

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 9 January 2014. 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 9th January 2014

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	13/01770/FUL Mrs J Low Carlton Miniott Page no. 3	Revised application for the construction of 40 dwellings with associated garaging, access, landscaping and pumping station For: Taylor Wimpey (North Yorkshire) Ltd At: Land off Ripon Way, Carlton Miniott RECOMMENDATION: GRANT
2	13/02323/FUL Mr A Cunningham Catton Page no. 33	Demolition of existing agricultural building, alterations and extensions to 3 agricultural buildings to form 6 dwellings; formation of a new vehicular access For: Robin Hall Associates At: Land off Catton Village Street, Catton RECOMMENDATION: GRANT
3	13/02275/OUT Mrs J Low Great Ayton Page no. 43	Outline application for a residential development of up to 113 dwellings with associated access (and all other matters reserved) change of use of existing agricultural building to B1 use and demolition of 4 buildings For: Gladman Developments Ltd At: Land off Station Road, Great Ayton RECOMMENDATION: REFUSAL
4	12/00911/FUL Mrs B Robinson Great & Little Broughton Page no. 71	Retrospective application for the change of use of an existing utility building as a dwelling For: Mr Billy Foster At: The Stables, Broughton Grange, High Street, Great Broughton RECOMMENDATION: REFUSAL
5	13/02295/FUL Mrs B Robinson Ingleby Greenhow Page no. 74	Revised retrospective application to use an existing caravan for residential purposes for an agricultural worker for a three year period. For: Mr David Jones At: Ingleby Lane Farm, Ingleby Greenhow RECOMMENDATION: GRANT
6	13/01008/FUL Mr A Cunningham Knayton Page no. 79	Retrospective application for a change of use of annexe into separate dwelling For: Mr M Cameron At: Northfield, Borrowby RECOMMENDATION: REFUSAL
7	13/02446/FUL Mr J Howe Morton on Swale Page no. 83	Construction of an agricultural storage building For: A R Sanderson At: Land north of Morton on Swale, east of Treatment Works and south of Thrintoft, Thrintoft RECOMMENDATION: GRANT

<p>8</p>	<p>13/01862/FUL Mrs J Low Northallerton</p> <p>Page no. 87</p>	<p>Conversion of retail unit into a residential unit</p> <p>For: Mr P Cochrane At: Elders, Elder Road, Northallerton</p> <p>RECOMMENDATION: REFUSAL</p>
<p>9</p>	<p>13/02318/FUL Mr J Howe Snape with Thorp</p> <p>Page no. 90</p>	<p>Change of use from manufacture, storage and distribution to storage and distribution (natural stone paving and tiles)</p> <p>For: Prices Paving & Tile Ltd At: The Manor House, Snape</p> <p>RECOMMENDATION: GRANT</p>
<p>10</p>	<p>13/01349/FUL Mr A Cunningham Thirsk</p> <p>Page no. 96</p>	<p>Retrospective application for change of use of agricultural land to equestrian, construction of a replacement stable block, formation of a concrete hardstanding area and levelling part of existing paddock area</p> <p>For: Mr Charles Teasdale At: OS Field 9700, Stockton Road, Thirsk</p> <p>RECOMMENDATION: GRANT</p>

13/01770/FUL

Revised application for the construction of 40 dwellings with associated garaging, access, landscaping and pumping station at Land off Ripon Way, Carlton Miniott, North Yorkshire for Taylor Wimpey (North Yorkshire) Limited

1.0 BACKGROUND & SUMMARY

- 1.1 Determination of this application was deferred at Planning Committee on 7th November 2013 in order to await Full Council's decision concerning the relaxation of phasing of allocated housing sites. Members also expressed a desire to secure an increased amount of affordable housing and other developer contributions.
- 1.2 On 10th December 2013, Full Council resolved to remove Phases 2 and 3 as a means of addressing under supply of housing sites in order to ensure the maintenance of a 5 year rolling supply for deliverable sites. This approach is consistent with both the Allocations DPD and Policy DP11 of the Development Policies DPD which provide mechanisms for the relaxation of phasing.
- 1.3 In terms of viability and developer contributions, the Applicant is unable to deliver a scheme of 40% affordable housing and a full quota of developer contributions due to high abnormal costs on site (mainly relating to ground conditions and drainage). The Council's Consultant Surveyor has undertaken a review of the Applicant's Economic Viability Appraisal (EVA) and has concluded that the scheme can deliver 8 units of affordable housing (20%) and make a total contribution of £148,100 towards the provision of essential infrastructure within Carlton Miniott.
- 1.4 It is important to note that an increase of 2 affordable homes would reduce the education and public open space contributions to zero. It is considered that a package of contributions including 20% affordable housing and commuted sums towards public open space and education would provide a better balance for the community as a whole. In addition, the agreed viability position does not allow for an increase in both affordable housing and other developer contributions. As one contribution goes up another must come down in order to balance the figures.
- 1.5 This planning application is a resubmission of application ref: 12/02474/FUL which was refused on the 24th April 2013 for the following reasons:-
- 1) Premature delivery of new housing
 - 2) Excessive housing numbers
 - 3) External appearance of house types
 - 4) Insufficient level and mix of affordable housing
 - 5) Insufficient information on flood risk
 - 6) Insufficient information on risks posed by open lakes
 - 7) No off-site public open space, sport and recreation contribution
 - 8) No education contribution
- 1.6 The Applicant has sought to address the Planning Committee's concerns by providing more information. The proposed layout, housing mix and the appearance of house-types are unchanged, although the planning statement provides justification for the design of the proposed house types including a comparison with other developments in the area.

- 1.7 Full planning permission is sought for the construction of 40 dwellings with associated garages and parking, access, landscaping and pumping stations on land to the west of Ripon Way, Carlton Miniott. This would deliver a development of approximately 28.5 dwellings per hectare.
- 1.8 The proposed dwellings are all two-storeys in height and would provide a mix of 2, 3 and 4 bedroom dwellings in terraced, semi-detached and detached form, all with private amenity space.
- 1.9 The application site forms the majority of a site allocated for housing development under Local Development Framework policy TH5 at a density of approximately 30 dwellings per hectare, resulting in an estimated 36 dwellings. The allocation is in two phases: the northern part of the site (24 dwellings) in Phase 2 (2016-2021) and the southern part of the site (12 dwellings) in Phase 3 (2021-2026).
- 1.10 The National Planning Policy Framework (NPPF) requires local planning authorities to significantly boost housing supply. For Hambleton District, this means maintaining a 5-year housing land supply in addition to a 20% buffer to allow for under-delivery in previous years.
- 1.11 The proposed development has been examined by the Regional Design Review Panel at both pre-application and application stage. The Applicant has responded positively to the Panel's recommendations and the Panel has commended the Applicant's pro-active approach.
- 1.12 The proposed layout and house types would result in an appropriately scaled and attractive development in this edge of settlement location and is therefore considered to be in accordance with policies CP17 and DP32 of the Hambleton Local Development Framework and design guidance contained within the NPPF.
- 1.13 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be granted subject to the signing of a s.106 agreement covering affordable housing and developer contributions towards off-site public open space and education.

2.0 PROPOSAL AND SITE DESCRIPTION

- 2.1 Full planning permission is sought for the construction of 40 dwellings with associated garages and parking, access, landscaping and a pumping station on land to the west of Ripon Way, Carlton Miniott. This would deliver a development of approximately 28.5 dwellings per hectare (dph). The amount of affordable housing has yet to be agreed.
- 2.2 The proposed dwellings are all two-storeys in height and would provide a mix of 2, 3 and 4 bedroom dwellings in terraced, semi-detached and detached form, all with private amenity space.
- 2.3 The proposed dwellings would be constructed using red-multi brickwork, pantiles and concrete tiles. Architectural detailing is of traditional form and incorporates: chimneys; header courses to windows; timber and tiled canopies above front doors; black rainwater goods mounted on fascia boards and timber-style panelled doors. Window profiles also reflect local character. A total of 80 car parking spaces (excluding garages) are proposed which equates to approximately 2 spaces per dwelling. 17 integral/detached garages are proposed.
- 2.4 Private defensible spaces would be separated from the public domain by a series of 1.8m high enclosures ranging from full height timber fences to screen walls. Bins/ recycling receptacles can be stored to rear of properties.
- 2.5 There is a relatively thin woodland planting belt running east-west across the central part of the site with mature trees generally planted in staggered rows. A substantial

proportion of these trees would be retained. An informal pedestrian route with stepping logs and other natural play equipment would be created within this planting belt.

- 2.6 The development would be served by a single point of access off Ripon Way. Most of the internal layout would function as a shared surface for both pedestrians and vehicles.
- 2.7 Carlton Miniott village has two distinct areas of concentrated residential settlement located along the A61 main road. The two areas are visually divided by a central area of more rural open fields. The proposed development site is located at the western side of the 'eastern' area of the village settlement and covers an area of 1.46 hectares. It currently comprises of level area of paddock, bisected by an existing row of trees.
- 2.8 The Design & Access Statement describes the site as two adjacent land parcels which are both visually and physically divided by a post and wire fence and a belt of existing trees. Both land parcels are laid mainly to rough grass, however, within the southern land parcel close to the trees there is a small poly-tunnel and three small sheds.
- 2.9 The application site is contained on its eastern and southern boundaries by the existing village development, although part of the eastern boundary adjoins an allotment site contained within the larger TH5 site in the Allocations DPD. The western boundary comprises of an arable field and the northern boundary abuts the tree bounded Carlton Miniott Caravan Park. Beyond the northern boundary and a bank of mature trees lies the Carlton Miniott Park Lakeside Caravan Park a 27 acre Camping and Caravanning Club site with a 7 acre deep water lake. To the west a large arable field extends from Carlton Road, along the full length of the site's western boundary to Carlton Miniott Park at the north.
- 2.10 Site TH5 is allocated for housing development in two phases: the northern part of the site (24 dwellings) in Phase 2 (2016-2021) and the southern part of the site (12 dwellings) in Phase 3 (2021-2026), subject to:-
- i) development being at density of approximately 30 dwellings per hectare, resulting in a capacity of around 36 dwellings (of which a target 40% should be affordable);
 - ii) types and tenure of housing developed meeting the latest evidence on local needs;
 - iii) access being taken from Ripon Way;
 - iv) necessary infrastructure improvements (drainage in particular) being funded by developer contributions; and
 - v) contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

3.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 3.1 12/02474/FUL - Construction of 40 dwellings with associated garaging, access, landscaping and pumping station as per amended plans received by Hambleton District Council on 22nd January 2012 and 5th March 2013 – Refused on 24th April 2013 for the following reasons:-
1. The application proposes premature delivery of new housing on allocation site TH5 prior to Phase 2 (2016-2021) of the adopted Hambleton Allocations Development Plan Document and is therefore contrary to the provisions of Policy TH5.
 2. The proposed development exceeds the housing numbers identified within Policy TH5 of the adopted Hambleton Allocations Development Plan Document, resulting in an overdeveloped and unattractive layout contrary to policies TH5,

CP17 and DP32 of the adopted Hambleton Local Development Framework which require high quality design.

3. The proposed house types fail to reflect the local character and distinctiveness contrary to policies TH5, CP17 and DP32 of the adopted Hambleton Local Development Framework which require high quality design.
4. The proposed development fails to deliver a sufficient level and mix of affordable housing, contrary to policies TH5 of the adopted Hambleton Allocations Development Plan Document and policy CP9 of the adopted Core Strategy which both stipulate a target of 40% affordable housing for the application site.
5. Insufficient information has been provided to demonstrate that the proposed development will not increase the risk of flooding elsewhere, having an adverse effect on watercourses and put people and property in danger, contrary to flood risk policy contained within the National Planning Policy Framework and policies CP21 and DP43 of the adopted Hambleton Local Development Framework.
6. Insufficient information has been provided to demonstrate how the risks posed by the open lakes located directly to the north of the application site can be mitigated and managed. Without a management strategy in place, vulnerable occupants of the proposed dwellings will be at risk of harm, contrary to policies CP1 and DP32 of the adopted Hambleton Local Development Framework which seek to ensure that all new developments are safe and secure.
7. The proposed development fails to deliver any off-site public open space, sport and recreation facilities contrary to Policy DP37 of the Hambleton Development Policies Development Plan Document which requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.
8. The proposed development fails to contribute towards additional school places, child services and facilities contrary to Policy DP2 of the adopted Hambleton Development Policies Development Plan Document, which requires contributions from developers where existing services in the area have insufficient capacity to cater for the potential increase in the number of children, or are inappropriately placed to serve the development having regard to the need to minimise travel, consistent with Policy CP2 of the adopted Core Strategy.

4.0 RELEVANT PLANNING POLICIES

The National Planning Policy Framework – March 2012

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

Core Strategy Development Plan Document – Adopted April 2007

CP1 - Sustainable development
CP2 - Access
CP3 - Community Assets
CP4 - Settlement hierarchy
CP5 - The scale of new housing
CP5a - The scale of new housing by sub-area

CP6 - Distribution of housing
CP7 - Phasing of housing
CP8 - Type, size and tenure of housing
CP9 - Affordable housing
CP16 - Protecting and enhancing natural and man-made assets
CP17 - Promoting high quality design
CP18 - Prudent use of natural resources
CP19 - Recreational facilities and amenity open space
CP20 - Design and reduction of crime
CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP13 - Achieving and maintaining the right mix of housing
DP11 - Phasing of new housing
DP15 - Promoting and maintaining affordable housing
DP29 - Archaeology
DP30 - Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links
DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

TH5 – Ripon Way, Carlton Miniott (1.2ha)

Other Relevant Documents

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

5.0 CONSULTATIONS

Carlton Miniott Parish Council

- 5.1 Wish to see the application refused for the following reasons:-
- 5.2 The Ripon Way site was allocated for housing development in two phases of 24 dwellings in Phase 2 (2016-2021) and 12 dwelling in Phase 3 (2021-2026). Development of the site was subject to density of approximately 30 dwellings per hectare and thereby resulting in a capacity of 36 dwellings of which 40% should be designated as affordable. The application fails to comply with the terms of the original allocation in respect of Phasing, the number of dwellings and the proportion of affordable housing.

