Council on drawing number PP03 on 3 June 2013 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.
5. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
6. No external materials or products shall be stored so that any part is higher than 6 metres above the adjacent ground level.
7. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority. All lighting to entrance doors shall be directed into the site only and shall be designed so as to minimise light spillage and pollution.

8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (i) vehicular, cycle, and pedestrian accesses; (ii) vehicular and cycle parking (75 vehicular and 15 cycle spaces required); (iii) vehicular turning arrangements; (iv) manoeuvring arrangements; and (v) loading and unloading arrangements. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

11. Prior to development commencing details demonstrating how compliance will be achieved with the requirements of Policy DP34 (Sustainable Energy) of the Hambleton Local Development Framework shall be submitted and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

12. No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which details the measures undertaken to re-use existing building waste and materials in the construction of the development and makes provision for recycling and collection of waste generated by the operation of the development. The approved scheme shall be incorporated in to the development of land and buildings and the approved provision for recycling and collection of waste shall be followed in accordance with the approved scheme.

13. The development hereby approved shall first be occupied in its entirety by Wagg Foods in conjunction with the company's continued use of its existing premises at Dalton Airfield.

14. Within 12 months of the commencement of production on the approved development site details shall be supplied to the Local Planning Authority of the number and types of jobs created by the development. (The details are sought for monitoring purposes and require only broad details of job types)

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(ies) CP1, CP16, CP17, DP1, DP30 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework policies CP16, DP30 and DP31.
5. To prevent the increased risk of flooding, both on and off site.
6. In the interests of the amenity of the local population and in accordance with Hambleton Local Development Framework policies CP1 and DP1.
7. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Hambleton Local Development Framework policies CP1 and DP1.
8. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
10. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
11. In the interests of minimising energy demand, improving energy efficiency and promoting renewable energy generation in accordance with policy DP34 of the Hambleton Local Development Framework.
12. In order to reduce the environmental impact of the development during construction and use in accordance with Local Development Framework Policies CP18 and DP36.
13. To ensure that the development meets the needs of an existing business at Dalton Airfield, as required by policy CP11 of the Core Strategy of the Hambleton Local Development Framework.
14. In order to verify the details of job creation in accordance with the monitoring requirements of Local Development Framework Policies CP12 and DP16.

Parish: Dalton
Ward: Topcliffe
6

Committee Date : 12 September 2013
Officer dealing : Mr A J Cunningham
Target Date: 16 September 2013

13/00377/FUL

**Revised application for the construction of a dwelling to replace existing caravan.
at Greystones Dalton Lane Dalton North Yorkshire
for Mr & Mrs G Kelly.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for the construction of a dwelling at Greystones, Dalton Lane, Dalton. The proposed dwelling would be in place of caravan which was occupied until March 2012. A Certificate of Lawfulness in respect of the domestic use of this caravan was approved in July 2013.

1.2 The proposed dwelling would provide accommodation at ground level for two bedrooms, living room, kitchen, utility, porch, hall, bathroom and en-suite. At first floor two further bedrooms are proposed along with a bathroom. The proposed dwelling would measure approximately 16.1m x 10.6m, with a total height of approximately 6.6m.

1.3 Materials for the proposed structure would comprise facing brickwork, slate and UPVC windows and doors.

1.4 The site is relatively level nearest to the public highway but descends to the north beyond the northern elevation of the proposed dwelling. Fragmented vegetation is positioned to the north-eastern and south-western boundaries of the site. The south-eastern boundary of the site has recently been amended to comprise a timber close boarded fence extending to height of approximately 2m in height.

1.5 A number of detached structures are positioned along the south-western boundary of the site.

1.6 The proposed dwelling would be positioned in Flood Zone 1. The northern tip of the site, including the agricultural structure to the north-western corner are positioned in Flood Zones 2 and 3. The footprint of a now demolished barn on which a static caravan is sited (to the northern portion of the site) is also within Flood Zone 2.

1.7 An energy assessment has been submitted in support of this application by Complete Energy Ltd.

1.8 A financial contribution towards open space, sport and recreation facilities throughout the Hambleton District as part of policy DP37 of the Hambleton Local Development Framework has not been sought as the scheme does not involve a net increase in dwelling units.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/87/037/0085 - Outline application for the construction of a bungalow; Refused 1987. Refusal reason: The proposed development would be contrary to Policy H5 of the County Structure Plan, (approved by the Secretary of State for the Environment in 1980), and Policy H4 of the Vale of York Local Plan Written Statement which state that residential development in the open countryside will not normally be permitted unless it can be shown either that it is essential to the needs of agriculture or forestry or that there are other exceptional circumstances which would warrant the granting of planning permission.

2.2 2/87/037/0085A - Temporary siting of a mobile home; Granted 1988 - (valid until 27th January 1990)

2.3 2/91/037/0085B - Renewal of consent for a mobile home; Granted 1991 - (expired 4th July 1993)

2.4 12/02468/FUL - Construction of a dwelling to replace existing caravan; Withdrawn 2013 - (pending submission and outcome of Certificate of Lawfulness application)

2.5 13/00321/CLE - Application for a certificate of lawfulness for the domestic use of a caravan and land; Granted 2013 - This refers to: the use of the single static caravan for residential occupation, and the use of the remainder of the land for agriculture.

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP18 - Prudent use of natural resources
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Core Strategy Policy CP21 - Safe response to natural and other forces
- Development Policies DP3 - Site accessibility
- Development Policies DP1 - Protecting amenity
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- Development Policies DP33 - Landscaping
- Development Policies DP34 - Sustainable energy
- Development Policies DP37 - Open space, sport and recreation
- Development Policies DP43 - Flooding and floodplains
- National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Dalton Parish Council - wish to see the above application REFUSED on the following grounds:- The proposed building is outside the village building line. The Certificate of Lawfulness already granted relates to ONE caravan - there are currently TWO caravans on site. Is this against regulations already laid down? The new proposed building would be considerably larger than one caravan. A high fence has recently been erected - should this have been subject to a planning application? There appears to have been a considerable amount of work carried out recently on the site. We would like to know that this is in line with permissions already granted and not contravening the Certificate of Lawfulness.

4.2 NYCC Highways - Conditions recommended regarding: parking for dwellings, maintenance of visibility splays, and precautions to prevent mud on the highway.

4.3 Swale and Ure Drainage Board - The site lies within the Swale and Ure Drainage District. EA Flood Zone 2 affects the north and north eastern parts of the curtilage but the precise footprint of the building in relation to the floodplain is not clear from the drawings. Provided the new building

is sited outside the Zone 2 floodplain and 300mm above existing ground level then the risk should be acceptable. The use of the existing soakaway, as a sustainable resource, is supported.

4.4 Environment Agency - The applicant's plans are difficult to read, but as far as I can tell, the building will lie outside of flood zone 2 or 3. As long as this is the case, we have no objections to the development.

4.5 Yorkshire Water - Based on information submitted, no comments are required from Yorkshire Water (existing septic tank and soakaway are being used).

4.6 Neighbours notified and site notice posted; expired 14.08.2013 - No responses received as at 29.08.13.

5.0 OBSERVATIONS

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

5.2 It is clear when assessing the principle of the proposed dwelling in terms of the Council's Local Development Framework policies that the scheme does not sit comfortably. This is due to the historical use of the site and recent Certificate of Lawfulness that has established the domestic use of the caravan on the land and the use of the remainder of the site for agricultural purposes. Policy CP4 usually assesses schemes of this nature in terms of their sustainable location, how they meet an exceptional circumstance and how they support a sustainable rural economy. An exceptional circumstance does not exist in this case, and therefore the scheme is not compliant with policy CP4.

5.3 The lawful residential use of the site is a material planning consideration that must be taken into account in determining this application. Occupation of the caravan is ongoing and is a fallback scenario if the construction of a new dwelling was refused planning permission. The dwelling is considerably larger than the accommodation that was the subject of the Certificate of Lawfulness but it nonetheless still relates to a single family unit as was previously the case. The difference in trip generation in either scenario is likely to be negligible and therefore the proposed dwelling would not be less sustainable, in terms of trip generation, than the lawful use of the caravan.