- 5.3 It is noted that the proposed housing development covers only part of the designated site. Assume that if the full quota of 36 Phase 2 and Phase 3 dwellings is erected on the site and in accordance with the aforementioned 30 dwellings per hectare policy, then further development on the site will not be permissible.
- 5.4 In summary, it is the Parish Council's contention that the application is not policy compliant and appears weighted towards maximising short-term profit for the Applicant rather than taking account of the medium to long term needs of the local community.

NYCC Highways

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

NYCC Education

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

HDC Leisure Services Officer

- 5.10 Comments made in relation to application ref: 12/02474/FUL - The site is in very close proximity to the Carlton Miniott Playing Field. The Playing Field Association responsible for the playing field has a comprehensive improvement plan, including: improving the play equipment, drainage and levelling of the football pitch, development of a multi-use games area and the building of a pavilion so recommend that any off site contribution is put towards this scheme.

HDC Senior Scientific Officer (land contamination issues)

- 5.11 Comments made in relation to application ref: 12/02474/FUL - Agrees with the findings of the Phase 1 Desk Study report (project No.12-0391.02) prepared by Delta-Simons, who recommend further intrusive site investigation. These works are required in order to assess the presence of contamination from previously unidentified sources, particularly if re-use of soils is proposed, the presence of any contamination associated with allotments (including water sampling) and to identify whether potential sources of ground gas may be present. The further works should also focus on the southern part of the site which was not accessible at the time of the site inspection as potential sources of contamination may exist that have not been identified due to the access restrictions.

HDC Senior Engineer (drainage issues)

- 5.12 Comments made in relation to application ref: 12/02474/FUL - The developer has provided a drainage strategy document which sets out the principles of the site drainage.
- 5.13 The proposed development is on land currently used as a paddock. Disposal of both foul and surface water will be by means of newly constructed pumping stations due to the shallow depth of the existing public foul sewerage system and the shallow depth of the drainage ditch identified for disposal of surface water from the site.
- 5.14 The Environment Agency Flood Maps indicate that the proposed development site and neighbouring land is located in Flood Zone 1, this is the lowest category of flood risk identified by the EA. All land in England being in one of three flood zones, one the lowest and flood zone three the areas of highest estimated flood risk.
- 5.15 In respect of foul drainage, the developer has proposed a new foul pumping station. There are a number of consultation responses expressing concern about the capacity of the public sewerage network to accept additional foul flows. Yorkshire Water as owners and operators of the public sewerage system should be best positioned to understand the capacity available within their system. There is however a potential opportunity for developer and water company to work together to arrange the discharge of the foul flows from the proposed new development to a point where it has least adverse impact or is to the best advantage of the existing network.
- 5.16 It is proposed that surface water flows are discharged direct to ordinary watercourse/drainage ditch located approximately 150 metres west of the site as there is no capacity within the existing public surface water sewerage system. This section of ordinary watercourse/drainage ditch is located at the top end of the catchment so flows in dry weather conditions, can be very low or almost non-existent. Consultation responses state and this is acknowledged in the Developers Flood Risk Assessment and Drainage Strategy that this watercourse/drainage ditch was subject to flooding in late 2012. In 2012 as a whole North Yorkshire received record quantities of rainfall, this was condensed into the latter 8/9 months of the year, the subsoil became saturated and standing and run-off surface water were features of the autumn and early winter of 2012 flooding, so the reported flooding would not be unusual, though is not to be underestimated.
- 5.17 The site investigation reveals that the water table depth is of variable depth, though deeper towards the pond located to the north of the development site. The investigations were undertaken in November 2012 when the ground was at its most saturated. The developer will need to ensure that it does not interrupt natural ground water flows during and post the construction of the development and that any changes in site levels do not direct surface water run-off to existing neighbouring properties.
- 5.18 Yorkshire Water does not usually accept the discharge of newly built public surface water sewers to ordinary watercourses. They usually wish to see surface water sewer discharge to a watercourse/drainage ditch over which a statutory authority has powers, i.e. Drainage Board or Environment Agency. Maintenance of the ditch currently rests with the riparian owner i.e. owners of land adjacent the ditch.
- 5.19 The Swale and Ure Drainage Board have commented on this application and advise that the proposed rate of surface water discharge (practical minimum of 5li/sec) to a watercourse which with flow to their designated area is acceptable.
- 5.20 The proposed receiving watercourse is however relatively small, so is less able to manage larger flows that can occur during flash flooding or during periods of prolonged rainfall like that suffered in 2012. There should be discussions between developer/Yorkshire Water and Swale and Ure Drainage Board to ensure that the proposed surface water discharge point is appropriate and that there are means in

place to ensure the sustainable maintenance of the receiving watercourse. It would be preferable to discharge the surface water to a point within the Drainage Boards area, again there is an opportunity with a pumped discharge for more flexibility in the ultimate discharge point.

Yorkshire Water

- 5.21 YWS has no objection in principle subject to drainage conditions being imposed.
- 5.22 The development of the site should take place with separate systems for foul and surface water drainage.
- 5.23 Foul water domestic waste should discharge to the 150mm diameter public foul water sewer recorded crossing the site.
- 5.24 The local public sewer network does not have capacity to accept any discharge of surface water from the proposal site.
- 5.25 Sustainable Urban Drainage Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be an alternative solution for surface water disposal that is appropriate in this situation. The use of SUDS should be encouraged.
- 5.26 The developer is advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water. It is understood that a watercourse is located to the west of the site.
- 5.27 We note the Flood Risk Assessment & Surface Water Management Strategy for this site (prepared by iD Civils Design - Report 3717 / FRA1 Rev.D dated 18/07/2013) confirms; Sub-soil conditions do not support the use of soakaways, and a watercourse exists to the West of the site - connection subject to pumped outlet and EA /LLDA requirements (1.4 l/s/ha, 5 l/s). (Foul water to public foul water sewer (via pumped outlet).
- 5.28 The public sewer network is for domestic sewage purposes. This generally means foul water for domestic purposes and, where a suitable surface water or combined sewer is available, surface water from the roofs of buildings together with surface water from paved areas of land appurtenant to those buildings. Land and highway drainage have no right of connection to the public sewer network. Land drainage will not be allowed into a public sewer. Highway drainage, however, may be accepted under certain circumstances; for instance, if SUDS are not a viable option and there is no highway drain available and if capacity is available within the public sewer network. In this event, a formal agreement for highway drainage discharge to public sewer, under Section 115 of the Water Industry Act 1991, will be required.

Environment Agency

- 5.29 Comments made in relation to application ref: 12/02474/FUL - The Agency agrees with the Swale and Ure Internal Drainage Board's comments. As it appears that surface water is being discharged into a watercourse that drains into the IDB system, a surface water drainage scheme should be agreed with the IDB before development commences.

Swale & Ure Internal Drainage Board

- 5.30 No objections. The Board has been consulted on the drainage design since it will ultimately discharge to the adopted watercourse known as Carr Stell. It has been agreed that the discharge rate will be controlled at 5l/s maximum

Police Architectural Liaison Officer

- 5.31 Comments made in relation to application ref: 12/02474/FUL - Comment is made that although there was a Design Review for this application, the Police were not present and yet security criteria was established that there would not be any fencing on the north side of this estate to provide amenity value.
- 5.32 The ALO argues that having the northern side of this site open to this lake is poor for security as any residents from the adjacent site would simply walk through this estate to gain access to the Lake.
- 5.33 The ALO believes that this would give legitimacy for criminals being on the estate and also an escape route from the estate into the unlit lake area. It would also bring anti-social behaviour with noise into this estate with youths coming and going from the lake in the summer months, sometimes late into the evening.
- 5.34 There is 40% affordable housing on this estate; young families with toddlers and children. By opening the northern side of this estate to the lake provides a danger to children and toddlers wandering off and drowning in the lake, which is very close by. The risk can be reduced by placing a fence along the northern edge. Children can drown in just a few inches of water.
- 5.35 The Caravan Park operator does not want any access at all from this proposed development onto the lakes or the Caravan Park. Sandhutton Lane is not used by the public to access the lakes and has gates on it which are locked at night.
- 5.36 **Recommendation 1** - that the northern side of this site is fenced off with fencing 1.8m high. There are various types of fencing which will give amenity value as well as security.
- 5.37 **Recommendation 2** - that all the houses on this proposed development attain Secured By Design certification and not just meet the principles of Secured By Design which has been shown in the past to be interpreted greatly from that of the ALO and creates confusion. There should not be a two tier system of housing whereby the 40% affordable homes attain SBD leaving the rest without that enhanced security.
- 5.38 **Recommendation 3** - that 1.8m high fencing be installed to the whole site perimeter, whether that be rear garden fencing for the new houses or infill fencing. This fencing can be supplemented by planting to 'soften' it, but at least the site would be secure on being handed over. Supplementary planting would not be robust enough to create a barrier on site handover, and that any planting would take several years to mature to create a significant boundary.
- 5.39 **Recommendation 4** - adequate security should be in place during the construction phase. This should include robust perimeter fencing of the site and a monitored alarm system for the site cabins, including those cabins housing materials. Security of plant equipment and security of any fuel storage should be demonstrated. There should be a dedicated secure area in which contractors can park their vehicles, in which there may be a significant value of tools stored in them when the contractor is working on site.
- 5.40 Additional comments made in relation to application ref: 13/01770/FUL – Note that the Applicant does not intend to fence off the lake from the development despite previous objections. Not only is there a crime risk here but it allows small children to wander to this lake with the possibility of drowning. By including this fence it would also prevent any visitors from the adjoining estates walking through this new estate to reach the lake as the existing Sandhutton Lane, adjacent to this estate, is muddy and full of puddles thereby creating a through route on this new estate which is an opportunity for crime and should be avoided.

- 5.41 Further recommendations as follows:-
- 5.42 **Recommendation 1** - there should be a 1.8m high fence between houses 4 and 5. This is a calculated risk which at this stage which can be eliminated.
- 5.43 **Recommendation 2** - that the gable ends of the houses adjacent to this remote car park should have windows in them to overlook this car park.
- 5.44 **Recommendation 3** - that the fencing on the south and west sides of this car park be 2m high fencing such as close boarded fencing, and that this car park is lit.
- 5.45 **Recommendation 4** - the development should attain Secured By Design Certification, and not just conform to the principles of Secured By Design, (SBD), which has shown in the past to be vastly different.

Network Rail

- 5.46 No observations.

Regional Design Review Panel

- 5.47 Comments made in relation to application ref: 12/02474/FUL - The following paragraphs provide a summary of the Panel's views on the application as submitted in the context of having previously commented on a different layout at pre-application stage:
- 5.48 The Panel feels straightaway that the layout is much improved and more efficient. The Panel applauds the project team for listening to their previous comments and coming up with a refined scheme. Whilst dwelling numbers have increased, the high provision of affordable homes is commended; although this could be seen as putting pressure on the site to accommodate both types of dwellings and adequate parking solutions.
- 5.49 There are also a few elements that appear a little unresolved, and the Panel suggests there are details that would benefit from being looked at further to add refinement. In particular:
- exploring how the lake and area to the north will be integrated into the site beyond the site boundary;
 - looking again at the parking courts;
 - enhancing the site entrance vista, which now terminates in a parking court;
 - rebalancing the distribution of planting across the site;
 - ex-examining footpath and parking arrangements;
 - showing the location of various boundary treatments.
- 5.50 The sustainability aspirations of the development come across as rather disappointing; surpassing building regulation requirements by a small amount to just exceed policy requirements. The Panel really encourages the design team to push this further.
- 5.51 The Panel was not reconsulted on the subsequent site layout received on 5th March 2013, as a relatively straightforward comparison between the Panel's previous recommendations and the latest site layout was undertaken by the Case Officer.

NYCC - Development Management Archaeologist

- 5.52 The proposed development has no known archaeological constraint.

HDC – Environmental Health Officer

- 5.53 No objections. The site is surrounded by existing residential housing and arable fields, the principle noise source is Carlton Road but this should not have an impact on the suitability of the development as proposed.

Publicity

- 5.54 The application was advertised within local press, by site notice and directly to the neighbouring residents. The original consultation period expired on 2nd September 2013. 26 objections and 5 representations of support were received in relation to the original application ref: 12/02474/FUL, whilst 24 objections and 3 representations of support have been received in relation to the current application ref: 13/01770/FUL which are summarised as follows:

Location & Principle of Development

- 1) Feel that enough new houses for the area are already being built at Sowerby.
- 2) 42% affordable housing is too much.
- 3) There is no need for this type of affordable housing within Carlton Miniott, especially following the Station road development and the substantial housing numbers.
- 4) Who will buy these properties and where will they work?
- 5) Estates Agents are finding it difficult to sell houses, housing market being very slow for the past five years. Would be far more appropriate to direct funding to help businesses in Thirsk and relieve them from rates as many shops are closing down due to ever higher overheads. The town has been hit very badly for the past few years, without mentioning parking charges.
- 6) The LDF allocated this land for residential development on two key conditions – (1) Any development was to be in 2 phases; and (2) 33 dwellings in total (24 in 025/02 and 12 in 025/03 less 3). The application submitted by the developer is for 40 dwellings in a single phase; 20% more than the LDF allows. The same number as the previous application which was refused in March 2013.
- 7) Residents understood from the local press that the previous application was turned in March 2013 partly because the Sowerby Gateway Development will provide over 900 new homes; meeting the future requirement for housing in the Thirsk area. Nothing has changed since the previous application was lodged and therefore cannot understand on what grounds the developer has decided to re-submit.
- 8) The granting of permission to construct dwellings as proposed would open up access to the allotment garden. It would only be a matter of time, before this area too would be sought after for property development.