5.4 Turning to the sustainability credentials of the structures themselves it is clear that the embodied energy required for the construction of a caravan would be significantly less than that of the proposed dwelling. However the energy usage and loss with the caravan structure would be far greater than the proposed dwelling, the sustainable design credentials of which are supported in an energy assessment received in support of this application. In conclusion it is clear that the proposed dwelling would lead to a neutral impact on sustainability grounds when compared to the lawful residential fallback use, and in terms of its construction.

5.5 The site is exposed to the north and the land drops away to this portion of the plot. The boundaries to this aspect would benefit from additional landscaping. The east and west boundaries are well screened. The southern boundary has been recently replaced with fencing (without planning permission) at a height that exceeds permitted development rights. The fencing does afford the site some screening to the public highway. The fencing on the southern boundary is obtrusive repositioning into the site, staining a darker colour and softening with the planting of a mixed species hedgerow to the road side outside of the visibility splay would improve the appearance, that applicant has indicated agreement to do these works. The changes can be required to be implemented via planning condition.

5.6 The positioning of the dwelling within the site, its overall design and the site characteristics are such that it would not harm the visual amenity of the surrounding landscape. The scheme is therefore compliant with Policy DP30 of the Local Development Framework.

5.7 The nearest residential property is positioned approximately 100m to the south-west of the site at the Dalton Bridge House complex. The agricultural land between the application site and this adjacent property is relatively flat. The overall design of the proposed dwelling and the separation distance to the neighbours is such that there would not be a detrimental impact on neighbour amenity.

5.8 The access arrangements have been assessed by NYCC Highways who have not raised an objection and the works are considered not to be prejudicial to highway safety subject to the recommended conditions. As per the comments above, works to this boundary fence and additional planting not harming the visibility splay will be required by condition.

5.9 The comments of the Parish Council regarding the number of caravans that are occupied on the site are matters for enforcement of planning controls.

5.10 Having taken the above into account it is considered that the proposed dwelling is acceptable in principle and its merits in regard to neighbour and visual amenity, and highway safety accord with the policies of the Local Development Framework. Hence this application is recommended for approval.

SUMMARY

The principle of the proposal in this isolated location accords with the ethos of the spatial principles set out in the Core Strategy of the Hambleton Local Development Framework when compared to the lawful domestic fallback scenario. The proposed development would also 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, and would comply with the policies set out in the Hambleton Local Development Framework. The scheme 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 13 February 2013 and 1 March 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 development hereby permitted shall be constructed in accordance with the details outlined in the energy assessment received by Hambleton District Council on 13 February 2013.

5. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing no. 1964.00 A. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

6. Prior to development commencing details regarding an amended southern boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. These details shall refer to the re-siting of the existing timber fence to the north of its existing position, re-staining of the timber in a dark colour and the planting of a mixed species hedgerow outside of the visibility splay to the north-easterly direction.

7. 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 of works detailed in Condition 6 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.

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

9. The dwelling hereby approved shall be developed with separate systems for foul sewerage and surface water.

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

11. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs and areas of retained trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

12. The existing buildings positioned to the south-western boundary of the site shall at all times remain ancillary to the dwelling known as Greystones, Dalton,

North Yorkshire, YO7 3HR, unless otherwise agreed in writing with the Local Planning Authority.

13. The static caravan positioned on the footprint of the former barn to the north of the site and the static caravan the subject of the Certificate of Lawfulness (13/00321/CLE) shall be removed from the land the subject of this application upon first occupation of the proposed dwelling.

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(ies) CP1, CP16, CP17, DP1, DP30 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to comply with the requirements of policy DP9 of the Local Development Framework.
5. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
6. In the interests of the visual amenity of the locality and highway safety.
7. In the interests of the visual amenity of the locality.
8. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
9. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
10. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
11. 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 DP30.
12. In the interests of neighbour amenity in accordance with policy DP1 of the Hambleton Local Development Framework.
13. To ensure that the proposal is compliant with policy CP4 of the Hambleton Local Development Framework and in the interest of the visual amenity of the locality in accordance with policy DP1 of the Hambleton Local Development Framework.