Design

- 9) 40 dwellings represents over development of the site.
- 10) The estate like nature of this development is not in keeping with the locality and will impact on the rural character of Carlton Miniott.
- 11) The proposal to build 40 properties on a relatively small piece of land will not be in keeping with the already established estate where properties are all set on much larger plots.

Trees

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

Residential Amenity

- 16) The very significant increase in traffic will produce noise nuisance and a degree of environmental pollution for existing residents.
- 17) The proposal will result in a less safe environment on Ripon Way for young children to play.
- 18) The noise and mess from the work vehicles will be very distressing and dangerous.
- 19) Several of the new dwellings will look directly in to the bedrooms, kitchen, bathrooms and rear garden of Glencoe, Carlton Road resulting in a loss of privacy.
- 20) The pumping station will be positioned within 30 metres of the gardens of Manfield Terrace. This raises concerns regarding the control of odours and may compromise the amenity value of the adjacent gardens.
- 21) Our property (Stonehaven) looks right into proposed site which will totally spoil our view , the gardens back onto our garage giving then a straight view through the windows unless there is a high fence, but this would block out our light.

Drainage

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

Highway

- 33) The junction from the cul de sac onto the main run of Ripon Way has very restricted viability to the left. Cars parked on Ripon Way further restrict this view. If there is no improvement to this junction, it will potentially cause accidents with the proposed extra traffic.
- 34) Highways state that no construction traffic will be allowed to park on the approach

- roads to the site. Who will police this?
- 35) Ripon Way already suffers from displacement parking from Thirsk Railway Station with cars parked on the road side.
 - 36) Car parking provision is inadequate.
 - 37) The increased traffic will cause problems at the mini-roundabout at the end of Ripon Way, where there have already been numerous incidents.
 - 38) The site access should be off the main A61 to the west of the proposed development.
 - 39) The access onto the A61 would also need widening, so destroying what is at present a safe and expansive junction marshaled by a mini roundabout.
 - 40) An alternative access route, created running southwards from the development and joining the A61 further west would be far less intrusive and, being a new access way, could be designed and landscaped so as to minimise the impact upon the neighbourly relationships of the residents of the new development.
 - 41) The scheme will result in a substantial increase of traffic on an existing residential street likely to be of the magnitude of 30% past all houses up to the A61.
 - 42) A clear alternative access route is available beyond "Stone Haven" in the form of a spur route from the A61. To provide such an independent spur access would be far more in keeping with the general existing layout of Carlton Miniott.
 - 43) If an independent access were provided this would suggest a second mini roundabout at the location of the 30 limit entry and that this would have a very significant improvement on reducing speeding past the Carlton Terrace houses on the A61.
 - 44) The current road there is unable to stand the increased traffic - it is already cracking and potholing under the current residents use.
 - 45) The road is not wide enough - particularly for all the heavy plant and lorries required for the building process.
 - 46) There are already enough complaints by residents about cars at the Primary School. Parents block driveways and park incorrectly. There is hardly any parking and no dropping off area at the School and if more families live here then the school would need to be bigger. This will in turn cause more complaints and traffic problems.
 - 47) An additional 80+ cars will cause delays at the mini roundabout, which will back up and block Ripon Way.
 - 48) The traffic predictions that form part of the application are, in our view, very wide of the mark. With the proposed 40 dwellings and an assumed average of only 1.5 vehicles per household, there would be 60 additional vehicles using the road and all of that traffic will pass by 25 Ripon Way.
 - 49) When the lane leading to the farm was opened up a few years ago, an assurance was given that the volume of traffic would be minimal. Only a few properties are served by the lane, but the number of vehicle movements is significant – far more than anyone would have ever imagined.
 - 50) The cul-de-sac arm of Ripon Way is less wide than the north-south section, acknowledging the fact that it was never intended as access to 40 or more additional properties; had it been so, it would have been constructed to a specification similar to that of the north-south section.
 - 51) The mini-roundabout on Carlton Road is not fit-for-purpose.
 - 52) An alternative access should be used during the construction; the thought of heavy lorries and contractors' vehicles using the proposed access is extremely worrying for us. Aside from the likely queues of vehicles delivering materials or waiting to take away site waste, it is anticipated that Ripon Way will become the area where contractors will park their vehicles. Mud control at the site entrance, should it be on Carlton Road or Ripon Way, is also paramount.
 - 53) The mini roundabout at the end of Ripon Way should be redesigned as at the moment very few vehicles negotiate the roundabout correctly or reduce speed. Vehicles bouncing over the roundabout have already caused damage to nearby properties due to vibration. Speed obstructions similar to those on the other 3 roundabouts on Station Road by the racecourse & Tesco's could be constructed.
 - 54) Suggest a complete redesign of the Ripon Way/Carlton Road entrance be built with the cost being born by the developers.
 - 55) Would like to see a commitment on mud control during construction and a construction management and delivery plan generally.
 - 56) No significant changes have been made to the application with respect to parking of

residents' cars. Communal parking areas, particularly those that are obscured from view, are often shunned by their intended users.

Other Objections

- 57) Can the school, health facilities cope with the extra population?
- 58) The proposed development will devalue the current properties in Ripon Way.
- 59) The existence of the proposed development has blighted property sale on Ripon Way.
- 60) The new application does not overcome previous concerns or address the reasons for refusal.
- 61) Very little has changed since the original application.
- 62) Perhaps the only change relevant is that speculation about the allotment land being developed has been confirmed. That, of course, is a negative, exacerbating further our concerns about traffic volumes. Note that the density on the allotment land as shown in the plan is much lower than elsewhere. The allotment site could accommodate more than 4 dwellings.
- 63) There is a vast array of species that occupy this half acre, either in the numerous trees, or in the boggy ground conditions.
- 64) The density of the development is such that children will need to look for nearby 'dangerous' waste land for play space.
- 65) The development which has a proportion of affordable housing units and therefore some numbers of young children is close to a large and deep lake being a considerable safety hazard to children.

Supporting Comments

- 66) It will keep pupil and staff numbers up at the school.
- 67) There have been a number of objections that the local school will not be large enough to take all the children. Other voices say that the school has too many children from outside the catchment and need more local children.
- 68) Ripon Way Spur is not and never has been a cul-de-sac. It was constructed as an entrance road from the A61, behind De Grey Terrace to the boundary of Carlton Miniott Park where the main development of Ripon Way was to be built. The development was for a housing estate almost identical to the one now being put forward 13/01770/FUL and occupying the same area of ground. All services were laid at the end of the spur and are still available support the proposed development.
- 69) NYCC Highways has no objection to the spur and entry on to the A61 being used to service the new development. They confirm that the spur is up to the standard required to serve the new development and also that the visibility on corners and intersections is up to the standard required.
- 70) The fact that the spur was built to a standard needed to support the building of the proposed site means that no construction is required on the existing roadway. Therefore it should be possible to keep the spur clear of building material and parked plant.
- 71) It is evident that the dozens of objections put forward that the access road is too narrow and would need to be strengthened are all without foundation and can be disregarded.
- 72) Objections have been received stating that the ground water level is only half a metre from the surface. However, the actual ground water level in the area must be the surface level of the lakes in Carlton Miniott Park, which is 2-5 metres below the proposed site area. If the ground water was at that level most of Carlton Miniott Park and large areas to the north would be flooded.
- 73) Surface water will be drained to the west and this surface retention, near to Manfield Terrace, would be very much reduced if not eradicated.
- 74) The Swale and Ure Drainage Board have no objection to the planned surface water being pumped to the west to a ditch which becomes the River Swale in approx. 1000 metres.
- 75) Yorkshire Water has no objection to sewage from the proposed estate being pumped into the existing system.
- 76) Yorkshire Water and The Swale and Ure Drainage Board will ensure that the

- builders have made a sound system before taking over responsibility.
- 77) The proposed development plans have been reviewed by the Regional Design Board and they have recommended the layout and house types as being in accordance with the policies of Hambleton Local Development Framework.
 - 78) The new development borders against the Nature Reserve of Carlton Miniott Park and is a truly rural setting. Many trees and hedges screen the site and the layout of the houses will make this little estate very attractive to those who wish to be in the countryside.
 - 79) Regarding the safety of the lakes in Carlton Miniott Park. These lakes were allowed to flood when the brick works pumps were stopped in 1910. As far as can be ascertained there had been no accidents in the water previous to 1968 when Jenkins and Lancefield took over the property and certainly none since that date.
 - 80) It is strange that many objections have been made that the lakes are a major danger to children and yet there is a ten metre opening at the northern end of Ripon Way allowing free access.
 - 81) Many dog walkers and others have beaten a footpath to join the ancient track from Thirsk Church to Sandhutton Church which passes through the park within a few metres of the water.
 - 82) The park has many danger notices, private signs and security cameras. In the summer there are also many children amongst the caravanners who use sailing and man propelled craft on the lakes.
 - 83) The Caravan Park has no record of any intentional trespass.
 - 84) There have been many objections that the traffic noise along the spur would be too loud but it will be no different from noise generated by any other housing development.
 - 85) In the last five years there has been a significant District wide under delivery of houses completing only 185 dwellings against a target of 280. This is only 66% of the total required. This small site would help considerably towards the target required.

6.0 OBSERVATIONS

- 6.1 As identified within paragraph 1.1 of this report, the original planning application ref: 12/02474/FUL was refused for eight reasons. This revised application seeks to address the Planning Committee's concerns via the submission of further information. Each reason for refusal is examined in turn below:-

Reason 1: The application proposes premature delivery of new housing on allocation site TH5 prior to Phase 2 (2016-2021) of the adopted Hambleton Allocations Development Plan Document and is therefore contrary to the provisions of Policy TH5.

- 6.2 The LDF Core Strategy was adopted in 2007 and provides the basis for the scale and distribution of housing development within Hambleton including the requirements for affordable housing. Following this the Allocations DPD was adopted in 2010 and identifies sites to meet and deliver the targets and objectives as set out within the Core Strategy.
- 6.3 This site forms allocation TH5 of the Allocations DPD. The allocation splits the development into two phases, which span phases 2 (2016-2021) and 3 (2021-2026). The site was phased in this way due to the calculation of housing numbers at that time, with the aim of achieving a regular supply of new housing across the plan period. This was a District-wide consideration and no site-specific reason was given for the proposed phasing. In retrospect, splitting the development of a medium sized site of this nature between two phasing periods may not have been appropriate.
- 6.4 The Council sets out its policies for housing supply in its Development Plan Documents. These documents were adopted before the publication of the National Planning Policy Framework (NPPF). The NPPF places emphasis on maintaining a 5 year supply of deliverable housing (paragraph 49). Paragraph 47 considers that a 20% buffer be applied if there is a record of persistent under delivery.

- 6.5 On 10th December 2013, Full Council resolved to relax the phasing of all housing sites in order to ensure the maintenance of a 5 year rolling supply for deliverable sites. This approach is consistent with both the Allocations DPD and Policy DP11 of the Development Policies DPD which provide mechanisms for the relaxation of phasing.

Reason 2: The proposed development exceeds the housing numbers identified within Policy TH5 of the adopted Hambleton Allocations Development Plan Document, resulting in an overdeveloped and unattractive layout contrary to policies TH5, CP17 and DP32 of the adopted Hambleton Local Development Framework which require high quality design.

(a) Housing numbers

- 6.6 Policy TH5 of the adopted Allocations DPD allocates the site for development at approximately 30 dwellings per hectare, resulting in a capacity of around 36 dwellings in total. The site allocation is expressed on the basis of site density with the expected numbers of dwellings being a product of that. The current proposal is for 40 dwellings on part of the allocation site. In terms of dwelling numbers, the development would exceed the expectations of the Allocations DPD. However, the application site boundary differs slightly from that shown within the Allocations DPD. The allotment land to the east has been excluded and the northern boundary follows the curvature of the adjacent lane rather than the straight line boundary shown within the Allocations DPD. The site has been accurately surveyed at 1.46ha and the proposed development is at a density of 27.4dph, which does not exceed the 30dph expectation identified within the Allocations DPD.
- 6.7 An illustrative scheme has been submitted to show how the remaining of part of the allocation site (existing allotments) could be developed. This land is included within the allocation site boundary but is not included within the application site boundary. The indicative layout shows four dwellings with access arrangements and is considered to represent a reasonable form and amount of development.
- 6.8 Taking the overall layout into account, the total yield would exceed the indicative Allocation DPD yield by 8 dwellings (20%). Whilst this figure represents an increase in dwelling numbers, the figures contained within the Allocations DPD are connected to the site area and density of development and are intended to provide a guide for development rather than stipulate a maximum restriction. Therefore, planning permission should not be refused on the basis of dwellings numbers per se unless the amount of development proposed would result in a poorly designed scheme, contrary to the LDF and the NPPF, or would have an adverse impact on local infrastructure or amenity.
- 6.9 Given these considerations, it is apparent that the increase in dwelling numbers over that envisaged in the allocation is a result of the more accurate measurement of site area, therefore the proposed 40 dwelling scheme is not of a different character from that envisaged at the time of allocation.

(b) Design

- 6.10 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness.
- 6.11 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

- 6.12 Paragraph 62 of the NPPF states that “Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for a national design review...In assessing applications, local planning authorities should have regard to the recommendations from the design review panel.”
- 6.13 At pre-application stage, the Applicant chose to refer the initial design concept to the Regional Design Review Panel for comment and is commended by both the Panel and Officers for this approach. The Panel issued its initial recommendations in a report dated 5th December 2012. In summary, the report advised the Applicant to take a flexible approach to highways design by using shared surfaces and to deliver a “scheme beyond the standard” with greater sustainability and place making ambitions. The Applicant responded by incorporating many of the Panel’s suggestions within their amended layout.
- 6.14 The Panel reviewed the previous application ref: 12/02474/FUL and applauded the Applicant for listening to their comments and coming up with a refined scheme. The Panel suggested some final refinements to the scheme and, in response, the Applicant rationalised the car parking distribution across the site and identified attractive and appropriately positioned boundary treatment.
- 6.15 The proposed layout now incorporates a defined gateway, enhanced incidental amenity space and shared surfaces and substantially retains the west to east tree belt. Furthermore, the proposed house types provide an attractive and complimentary mix of dwellings whilst surface materials for private driveways and territory routes have been improved in terms of quality.
- 6.16 The amended layout would result in an appropriately scaled and attractive development in this edge of settlement location and is therefore considered to be in accordance with policies CP17 and DP32 of the Hambleton Local Development Framework and design guidance contained within the NPPF.

Reason 3: The proposed house types fail to reflect the local character and distinctiveness contrary to policies TH5, CP17 and DP32 of the adopted Hambleton Local Development Framework which require high quality design.

- 6.17 As previously identified, the LDF and NPPF aim to ensure that all new developments achieve high quality design. Members were critical that the proposed house types failed to reflect the local character and distinctiveness of Carlton Miniott. Whilst the proposed house types remain unchanged, the Applicant has updated the Design & Access Statement to provide further justification for the approach taken.
- 6.18 Section 2.07 of the Design & Access Statement (DAS) contains a ‘Character Analysis’ of Carlton Miniott, and describes the built context as:
- “...primarily of residential development, comprising of a wide range of proportions and elevational treatments which reflect both the date and construction and, in some case, subsequent remodelling, which often follows the design trends at the time...”*
- 6.19 Section 2.07 of the DAS also notes that the proposed development site takes access from Ripon Way, which in itself is a late 1970s housing development.
- 6.20 Section 5.07 of the DAS provides a commentary on the design of the proposed house types. It identifies that the proposed house types closely relate to the approved developments at Norby, Thirsk and Sowerby Gateway, Thirsk. Elevation drawings of approved and proposed house types are shown within the DAS, which concludes that:

“All three developments present dwellings, the design of which, draw upon the traditional residential design in the locality. The proposals are appropriate for the settings in terms of scale, detail and proposed materials.”

- 6.21 Taking into consideration the architectural context of the area, the proposed house types are considered to be acceptable in terms of scale, detail and proposed materials and fully reflect local character and distinctiveness in accordance with the design objectives of the LDF and NPPF.

Reason 4: The proposed development fails to deliver a sufficient level and mix of affordable housing, contrary to policies TH5 of the adopted Hambleton Allocations Development Plan Document and policy CP9 of the adopted Core Strategy which both stipulate a target of 40% affordable housing for the application site.

- 6.22 The provision of affordable housing is a Council priority, being identified in the Council Plan as such. Successive Housing Need Studies have pointed to the need to ensure a supply of affordable housing within the District, both in terms of the overall scale of provision and also its distribution.
- 6.23 Criterion i) of Policy TH5 of the adopted Allocations Development Plan Document stipulates that the development should be “...at a density of approximately 30 dwellings per hectare, resulting in a capacity of around 36 dwellings (of which a target of 40% should be affordable, subject to viability).” Policy TH5 reflects Policy CP9 of the adopted Core Strategy which requires developments of 15 dwellings or more (or sites of 0.5ha or more) within Thirsk to make provision for 40% affordable housing.
- 6.24 The Applicant is unable to deliver a scheme of 40% affordable housing and a full quota of developer contributions due to high abnormal costs on site. These costs are primarily due to ground conditions (granular strata (sand) with a very high water table up to 700mm BGL), topography (need to pump foul & surface water) and service upgrades (electricity & gas connection).
- 6.25 The Council’s Consultant Surveyor (Mouchel) has undertaken a review of the Applicant’s Economic Viability Appraisal (EVA) and concurs that the issues identified by the Applicant mean that the scheme cannot deliver 40% affordable housing and the normal range of developer contributions. Their advice concludes that the scheme could deliver 8 units of affordable housing (20%) and make a total contribution of £148,100 (approximately 53% of the amount required) towards the provision of essential infrastructure within Carlton Miniott.
- 6.26 At Planning Committee on 7th November 2013, Members expressed a desire to secure an increased amount of affordable housing and other developer contributions. It is important to note that an increase of 2 affordable homes would reduce the education and public open space contributions to zero. It is considered that a package of contributions including 20% affordable housing and commuted sums towards public open space and education would provide a better balance for the community as a whole. In addition, viability evidence does not allow for an increase in both affordable housing and other developer contributions. As one contribution goes up another must come down in order to balance the figures.
- 6.27 Therefore, subject to the completion of a planning obligation covering these matters and a final agreement with the Council’s Housing Services Manager with regards to affordable housing mix, this reason for refusal is considered to have been addressed.

Reason 5: Insufficient information has been provided to demonstrate that the proposed development will not increase the risk of flooding elsewhere, having an adverse effect on watercourses and put people and property in danger, contrary to flood risk policy contained within the National Planning Policy

Framework and policies CP21 and DP43 of the adopted Hambleton Local Development Framework.

- 6.28 The previous planning application ref: 12/012474/FUL was supported by a detailed Flood Risk Assessment (FRA) and Drainage Strategy prepared by ID Civils. No objections had been raised by the Environment Agency, Yorkshire Water or the Swale & Ure Internal Drainage Board.
- 6.29 Notwithstanding this, the Applicant's 'Planning Statement' confirms that the FRA & Drainage Strategy has been updated to fully address the issues raised in the reason for refusal. The updated document confirms that there is no significant risk of overland flooding due to the topography of the area. However, it is now proposed to elevate the finished floor levels of the proposed dwellings to a minimum of 600mm above the level of the reported land drainage problems in the adjacent to field. This is one of the factors that have increased build costs on the site and which affects viability.
- 6.30 Surface water from the development proposals will be attenuated to a minimum of 5l/s on-site through oversized pipework which meets the requirements of the Swale and Ure Drainage Board and Yorkshire Water, who therefore raise no objection to the application.

Reason 6: Insufficient information has been provided to demonstrate how the risks posed by the open lakes located directly to the north of the application site can be mitigated and managed. Without a management strategy in place, vulnerable occupants of the proposed dwellings will be at risk of harm, contrary to policies CP1 and DP32 of the adopted Hambleton Local Development Framework which seek to ensure that all new developments are safe and secure.

- 6.31 The previous application ref: 12/02747/FUL made provision for estate style railings (horizontal bars) along the northern boundary. Members were concerned that this arrangement would fail to protect residents (particularly small children) from straying onto neighbouring land and inadvertently encountering potential risks posed by several fishing lakes.
- 6.32 In recognition of the issues raised by Members, the Applicant proposes to enhance the treatment along this boundary via the provision of a continuous hedgerow. The fencing remains unchanged but the hedgerow will provide an additional physical barrier and therefore additional security.
- 6.33 A Computer Generated Image (CGI) has also been prepared to provide details of the boundary treatment in context. The CGI shows a secure and attractive boundary treatment that maintains views in and out of the development, which was a key recommendation of the Design Review Panel.
- 6.34 The revised boundary treatment is considered to provide an appropriate solution to Members' concerns.

Reason 7: The proposed development fails to deliver any off-site public open space, sport and recreation facilities contrary to Policy DP37 of the Hambleton Development Policies Development Plan Document which requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.

- 6.35 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards for public open space by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. Contributions will be dependent on increased demand resulting from the development.

- 6.36 The proposed layout shows an informal pedestrian route with stepping logs and other natural play equipment within the existing planting belt. A scheme for the installation of natural play equipment and landscaping can be secured via condition.
- 6.37 The Council's Leisure Services Officer has raised no objection to the limited provision of public open space on site due to the very close proximity of the Carlton Miniott Playing Field.
- 6.38 Policy DP37 of the adopted Development Policies DPD also requires a financial contribution towards providing and/or improving off-site public open space, sport and recreation facilities (POS) elsewhere within the Thirsk Hinterland. The Council's sports and recreation priorities are contained in the POS, Sport and Recreation Area Action Plan approved by Cabinet. A contribution of £142,562 is required in accordance with Policy DP37. However, the sum is likely to be reduced on the basis of viability with education and POS sharing a total pot of £148,100.
- 6.39 The Leisure Services Officer has identified the construction of a sports pavilion to service an existing football pitch as a priority for POS delivery in Carlton Miniott. A revised POS, Sport and Recreation Action Plan was approved at Cabinet on 3rd December 2013 which reflects current priorities. The Council is also working closely with Carlton Miniott Playing Field Association on an Action Plan to improve the whole site. A village survey was undertaken in May and this information is being used to update the Action Plan.
- 6.40 The Leisure Services Officer has advised that a contribution of around £70K would enable the pavilion project to be delivered.

Reason 8: The proposed development fails to contribute towards additional school places, child services and facilities contrary to Policy DP2 of the adopted Hambleton Development Policies Development Plan Document, which requires contributions from developers where existing services in the area have insufficient capacity to cater for the potential increase in the number of children, or are inappropriately placed to serve the development having regard to the need to minimise travel, consistent with Policy CP2 of the adopted Core Strategy.

- 6.41 In addition to delivering affordable housing and public open space, Policy TH5 of the Allocations DPD identifies contributions from the developer towards infrastructure improvements, including additional school places (if required) and increased or improved access to local healthcare facilities.
- 6.42 As detailed within paragraph 5.7 of this report, NYCC Children & Young People's Service has confirmed that 10 pupils would be generated by the development which local primary schools cannot currently accommodate. The Applicant has agreed to make a contribution in accordance with Policy TH5. Again, the education sum is likely to be reduced on the basis of viability.
- 6.43 NYCC Children & Young People's Service has advised that Carlton Miniott Community Primary School would require an additional classroom to accommodate additional pupils. However, the likely level of contribution (£78,100) is insufficient to cover the cost of delivering this classroom.

Reasons for Refusal - Conclusion

- 6.44 In light of the above considerations, this revised application is considered to have satisfactorily addressed the concerns of the Members having regard to what can reasonably be delivered and is therefore recommended for approval. Nonetheless, for completeness, other relevant material considerations are discussed below with reference to policies and guidance.

Residential Amenity

- 6.45 Policy DP1 of the Development Policies DPD stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 6.46 The Council applies indicative separation distances of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. This is based upon those standards contained within the time expired *Supplementary Planning Guidance Note 3: Residential Infill*. Despite this guidance being time expired, SPG3 continues to be a useful tool for assessing the likely impact of a proposed development upon residential amenity in a case-by-case basis. Similar guidance relating to separation distances is contained within *By Design* (Design Guidance produced by CABE). Notwithstanding the usefulness of these documents, their standards should not be slavishly adhered to but judgement should be used on a case-by-case basis.
- 6.47 The nearest neighbouring dwelling is 'Glen Coe' which stands immediately to the south on Carlton Road. The rear elevations of Plots 35 and 36 would be positioned approximately 23m away from the rear elevation of 'Glen Coe' which exceeds the 14m distance usually expected. To the east, the front elevation of Plot 1 would be positioned over 20m from the end of Manfield Terrace (no 14) whilst the nearest property on Ripon Way (no.25) would stand over 25m away from Plot 1.
- 6.48 14 Manfield Terrace is likely to be the most affected neighbouring dwelling by virtue of the proposed access arrangements which would run alongside its side elevation and side garden space. The occupiers of 14 Manfield Terrace would experience a change in environment as a consequence of vehicle movements along the side boundary, particularly during peak hours. Nevertheless, the loss of amenity experience has been mitigated by the retention of the west to east tree belt and can be further mitigated by additional planting and secure boundary treatment. These details can be secured via planning condition.
- 6.49 The proposed layout achieves adequate levels of space about the proposed dwellings in order to avoid problems of overlooking and overshadowing between the proposed properties. The revised layout is considered to comply with Policy DP1.

Sustainable Construction

- 6.50 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 6.51 In response to the requirements of DP34, the submitted 'Sustainability Report' produced by FES (Environmental Consultants) confirms that the 10% energy saving can be delivered via improvements to the fabric of the buildings above Building Regulations. This approach is supported.
- 6.52 Consequently, it is recommended that a suitably worded condition be applied in order to secure a scheme for suitable design improvements to the approved house types.

Highway Safety & Car Parking

- 6.53 Concerns have been raised by local residents about the proposed development's impact on highway safety and in particular the use of Ripon Way as the main point of access. The Local Highway Authority has considered the application and has raised no objection in relation access arrangements, pedestrian safety or the capacity of the

highway network to accommodate additional trips. The Local Highway Authority's consultation response is contained at paragraphs 5.5 to 5.8 of this report. Furthermore, access via Ripon Way is a requirement of the adopted Allocations DPD and, as a result, the likely impacts have previously been assessed and deemed to be acceptable.

6.54 The Applicant has been asked to consider the provision of a temporary construction access across land to the west linking onto Carlton Road. The Applicant has rejected this request on the basis that the land to the west is outside of their control and that the provision of a temporary access road would be prohibitive in terms of cost. Condition 17 relates to temporary access via Ripon Way rather than Carlton Road.

6.55 Paragraph 39 of the NPPF states that:

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

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

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

Ecology & Trees

6.57 Policy DP31 of the LDF states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation value...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'.

6.58 An Ecological Survey & Assessment produced by Delta-Simons (Environmental Consultants) was submitted in support of the application. The Survey concludes that the site contains no ecological constraints on residential development. However, the survey gives five recommendations which are summarised as follows:-

6.59 Recommendation 1 - Any works involving the removal of trees and hedgerows present on the site should be undertaken either before early March or after late July in order to avoid affecting any birds during the main period in which they are nesting. If, however, site clearance works are deemed necessary during the nesting period, a suitably qualified ecologist will be required to check the site habitats to confirm that no nesting birds will be affected by vegetation removal works.

6.60 Recommendation 2 (Bats): The tree lines and hedgerows at the site provide a linear corridor suitable for foraging and commuting bats. Where possible these features are retained or replaced following the development. Although some species of bat are light tolerant, such as pipistrelle bats, it can also deter other species. It is, therefore, recommended that a sensitive lighting plan is developed so that following the development, light spill onto these habitats is kept to a minimum.

6.61 Recommendation 3 (Otters): Whilst the site was considered unsuitable to support otters, the ditches adjacent to the eastern and southern site boundaries may provide suitable habitat and connectivity to other suitable water bodies, and there is the potential for otters, a naturally inquisitive species, to venture on to Site during construction works. A precautionary approach should be taken such that no

excavations are left uncovered overnight during the development works in order to avoid any otters becoming trapped.

- 6.62 Recommendation 4 (Pollution): It is recommended that the Environment Alliance's Pollution Prevention Guidelines are followed to avoid polluting the large pond during the construction works.
- 6.63 Recommendation 5 (Biodiversity Gain): The use of native plant species sourced from local nurseries is recommended in landscape proposals to enhance foraging opportunities for local birds and bats, by increasing the invertebrate diversity on-site. Furthermore, recommendations are made for the installation of a range of bird boxes on trees at the site.
- 6.64 In light of the findings and recommendations of the Ecological Survey & Assessment, it is recommended that a condition be imposed to secure the submission and implementation of a Habitat Management and Enhancement Plan which responds to these recommendations.
- 6.65 A Tree Survey produced by TPM Landscape (Chartered Landscape Architects) has been submitted with the application. The Survey categorises all trees on the site and identified four trees for removal in the interests of sound agricultural management. The survey also recommends that:
- Development proposals should adequately compensate for the loss of existing trees.
 - Any replacement tree planting should be predominantly native trees (e.g. Oak, Ash, Sycamore) sited around the perimeter of the site.
 - The Leylandii trees running along Sandhutton Lane should be removed to allow the trees either side to develop better.
 - The large belt of trees running east-west across the site is extremely dense with mature trees. There are smaller trees that are restricted in growth that could be removed to allow greater light and help the other trees grow. Deadwood within the trees should be removed.
 - Mature apple trees in the rough grass land could be incorporated within rear gardens.
- 6.66 The site contains a woodland planting belt running east-west across the central part of the site with mature trees generally planted in staggered rows. The majority of this planting belt would be retained, although a group of trees within the planting belt needs to be removed in order to create access to the southern part of the site. The Tree Preservation Order can be placed on the retained trees.

Other Developer Contributions & Infrastructure

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

7.0 CONCLUSION

- 7.1 The principle of development has been established as the site is allocated for residential development within the adopted Allocations Development Plan Document as Policy TH5. The amended scheme would deliver an attractive and sustainable development and deliver much needed homes in accordance with policy. Whilst the number of dwellings differs from that envisaged in the Allocations DPD, the change arises from a more accurate measurement of site area, it is below the guideline density figure in the Local Development Framework yet is appropriate to the character of the site and surroundings. The development would make a contribution of approximately £148,100 towards the provision of essential infrastructure within Carlton Miniott, which has been confirmed as reasonable in view of the unusual construction costs identified by the Applicant.
- 7.2 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be granted for the application as amended subject to an agreement on the level of affordable housing to be delivered.
- 7.3 The Local Planning Authority has acted positively and proactively in determining this application by 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.

8.0 RECOMMENDATIONS

- 8.1 Subject to the satisfactory prior completion of a planning obligation under s.106 of the Town and Country Planning Act 1990 (as amended) to secure an appropriate proportion of affordable housing and appropriate contributions to local infrastructure within 20 days of this resolution, planning permission is **GRANTED** subject to the conditions set out below; or
- 8.2 In the event that a satisfactory planning obligation is not completed within 20 days of this resolution, the Planning Manager be authorised to refuse permission on the grounds that the proposal has failed to deliver the necessary affordable housing and infrastructure contributions.

1. Commencement

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

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

2. Approved Plans

The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered: (all prefixed Y81.853) 01, 02 Rev.F; 11; 12; 13; 14 Rev.A; 15; 16; 17 Rev.A; 18 Rev.A; 19; 20; 21; 22; 23 Rev.A; 24 and 25 received by Hambleton District Council on 27th August 2013 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17 and DP32.

3. **Materials**

The external surfaces of the development shall not be constructed other than of materials, details and samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17 and DP32.

4. **Boundary Treatments**

No dwelling hereby approved shall be occupied until its associated boundary treatment has been constructed / planted in accordance with the details shown on drawings Y81.853.23 Rev.A and Y81.853.02 Rev.F received by Hambleton District Council on 27th August 2013. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

Reason: To protect the amenity of occupiers and neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

5. **Landscaping Scheme**

No part of the development hereby approved shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the buildings, whichever is the sooner, unless the planting scheme drawing 1575 04 Rev.D (produced by TPM Landscape) received by Hambleton District Council on 27th August 2013 unless otherwise agreed in writing by the Local Planning Authority 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.

Reason: In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

6. **Crime Prevention**

Prior to the development commencing, details that show how crime prevention measures have been incorporated into the design, layout and built fabric of the development shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'crime prevention' details prior to occupation or use of any part of the development hereby approved.

Reason: In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998

7. **Sustainable Construction**

Prior to the development commencing, a detailed scheme to incorporate energy efficiency and/or renewable energy measures within the design-build which meet not less than 10% of the buildings' energy demand shall be submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented in accordance with the approved details.

Reason: In order to minimise energy demand, improve energy efficiency and promote energy generated from renewable resources in accordance with policy DP34 of the Hambleton Local Development Framework.

8. Levels

Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

Reason: To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.

9. Separate Drainage Systems

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

Reason: In the interest of satisfactory and sustainable drainage.

10. No Piped Discharge of Surface Water

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

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

11. No Piped Discharge of Surface Water 2

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

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

12. Foul Drainage Scheme

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

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

13. Habitat Management & Enhancement Plan

Notwithstanding the details hereby approved, no development shall begin until a detailed habitat management and enhancement plan, complete with a programme of implementation, has been drafted and submitted to and

approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.

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

14. Land Contamination

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

Reason: In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework Policy CP21.

15. Detailed Plans of Road and Footway Layout

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority

- (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) accesses and driveways
 - (e) drainage and sewerage system
 - (f) lining and signing
 - (g) traffic calming measures
 - (h) all types of surfacing (including tactiles), kerbing and edging.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.

- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

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

No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.

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

17. Temporary Construction Site Access

Other than for the purposes of creating the temporary access no vehicles shall be allowed onto the construction site. Once created no vehicles shall access the site except via the approved access as shown on Drawing Reference Y81:853:02. The access shall be constructed in accordance with details approved in writing by the Local Planning Authority for a minimum distance of 20 metres into the site. Any damage to the existing adopted highway occurring during use of the access until the completion of all the permanent works shall be repaired immediately. Before the development is first brought into use the highway verge/footway shall be fully reinstated in accordance with the scheme approved in writing by the Local Planning Authority.

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

18. Discharge of Surface Water

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

Reason: In the interests of highway safety.

19. Visibility Splays

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

Reason: In the interests of road safety.

20. Works in the Highway

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

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

21. Garage Conversion to Habitable Room

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

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

22. Precautions to Prevent Mud on the Highway

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

Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

23. On-site Parking, on-site Storage and construction traffic during Development

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

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

- required for the operation of the site.
- (iii) The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason: To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

13/02323/FUL

Demolition of existing agricultural building, alterations and extensions to 3 agricultural buildings to form 6 dwellings and formation of a new vehicular access and associated works.

at Land Off Catton Village Street Catton Village Street Catton North Yorkshire for Robin Hall Associates.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 Full planning permission is sought for the demolition of an existing agricultural building, alterations and extensions to 3 agricultural buildings to form 6 dwellings and the formation of a vehicular access at land to the west of Catton Village Street, Catton.

1.2 Catton is a small village located approximately 6km to the south-west of the Thirsk and approximately 4km to the north-west of Topcliffe. The application site comprises a former working farmstead located in the centre of Catton village. The site is formed of relatively flat land which is sandwiched between the main village road and the River Swale positioned on lower land to the west. The site comprises three separate groups of traditional brick farm buildings and a modern steel open barn structure. The traditional buildings are thought to date from 1839.

1.3 The site is accessed by vehicles from its eastern periphery bordering the village street. A pedestrian access to the north of the site links the complex to a track which runs from the village to the river to the west.

1.4 For the purposes of identification the three groups of buildings will be labelled barns A, B and C. Barn A comprises the range of buildings nearest the village street. These are proposed to be divided into 2 dwellings with live-work units. Dwelling 1 will comprise 5 bedrooms and dwelling 2 will be formed of 4 bedrooms. New additions to barn A will include the addition of a single storey extension measuring 15m x 6.6m to the western elevation of the southern portion of dwelling 1.

1.5 Barn B will be divided into two dwellings, and to correspond with the submitted plans these are termed dwellings 5 and 6, each comprising 3 bedrooms. The eastern end of barn B is proposed to be demolished and would be replaced with an access way to the rear of dwelling 5. An attached garage area is to be formed to the northern elevation of this dwelling. The western collapsed portion of dwelling 6 is to be replaced with a detached garage measuring 8.4m x 5.8m.

1.6 An existing modern portal framed structure to the east of barn C is to be removed to permit the formation of the access track and detached garage associated with dwelling 3. Barn C is also divided to provide dwelling 4 which is proposed to have an attached garage measuring 6.7m x 6.1m added to the northern elevation.

1.7 An area of community amenity space is to be formed to the south-eastern corner of the site to the south of the vehicular access from the village street. Shared vehicle parking spaces for village use are proposed immediately to the north of the area of open space.

1.8 A commuted sum in lieu of the off-site provision of affordable housing has been agreed as per the submitted Affordable Housing Form. A Unilateral Undertaking for the contribution of £150,000 is awaiting completion.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/84/027/0019 - Outline application for residential development; Refused 1984.

2.2 2/88/027/0019B - Construction of a detached dwellinghouse with domestic garage and conversion of existing agricultural buildings to 11 dwellings with domestic garages as amended by plans received by Hambleton District Council on 11 April 1988; Refused 1988.

2.3 2/88/027/0019C - Construction of 10 dwellings with domestic garages as amended by plans as received by Hambleton District Council on 7 September 1989; Granted 1989.

2.4 2/93/027/0019D - Outline application for the construction of 5 dwellings with domestic garages and conversion of existing disused agricultural buildings to 7 dwellings with domestic garages and parking spaces to include the formation of a village green; Withdrawn 1993.

2.5 There is no relevant planning enforcement history.

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP3 - Community assets
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP9 - Affordable housing
- Core Strategy Policy CP9A - Affordable housing exceptions
- 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 CP19 - Recreational facilities and amenity open space
- Core Strategy Policy CP20 - Design and the reduction of crime
- Core Strategy Policy CP21 - Safe response to natural and other forces
- Development Policies DP1 - Protecting amenity
- Development Policies DP2 - Securing developer contributions
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP5 - Community facilities
- Development Policies DP6 - Utilities and infrastructure
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP10 - Form and character of settlements
- Development Policies DP12 - Delivering housing on "brownfield" land
- Development Policies DP13 - Achieving and maintaining the right mix of housing
- Development Policies DP15 - Promoting and maintaining affordable housing
- Development Policies DP18 - Support for small businesses/working from home
- Development Policies DP28 - Conservation
- 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 DP36 - Waste
- Development Policies DP37 - Open space, sport and recreation
- Development Policies DP39 - Recreational links
- Development Policies DP43 - Flooding and floodplains
- Affordable Housing - Supplementary Planning Guidance - June 2008
- Supplementary Planning Document - Open Space, Sport and Recreation
Adopted 22 February 2011
- Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009

4.0 CONSULTATIONS

4.1 Catton Parish Meeting - Support proposal and note community support at meeting and efforts of community involvement event. Would wish to see the area of amenity area unfenced.

4.2 NYCC Highways - Conditions recommended regarding: discharge of surface water, private access/verge crossings, construction requirements, visibility splays, provision of approved turning and parking areas, precautions to prevent mud on the highway, and on-site parking, on-site storage and construction traffic during development.

4.3 Yorkshire Water - Based on the information provided (private treatment and surface water to soakaway) YW have no comments.

4.4 Environmental Health - No objection in principle to the development having regard to the former agricultural uses of the land and buildings but concerns over the potential for the land to be contaminated and therefore recommend that land contamination conditions are attached if the application is approved.

4.5 Housing Services Manager - Support the provision of a commuted sum in this instance.

4.6 Swale and Ure Drainage Board - The site lies outside the Swale and Ure Drainage District and use of soakaway for disposal of surface water is supported as a sustainable solution and underpinned with infiltration test results. The site is close to if not within EA Flood Zone 2 and the question of flood risk has not been addressed by an appropriate flood risk assessment. The Swale and Ure Drainage Board cannot object on these grounds however since it is outside the district.

4.7 Neighbours notified and site notice posted; expired 05.12.2013 - Two responses received:

- One objecting to the scheme on the following grounds: We are not in favour of leaving the space between our property and Catton House, which was an access for the farmer to his fields by the river, open to access from the proposed development, this never was a public footpath and on the earlier plans which we saw this was fenced off. Also we are not in favour of having the trees near the eastern boundary creating an "avenue" to this path or the trees to the northern boundary bordering Catton House as there are plenty of trees already depriving us of sunlight. For the same reason it would be nice if the roof of Barn A which backs on to our property could be lowered slightly thus giving us a bit more sun in winter.

- One supporting the scheme on the following grounds: Catton farm is the cornerstone building of Catton village. It is one of the (relatively few) old properties in the village, it is centrally located and its origin is agricultural. The farm buildings display great character associated with the time of their construction (well over a century ago). Due to changes in agricultural practices over the decades the farm buildings have become redundant and decrepit. This proposal will guarantee that the buildings are maintained for decades (& hopefully beyond) in to the future thus retaining Catton's Heritage. Should the proposal be rejected I would expect the buildings to collapse soon and be lost forever.

5.0 OBSERVATIONS

5.1 The main issues to consider in the determination of this application are: the principle of development; local housing need and affordable housing; design and visual impact; impact on ecology; drainage and flood risk; public open space; residential amenity and highway safety.

- Principle of Development:

- Policy Context:

5.2 Policy CP4 of the Local Development Framework (LDF) classifies Catton as outside of the settlement hierarchy and an 'other location' and states that development will only be supported where an exceptional case can be made for the proposals in terms of policies CP1 and CP2 and where as relevant: (ii) it is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance, (iii) it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy, (iv) it would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing. Policies CP1 and CP2 relate to sustainable development and minimising the need to travel.

5.3 The national policy context is set out in the National Planning Policy Framework (NPPF) at paragraph 55 which promotes sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of rural communities. For example where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as (as relevant): where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

- Compliance with policy:

5.4 The three exceptional criteria in policy CP4 are in part met by the proposal: (ii) the barns are so integral to the character and appearance of the village they could meet two of the criteria for assessing Non Designated Heritage Assets 1 (age) and 6 (group value), and whilst the buildings themselves are of little architectural merit, their group value does play a large part in the character and appearance of Catton. Criteria (ii) of CP4 also refers to improvements to the environment. The conversion and retention of these buildings would result in a definite improvement to the character and appearance of the village and streetscene. Criteria (iii) refers to community facilities which would be delivered through the provision of the shared area of public open space, and based on the Parish Council response there is a need identified by local residents. In regard to criteria (iv) whilst the buildings are largely capable of reuse without substantial reconstruction or alteration, there is no identified local need for affordable housing in Catton at this time. Therefore, a commuted sum has been put forward to be used to provide affordable housing off-site. It is also noted that two of the dwellings proposed are live-work units which would partly help to support a sustainable rural economy.

5.5 In regard to the NPPF the proposal would lead to a significant enhancement of its immediate setting which is currently showing signs of neglect and is affecting the character and appearance of the centre of Catton village. This improvement is recognised in the response of the Parish Council in regard to resident thoughts on the existing state of the site and the proposed future use.

5.6 The proposal clearly accords with parts of the exceptional circumstances of policy CP4 and is best but not fully aligned with criteria (iv) due to the difficulty in providing a choice of means of travel to work, education, shops etc. Combining the supportive approach of paragraph 55 of the NPPF and the support from the LDF policies the principle of the proposed development is considered acceptable.

- Local Housing Need and Affordable Housing:

5.7 The applicant recognises the need of the proposal to meet policy CP9 which requires developments of two or more dwellings in locations outside Service Centres to make a contribution towards affordable housing in accordance with the levels set for each Service Centre hinterland. This site is within the Thirsk hinterland with a threshold of 40% which is applicable to conversion schemes such as this. On this basis the affordable housing contribution for 6 units would comprise two units provided on site and 40% of the value of the third unit made as an off site contribution. The applicant advises that viability scoping work has been undertaken and that the project would not be viable based on the strict policy approach detailed above. The approach of policy CP9 also allows some flexibility on viability

grounds. A detailed viability assessment has been forward to the Council and followed up with a meeting with the then Housing Manager at which it was agreed to defer further discussion until the Council had conducted a local study of need. At a subsequent meeting it was confirmed that there was no local need for affordable housing, and on this basis a commuted sum was agreed for the off-site provision of affordable housing. An Affordable Housing Form submitted with this application has demonstrated the initial agreement of the commuted sum. The Unilateral Undertaking to agree this contribution is awaiting completion.

- Design and Visual Impact:

5.8 The applicant advises that their design approach is based on maintaining the essential agricultural character and appearance by utilising existing openings and keeping the number of new openings to a minimum and where necessary and possible limiting these to less prominent positions. The scheme successfully complies with policies DP28 and DP32 of the LDF and the extent of new buildings are noted as sympathetic and subservient to the existing structures. Some title discrepancies between drawings M21-1-105-PLD and M21-1-106-PLD and reference to roof materials elsewhere in the scheme are currently being raised with the applicant as is concern at the demolition of the existing archway to the eastern portion of dwelling 5. Further clarity is being sought with regard to the door and window openings of barn C, the drawing of barn A, the use of conservation style roof lights, and the cross section details of any replacement windows. Subject to the satisfactory resolution of these issues the design of the scheme would maintain the character and appearance of the buildings and would enhance their visual contribution to the Catton street scene. The comments of the Parish Council in regard to the public open space remaining unfenced are noted. The Council are in discussions with the applicants in this regard.

- Impact on Ecology:

5.9 Quants Environmental Ltd prepared a bat survey report of the buildings in September 2012. This has concluded that the property is a confirmed brown long-eared and common pipistrelle bat roost. The report recommends that the proposal can proceed without detriment to the favourable conservation status of bats provided a programme of appropriate mitigation measures is adopted. A condition will need to be attached to any permission granted requiring the submission of a mitigation statement, and the strict adherence to the measures recommended in this statement thereafter. The report also recommends that the applicant obtain a European Protected Species Mitigation Licence, and that Schedule 9 species (Himalayan balsam) exists on the site and must not be spread elsewhere. Both of these recommendations require action to accord with legislation outside of the planning process.

- Drainage and Flood Risk:

5.10 Policy DP43 of the Development Policies DPD outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.

5.11 The site is positioned within Flood Zone 1 and is considered at low risk of flooding. The site is not crossed by any watercourses; consequently there is low risk of fluvial flooding. The treatment of foul waste via a package treatment plant and the disposal of surface water to a soakaway are considered satisfactory.

- Public Open Space:

5.12 Policy DP37 requires new housing developments, including conversions, to contribute towards the achievement of the local standards for public open space by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. Contributions will be dependent on increased demand resulting from the development.

5.13 The proposed layout incorporates an area of public open space which is proportionate to the size of Catton, and is considered to fulfil the requirements for amenity green space provision within the local area. Normally the applicant is required to provide for the remaining off site facilities, specifically these relate to: children's play provision, teenage/young peoples facilities enhancement, outdoor sports facilities provision, and allotment gardens provision. However in this instance the Council recognise the size of the amenity green space on offer, and that this would as a result of its size provide a range of flexible uses for the local community. It is recognised that the provision of this space would be of greater benefit to local need than the provision of financial contributions to meeting off-site need. It is considered that the objectives of policy DP37 have been met.

- Residential amenity:

5.14 Policy DP1 of the Development Policies DPD stipulates that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.

5.15 The Council applies indicative separation distances of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. This is based upon those standards contained within the time expired Supplementary Planning Guidance Note 3: Residential Infill. Despite this guidance being time expired, SPG3 continues to be a useful tool for assessing the likely impact of a proposed development upon residential amenity in a case-by-case basis. Similar guidance relating to separation distances is contained within By Design (Design Guidance produced by CABI). Notwithstanding the usefulness of these documents, their standards should not be slavishly adhered to but judgement should be used on a case-by-case basis.

5.16 The nearest neighbouring properties are Catton House and 4 Catton Village Street to the north. The main rear (northern) elevation of barn B is positioned approximately 20m from the side (southern) elevation of Catton House which is the nearest part of this adjacent property. Two facing windows are positioned at the first floor level of the northern elevation of barn B and one additional roof light is proposed. One window serves a bedroom, and the other serves a corridor. The roof light serves a corridor and stairwell. The northern elevation of barn A is positioned approximately 8m from the facing elevation at 4 Catton Village Street. There are no facing windows in the northern elevation or roof slope of barn A. The relationship between the converted agricultural buildings and the adjacent dwellings would not give rise to a harmful impact on residential amenity.

5.17 The Wayside Pulpit to the south of the proposed public open space, and Swale Reach to the southern boundary are further from the built development site and would not experience an adverse impact on their residential amenity. The distance between the eastern elevation of barn A and the frontages of dwellings to the east of Catton Village Street is such that there would not be an adverse impact on residential amenity.

5.18 No other neighbouring properties would be directly affected by the development other than by the additional vehicle movements generated and increased residential activity in general. In terms of additional vehicle movement, at an average of 6 or 7 vehicle movements per dwelling per day, the proposed development would not result in constant or continuous traffic. The level of activity associated with an agricultural use of the land must also be taken in to account. Although the impact from the additional traffic may at times be noticeable by residents, it will not result in a level of impact such that there will be a perceptible loss of amenity for residents either from noise, pollution, inconvenience and disturbance.

5.19 Construction and its associated vehicles movements will result in some disturbance to local residents but this would not be sustained disturbance. Nonetheless, it would be reasonable to apply a condition controlling working hours.

- Highway Safety:

5.20 The Local Highway Authority (LHA) does not object to the principle of the development but has requested various conditions to ensure the proposal does not harm highway safety

and that the site is formed in a way which permits the smooth passage of pedestrian and vehicular traffic that contributes positively to its amenity, these conditions are considered to be appropriate and should be imposed.

5.21 The proposed development contains a total of 28 vehicle spaces which equates to four spaces per dwelling two of which are set out within the garage space associated with each dwelling and two within the domestic curtilage, plus 5 spaces for use by local residents. In having regard to guidance contained within the NPPF, this level of provision is considered to be acceptable, in the interests of avoiding on-street car parking.

SUMMARY

The proposed development presents an exceptional case for development outside Development Limits and is best but not fully aligned to criteria (iv) of policy CP4. Paragraph 55 of the NPPF provides full support to the development and the positive impact it will have to enhancing its immediate setting.

Subject to the required amendments the proposed development is considered to be of good design in accordance with the principles of the LDF and the NPPF. The character and appearance of the agricultural buildings would be retained and enhanced and would meet modern living aspirations whilst providing sufficient car parking and private amenity space.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered TO BE INSERTED received by Hambleton District Council on TO BE INSERTED unless otherwise approved 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 shall not be commenced until details relating to boundary walls, fences, hedgerows and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
5. No dwelling shall be occupied until its associated boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior written consent of the Local Planning Authority.

6. Notwithstanding the submitted details and prior to the development commencing, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.

7. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works have been submitted to and approved by the Local Planning Authority. The approved scheme shall implemented prior to occupation of the first dwelling and thereafter maintained in accordance with the approved details.

8. No construction work, including groundworks, shall be carried out except between 0700 hours and 2100 hours Monday to Friday, 0700 hours to 1700 hours Saturday and there shall be no such work on Sunday or on any public holidays unless by prior written consent of the Local Planning Authority.

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

If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the local planning authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the local planning authority. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

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

11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (ii)(b) The existing access shall be improved by reconstruction in accordance with the submitted drawing (Plan No. M21-1-101-PLA Rev. A) and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number A1. (iii) Any gates

or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway. (vi) The final surfacing of any private access and parking area within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

12. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 33 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

13. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Plan No. M21-1-101-PLA Rev. A. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

14. There shall be no access or egress by any vehicles between the highway and the application site until 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.

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

16. Prior to development commencing, an Ecological Management Plan and Mitigation Statement detailing measures to protect the existing bat habitats deliver biodiversity gain shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented and maintained in accordance with the approved details.

17. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

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, DP1, CP17, DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
5. To protect the amenity of occupiers and neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
7. To ensure that the development can be properly drained.
8. In order to protect the amenity of local residents in accordance with Policy DP1 of the adopted Development Policies DPD.
9. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework policy CP21.
10. In the interests of highway safety.
11. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
12. In the interests of road safety.
13. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
14. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
15. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
16. In order to protect and enhance biodiversity in accordance with CP16 and DP31 of the Hambleton Local Development Framework.
17. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.

Parish: Great Ayton
Ward: Great Ayton
3

Committee Date: 09 January 2014
Officer dealing: Mrs Jill Low
Target Date: 28 January 2014

13/02275/OUT

Outline application for a residential development (up to 113 dwellings) with associated access (and all other matters reserved), change of use of existing agricultural building to B1 use and demolition of 4 buildings at Land off Station Road, Great Ayton, North Yorkshire for Gladman Developments Ltd

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Outline planning permission is sought for the construction of up to 113 dwellings with associated infrastructure and conversion of an agricultural building to business use (Class B1). All matters are reserved for subsequent approval with the exception of access. An indicative master plan showing plot positions, landscaping, roads and footpaths has been submitted with the application, together with details of which buildings are to be removed and the building to be converted to B1 use. (The conversion of the barn to B1 use is something which can now be undertaken as permitted development under the Government's recent changes to the general Permitted Development Order, but it would be necessary for the applicants to apply to the Planning Authority for prior approval in respect of impacts arising from noise, transport, highway matters, contamination and flooding).
- 1.2 The indicative proposal (as detailed within the Design & Access Statement) suggests that dwelling types would range from single occupancy to family accommodation in order to create a mixed community. Building heights would not exceed 2.5 storeys, reaching a maximum height of 10.5m in height with the majority of buildings being no more than 2 storeys in height, between 7.5m and 8m. Precise details of the site layout and house types would be submitted at the reserved matters stage. However, the Design & Access Statement explains that the scheme would embrace the twelve 'Building for Life' criteria developed by The Commission for Architecture and the Built Environment and the Home Builders Federation.
- 1.3.1 The application site comprises an area of 4.52ha (residential development covering 3.42ha and public open space spanning 1.1ha). A total of 113 dwellings would result in an average net density of 33dph. The Applicant has committed to 50% affordable dwellings on site, which they indicate would be distributed throughout the site.
- 1.4 Existing landscaping features would be retained and serve as focal points. The landscape features of merit within the site include hedgerows and occasional trees of which the majority are proposed to be retained, including some additional planting enhancement. Definitive landscaping proposals would need to be approved at reserved matters stage if outline permission were granted. Nonetheless, the Design & Access Statement confirms that a future layout is likely to include the creation of a strong green frontage to Station Road; a green filtered edge to the site to screen views from the wider countryside to the north and north-east; the creation of an equipped play area (LEAP) for the proposed housing within the open space in the western portion of the site and a sustainable urban drainage feature, such as a swale, would be incorporated into the Green infrastructure to the north of the site.
- 1.5 A single vehicular access is proposed off Station Road along the southern site boundary. A separate pedestrian access would also be retained from Station Road to the west, to enable access to be retained to the stone barn at School Farm and the proposed adjacent public open space and play area. This access would also provide

a cycle link giving direct access from the site to the centre of the village. The Applicant states in their Transport Assessment that the proposal can be safely accessed by pedestrians, cyclists and vehicles.

- 1.6 The application site consists of agricultural fields surrounded by hedgerows and mature trees. To the west and south residential properties in Station Road back onto the application site, including the School Farm site, which has a farm shop, in an existing large shed which is proposed to be demolished, two other barns and a stable block which are also proposed to be demolished, and a large stone barn which is proposed to be retained. School Farm house is not part of the application site but the farm buildings and yard area behind it and also behind numbers 3-19 Station Road are all included within the application site. The access roads between School Farm house and no 19 Station Road and between no 19 and no 21 Station Road are also included within the red line area.
- 1.7 The site slopes very gently downwards from east to west, towards Station Road, from approximately 93m Above Ordnance Datum in the east to around 89m Above Ordnance Datum along both the western and southern boundaries. The gradient is more pronounced along the southern and western edges of the site. At the proposed new access point to the south of the site, there is a difference in levels of about 2.28 metres from the edge of the carriageway to the middle of the site. There is also a slope at the western edge of the site which levels out within the existing farmyard.
- 1.8 The application site is located at the south eastern end of Great Ayton, outside but adjacent to the Development Limits and the Great Ayton Conservation Area boundary which runs along the western edge of the application site. The site is not allocated for any purpose within the Hambleton Local Development Framework.
- 1.9 The application is supported by the following documents including: a Topographical Survey; a Development Framework Plan; a Design & Access Statement (incorporating an indicative layout); a Planning Support Statement; Transport Assessment; Travel Plan; Ground Investigation Report; Flood Risk Assessment; Arboricultural Report; Landscape & Visual Impact Appraisal; Ecological Assessment; Air Quality Assessment; Noise Screening Report; Archaeology Report; Utilities Report; Renewable Energy Report; Economic Statement and Statement of Community Involvement; Phase 1 Site Investigation Report; Heritage Report; Section 106 Heads of Terms; Access Drawing; Retained Barn Drawing; Plan of buildings to be demolished; Sustainability Checklist and Summary Statement; List of Heads of Terms for Section 106 Agreement.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 13/01699/PPP - Pre Application Enquiry submitted on 6 August 2013 for proposed development of 110 dwellings. Reply sent 15/10/13.
- 2.2 Screening Opinion for Environmental Impact Assessment submitted 3 September 2013. Although the proposal falls within Schedule 2 development of S.I. 1824, being an infrastructure project exceeding 0.5 hectares (Section 10(b) urban development projects, having regard to the characteristics of the development, its location and potential impact, the Local Planning Authority considered that the proposal does not require an Environmental Impact Assessment (EIA).
- 2.3 The proposal would not be of more than local importance, the site is not environmentally sensitive (i.e. not located within an AONB, SSSI, National Park, World Heritage Site or Green Belt or other landscape designation) and does not pose potentially hazardous or polluting effects on the environment. Having regard to schedule 3 of the regulations it is considered that, whilst there may be some effects on the environment, the development would not be of a size and nature or in a location likely to have significant effects on the environment. Accordingly, the Local Planning Authority does not consider this development to be EIA development.

3.0 RELEVANT PLANNING POLICIES

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

The National Planning Policy Framework – March 2012

- 3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied. Whilst the NPPF should be read as whole, the Council considers Section 3 "*Supporting a prosperous rural economy*" Section 6 "*Delivering a wide choice of high quality homes*", Section 7 "*Requiring good design*" and Section 8 "*Promoting healthy communities*" to be particularly relevant, due to their reference to housing delivery, affordable housing and recreation facilities and the need to promote the retention of local services and facilities and paragraphs 66 and 215 in relation to public consultation and implementation respectively.

Core Strategy Development Plan Document – Adopted April 2007

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

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP5 - Community facilities
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP9 - Development outside Development Limits
DP10 – Form and Character of Settlements
DP 11 – Phasing of Housing
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP 28 - Conservation
DP29 - Archaeology
DP30 - Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links

Allocations Development Plan Document – Adopted December 2010

SH4 – Cleveland Lodge Great Ayton – this site could accommodate at least 60 dwellings and is identified as being suitable for “very sheltered housing” (independent housing with an element of close/extra care for the elderly).

Other Relevant Documents

Affordable Housing Supplementary Planning Document – Adopted June 2008
Open Space, Sport & Recreation Supplementary Planning Document – Adopted February 2011
Sustainable Development Supplementary Planning Document – Adopted June 2008
Council Plan
Statement of Community Involvement - Adopted 23 July 2013
Hambleton Biodiversity Action Plan
Sustainable Communities Strategy

4.0 CONSULTATIONS

Great Ayton Parish Council

- 4.1 Wish to see the application refused. Over 120 objections from local residents have been received.
- 4.2 Overdevelopment on a green field site outside the village Development Limits which was not allocated for development in the LDF. No exceptional case exists for development contrary to LDF policies. LDF seeks to ensure that capacity of existing infrastructure and facilities is not exceeded. Would lead to an oversupply of housing undermining the integrity of a sound LDF, which currently protects the village from development.
- 4.3 Highways issues created by a significant increase in traffic in Station Road and in particular Newton Road, High Street and the junction of High Street with the A172.
- 4.4 Flood risk and drainage – site is bounded on north side by a stream prone to flooding onto the adjacent land including the development site. The consequences of this are flooding of Newton Road, Park Rise and High Street. Drainage from a developed site will discharge into this stream.
- 4.5 Sewage will discharge into the “village system.” There are issues regarding the combined system surcharging and sending raw sewage into the River Leven. Sewage also discharges from displaced manhole/access chamber where foul drain crosses the river to Yarm Lane to access waste water treatment works.
- 4.6 Existing services e.g. public transport, education and health inadequate to cater for new development.
- 4.7 Public consultation by the developers was less than genuinely meaningful. Development affects the whole village but only a limited number of invitations to attend were posted to householders. Community involvement in the scheme has failed.
- 4.8 Loss of productive agricultural land and impact on viability of working farm holding. School Farm is very much part of the village and much appreciated by the community.

NYCC Highways

- 4.9 The Local Highway Authority has reviewed the documents submitted in support of the application and considers that the applicant has not addressed the following matters:
- 4.10 The footway on the north side of Station Road ends before the junction with High Street/Newton Road. Pedestrians walking between Station Road and Newton Road walk across the property access the entrance of Cleveland Lodge. Visibility to the north from this point is restricted by the pillar in the boundary fence which is less than 1m from the edge of the carriageway and does not offer pedestrians a safe area in which to wait before crossing to the footway opposite. An alternative route is for pedestrians to cross Station Road and then cross High Street to the south of the car parking and junction area. This is a longer route and is frequently ignored by pedestrians. The applicant has not proposed a solution to improve facilities for pedestrians.
- 4.11 Adequate visibility to the south of the Station Road / High Street is clearly available. The visibility to the north of the Station Rd/High St junction has been assessed. The Local Highway Authority considers that it is appropriate to consider the available visibility in accordance with the standards contained in Manual for Streets (MfS). This judgement has been made using the LHA's assessment matrix for determining design standards for developer funded works. The visibility splay required to ensure the safety of vehicles exiting Station Road is 2.4m by 45m; the available visibility is 2.4m by 64m.
- 4.12 There is a high level of indiscriminate on-street parking on Station Road from properties which have no off street parking facilities. Station Road is only 5.3m wide at its narrowest point which is not wide enough to accommodate two way traffic passing parked vehicles
- 4.13 Visibility at the site access on Station Road has been assessed. The proposals show that visibility splays have been included in the Site Access Plan (3058/SK001/001). The visibility splay to the north appears to be obstructed by a hedge although this could be overcome by the imposition of a condition to ensure that the splay remains clear of obstructions.
- 4.14 Notwithstanding the site's location on Station Road the applicant has not made provision for sustainable journeys to the station. The width the footway along Station Road to the Railway Station is approximately 1.0m wide. This is insufficient to allow an adult and child to walk side by side or for two pedestrians to pass without stepping into the carriageway. It is considered that the level of traffic is such that cycling on the carriageway is acceptable.
- 4.15 Consequently, the Local Highway Authority recommends that Planning Permission is refused for the following reasons:
1. The applicant has failed to provide sufficient information to enable the impact of the proposals on the local highway network to be fully assessed.
 2. The applicant has failed to propose measures which mitigate the conflict between parked cars on Station Road and traffic generated by the proposed development.
 3. The applicant has failed to show how an attractive sustainable route to the railway station has been provided.
 4. The applicant has failed to propose measures to accommodate the increased number of pedestrians at the Station Road junction with High Street/Newton Road.

NYCC Education

- 4.16 The County Education Authority have indicated that there are currently surplus places at Roseberry Community Primary School, therefore a contribution towards primary school education has not been sought.

NYCC Development Management Archaeologist

- 4.17 Potential for archaeological remains to exist on the site is identified, as it is located adjacent to the historic core of Great Ayton. A scheme of archaeological evaluation should be undertaken to clarify the extent and character of any surviving remains within the application site in order to assess the archaeological impact of the proposed development, prior to determination. This should comprise a geophysical survey, in accordance with NPPF paragraph 128. The evaluation results will enable an assessment of the archaeological impact of the development and an informed decision can then be taken as to whether the development should be permitted in its current form.

HDC Environmental Health Officer

- 4.18 On the basis that the B1 use should not generate any significant noise as such use classes are suitable for residential areas; there are no objections in principle to the proposed development. Wish to ensure that there is no disturbance to the occupiers of nearby dwellings deliveries and employees arriving and leaving the commercial premises outside of the normal working day.
- 4.19 In addition, confirm that the Phase I contaminated Land study has identified a number of possible contaminants which requires further consideration in due course.
- 4.20 Recommend that the following conditions are attached in the event that the application is approved:
- 1 Unless otherwise agreed in writing by the local planning authority the B1 use of development hereby approved shall be restricted to between 0730hrs to 1800hrs
 - 2 No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority. A scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
 - 3 If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

HDC Sustainable Development Officer

- 4.21 This site is outside of the development limits of Great Ayton, and not within any land allocated for future development in the Local Development Framework. No sustainability reasons (such as zero carbon homes, a car-free development etc.) are presented to make a case for an exception to be made to the LDF. There is only a limited / infrequent train service to Middlesbrough and Whitby, whilst this is easily accessible by walking or cycling from the development, the service level is unlikely to be suitable to cater for such significant numbers of additional commuters from the

village. Similar for bus services which are only every 30 or 60 minutes, which is unlikely to be sufficient provision and frequency for this number of new commuters. This development would place extra travel needs on the road network since there is not adequate local employment to provide jobs locally for this number of homes, so this is not a sustainable location for this number of homes.

- 4.22 Permeable paving and infiltration / storage SUDS measures to deal with surface water so this development would not increase the risk of flooding for properties downhill will be key.
- 4.23 Renewable Energy report seems clearly set out, the conclusions logical and calculations make sense and add up. I would advise that it is possible to use further "Fabric first" measures to make up that proportion of the energy need that must be met from renewables, or its need eliminated through design measures, should this be more cost effective. My only comment on the renewable energies assessed is that a biomass or indeed gas powered district heating system could be considered if the plant for this is located in (part of) the existing barn building – gas powered district heating is more efficient than each home having their own boiler for heating. A combination of both solar PV and solar hot water could also be considered for some homes, so as to meet the total energy reduction required, rather than using one technology or the other alone.
- 4.24 Good Sustainability section in the Design & Access statement, though it is not clear at this outline stage whether all the features mentioned will be incorporated into the design. Orienting homes such that the greatest number will be able to achieve solar gain from large windows, and accept solar PV panels, is also noted as good for energy need minimisation. Good that most trees and all hedgerows would be able to be retained.

HDC Leisure Services Officer

- 4.25 Awaited

HDC Senior Engineer (Drainage)

- 4.26 The proposed development site has to its north an un-named watercourse and its southern boundary Dikes Beck as described in the Hydrock Flood Risk Assessment. Both watercourses are associated with flooding downstream of the proposed development.
- 4.27 The northern un-named watercourse flows via culvert and open ditch to Park Square and onward to outfall to the River Leven on High Street. Excess flows in 2010 in this watercourse caused the capacity of the culvert through Park Square to be exceeded and the resulting overland flows caused flooding to highways on Newton Road, Park Square and High Street and included flooding to commercial premises on Park Square. Major property damage was alleviated by diverting flows with sandbags.
- 4.28 The Dikes Beck watercourse flows next to Station Road which forms the southern boundary to the proposed development site. The capacity of the culverted section of this watercourse before it outfalls to the River Leven is exceeded in storm events, leading to water overflowing onto Station Road and onto School Lane which is the only access to the residential premises in the vicinity.
- 4.29 I do not know the actual depth of flooding, one local objector states an actual depth of 50cm on Station Road combined with lifting manhole covers, whereas the Hydrock FRA states a modelled depth of 20cm. Despite Hydrock's assertion in their FRA, there is danger for some associated with flood depths up to 20cm at most speeds and danger for virtually all at the 50cm depth at whatever speed, with the potential of unseen hazards of lifted manhole covers. Photographic evidence has been provided and actual depths may be assessed from the photographs.

- 4.30 The Great Ayton catchment is nearing categorisation as a quick response catchment, its proximity to watercourse sources and the hills means that water flows build up quickly in watercourses and surface water flows can be relatively fast moving.
- 4.31 An objector has described that surface water flows from the development may be reversed if the Dikes Beck watercourse and culvert is running full. The proposed development is generally elevated above Station Road and in the case of such a level difference, the flows are unlikely to be reversed, subject to the depth of surface water sewers on the site, but their discharge will be restricted. The development will have strictly separate foul and surface water sewerage systems, so there shouldn't be foul sewage flooding on the development itself, but this could appear elsewhere.
- 4.32 The watercourses to which the proposed development will discharge surface water are associated with flooding to property and highways on Station Road, School Lane, Newton Road, Park Square and High Street in Great Ayton. The Environment Agency has just completed a scheme of flood alleviation works aimed at making marginal reductions, at a number of sites, to surface water run-off from agricultural land. The aggregation of the marginal gains makes then a significant reduction in flood risk, which is estimated as high as one in five years to some High Street properties. This proposed development will contribute to surface water flows to watercourses already associated with flooding and reverse the benefits that have been gained. It is incumbent upon developers of new housing schemes to at the very least maintain the status quo but in this case the existing situation is likely to be made worse

Northumbrian Water

- 4.33 The applicant's Flood Risk Assessment includes a Developer Enquiry reply from Northumbrian Water which says that foul sewer capacity is available for 75 houses. The development must be limited to 75 dwellings only until the enquiry is revised.

The Environment Agency

- 4.34 Object. The submitted FRA does not comply with the NPF's technical guide (para 9). As such, it does not adequately assess the development's flood risks. In particular, the FRA fails to:
1. Use sufficiently detailed hydraulic modelling to show that the north-eastern part of the site is not within flood zone 3
 2. Consider how people and properties will be kept safe from residual risk of flooding
 3. Consider the effect of the development on flood risk to surrounding areas.

Police Architectural Liaison Officer

- 4.35 In the Planning Statement there is no mention of crime/fear of crime or how this development proposes to address it. The security of houses garages, sheds and vehicles needs to be addressed. Where possible, car parking should be within the curtilage of the house and rear courtyard parking avoided. Recommend "Secured by Design" certification be obtained. Adequate security should be put in place during the construction phase, including robust perimeter fencing, a monitored alarm system, and secure areas for car parking and storage of tools and equipment. Signage with the name of the contractor and an emergency telephone number should be displayed at several places on the perimeter fencing as this allows the public to report suspicious circumstances.

Natural England

- 4.36 The proposal is unlikely to affect any statutorily protected sites or landscapes. Standing Advice should be used to enable an assessment to be made of protected species survey and mitigation strategy. The application may provide opportunities to

incorporate features into the design such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The application may also provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably and bring benefits for the local community through green space provision and access to and contact with nature.

Campaign to Protect Rural England

- 4.37 Oppose the application. Outside development limits in LDF. Site is good agricultural land. Precedent for further development outside of the development limits.

Network Rail

- 4.38 No observations.

North York Moors National Park Authority

- 4.39 The proposed development is close to the boundary of the North York Moors National Park and as such the setting of the Park should be carefully considered in the determination of this proposal. The site represents a transitional zone on the edge of the residential area and the National Park and detailed consideration should be given to the landscape setting of the proposal as a result. Consideration should be given to significant levels of structural planting around the edge of the site in order to soften the transition between the built development and the landscape beyond. Providing this element of the proposal can be addressed, the North York Moors National Park Authority has no objections to the proposed development as it will then have no detrimental impact on the special qualities of the National Park.

Pre-Application Consultation

- 4.40 The Applicant carried out a leaflet drop of 724 nearby residents (delivered by Royal Mail) advising them of a public consultation event which was held on 20th August 2013. A public notice advertising the consultation event was also published in the Herald and Post on 8 August 2013 and in the Evening Gazette on 8 August and 15 August 2013. The Applicant states that local residents were also invited to spread the word about the public exhibition to others to further maximise attendance. At the consultation event a series of information boards were displayed providing background to the proposals and identifying the factors which have potential to impact on the surrounding area. The Applicant and consultant team attended the event to respond to queries regarding the proposed development. Local residents were encouraged to leave feedback forms at the event. In addition, an e-mail address, website with an opportunity to comment and postal address were provided.
- 4.41 It is stated in the Applicant's Statement of Community Involvement that at the consultation event, a few local residents were disappointed that the leaflet distribution area did not include the entire village. The Applicant's response to this is that the leaflet distribution was a proportionate approach which extended beyond the Council's area of notification. They also state that the publicity they carried out and their request to spread the word, resulted in a significant number of residents attending from out with the distribution area.
- 4.42 Prior to the exhibition, a letter was sent to the local Members on both Hambleton District Council and North Yorkshire County Council as well as Great Ayton Parish Council Members. An opportunity to meet prior to the exhibition was offered. Great Ayton Parish Council asked if the whole village could be sent a copy of the leaflet and requested posters to promote the event. A copy of a poster was provided to the Parish Council to further promote the event.
- 4.43 Approximately 250 local residents attended the consultation event and of those 41 (16%) returned questionnaires. The Applicant states that a local campaign group,

prior to the meeting, had advised residents not to say anything, therefore they had difficulty assessing local views.

- 4.44 Applicant's analysis of questionnaires - 92% did not support the proposals, whilst 6% did support them. 94% thought the number of houses proposed was too great. The majority of the respondents lived within close proximity to the application site.
- 4.45 The Applicant has also indicated that some respondents who did not support the proposals overall, agreed there is a need for detached, semi-detached and affordable properties in Great Ayton. Their concerns instead related to congestion and the aesthetic impacts, rather than the development of new housing in principle. Those who supported the scheme tended to know someone in housing need, and highlighted that there is a need for smaller dwellings, particularly 2 bedroom properties.
- 4.46 94% of respondents supported retention of the stone barn and 51% wanted it retained in farming or agricultural use. Only 5% wanted to see the farm shop located within the barn.
- 4.47 Postal and Online responses to the Applicant's consultation - 89% against the development and 11% in support.
- 4.48 The Applicant has provided further detailed commentary on the responses they have received to their consultations in their Statement of Community Involvement attached to their planning application.

Publicity

- 4.49 The application was advertised by site notice and directly to the neighbouring residents. The consultation period expired on 2 December 2013 and at the time of writing the report 626 representations objecting to the scheme have been received which are summarised below -
- a) **Effect on infrastructure and Services** - Additional burden on schools, (an extra 100 children?) road infrastructure (including parking in the village), sewerage and water system, policing, bus services and health services. Any extensions to schools will be at the expense of playing fields. Population has already increased from 4,500 to 6,000 – infrastructure straining at the seams. One GP and one dentist to every 1,657 people. Damage to road surfaces and filthy roads for months due to construction traffic. In winter village frequently loses its bus service. No social amenities or youth clubs for children – will be more children in village with no social outlets. Problems with water pressure.
- b) **Traffic & Congestion** - Village is already at capacity, especially through the summer months and development would increase congestion. On the day of the consultation Station Rd became virtually impassable. If can't park in the village, people will go elsewhere, adversely affecting local businesses. Likely to deter tourists from visiting leading to further loss of revenue for businesses. Will be an extra 226 cars in the village. Worries about additional construction vehicles. Junction at the bridge with the High St is already hazardous at peak times. Residents near the bridge have no option but to park on the road and added queuing traffic at the junction would cause gridlock. More accidents and risk to elderly and children crossing roads to school. Traffic on Roseberry Crescent opposite Primary School is already at a dangerously high level, with police presence on a regular basis. Will adversely affect bus routes. 110 new homes could mean 737 new trips through the village every day and 270,000 more vehicular journeys through the village every year. People reverse out of parking spaces onto High Street causing near misses.
- c) **Inadequate Road System** – Road system dates from 1800s and is inadequate. Routes from Middlesbrough, Stokesley and Guisborough to the application site,

utilise Guisborough Road, Newton Road and High Street and all include tight corners, pinch points, parked cars and single file traffic in places. Farm vehicles and machinery have no option but to travel along the High Street – large machinery and delivery vans will have to negotiate gridlocked narrow and twisty roads, where large vehicles have difficulty passing each other. Access roads are country lanes. Station Road is single lane country lane which is gated and all minor roads leading off it come to a dead end. Footpath on one side of Station Road only. There is single lane bridge at Little Ayton and access through Great Ayton itself is only via already congested and unsuitable High Street and Newton Road. Frequent near misses with horses on Station Road. Increased pollution from stationary traffic. Danger to cyclists and pedestrians. Daily commute of 6 miles to Middlesbrough already takes 40 minutes through congestion from large scale new development. Both primary routes of access to the site are only wide enough for traffic in one direction at any time 24 hours a day due to existing parking arrangements. Potential for gridlock overlooked. Newton Road, High Street and Station Road only have footways on one side of the road necessitating pedestrians crossing and re-crossing the road. Concerns regarding construction traffic. Exit from Station Road onto the High Street is very dangerous with traffic suddenly appearing around the blind bend on Newton Road. Potential for accidents at this junction is huge. Buses and large delivery vehicles already have difficulty negotiating the junction of High Street with Guisborough Road, near the bridge, together with the narrow parts of Newton Road. Are already access problems for people with limited mobility, the elderly and parents with pushchairs. Trucks and buses frequently mount the pavement to pass each other. Sign at bottom of Station Road says it is unsuitable for coaches so it must be unsuitable for construction traffic. If road is blocked, there is no access to the 40+ dwellings to the east of the mini roundabout other than an 8 mile detour along an unclassified, gated, impassable in bad weather road – a particular issue for Emergency Service Vehicles.

- d) **Traffic Assessment** - issues over simplified in the report. Report says public transport is good, but only 2 buses run early enough for employment purposes and usually late or full. First train of the day doesn't leave for Middlesbrough until 9.56, too late for commuters. Traffic controls such as roundabouts, traffic lights or double yellow lines would completely urbanise the village. Residents would need to go through the village to access the Teeside conurbation and Stokesley. Could not find any dates for the baseline data. The conclusions about impact on traffic flow, queue time and increased risk of accidents seem dubious. Newton Road and High Street would become District Distributor Roads. Separation between cyclists and motorists is mentioned within the development but this would be pointless as there are no dedicated cycleways in Great Ayton. Photos provided of traffic, heavy vehicles and safety issues in the village. Car sharing won't solve congestion problems. The traffic monitoring took place on a Wednesday, the second quietest day in the village). As it was before the start of the holiday season, the large volume of traffic generated from this was also circumvented. The "Means of Transport to Work" data was based on a pattern for Great Ayton recorded by the 2001 census, 12 years ago – significant increase in car ownership and use since then. Does not take account of construction vehicles. A report commissioned by Tim Speed Consulting concludes that there are key deficiencies in the evidence put forward in support of the application. It highlights that the operational assessment periods for the proposed site do not represent the network peak periods. Despite the fact that junctions have been assessed, highway links in the vicinity of the site have not. The impact of construction traffic is ignored and pedestrian accessibility is poor.
- e) **Loss of School Farm** - Occupants of School Farm are totally devastated by this application. Land has been farmed by the same family for over 23 years and they provide a valuable farm shop and service to the village, e.g. providing sheds to build floats, having school trips etc. Destruction of their home and livelihood, together with job losses. School Farm, with its popular shop typifies what village life is about. Although School Farm house would remain, there would be no

parking for farm equipment or personal vehicles. Development would be a matter of feet from the door and play area would be very close. Farm cannot continue without the shop and free range egg business. Shop is a sustainable business selling locally sourced food. Current tenants only found out about the proposals at the consultation event.

Proposed site of replacement shop has storage disadvantages in comparison to existing site. Access to replacement site will be through proposed development and will prove arduous for customers employees and suppliers –likely to reduce footfall. Disruption whilst new shop constructed. Contrary to Policy DP5 which seeks to retain community facilities.

- f) **Flooding/ inadequate sewerage capacity** - Level 3 flood risk. Village was badly affected in 2000 when more than 70 homes and buildings were flooded. Water is known to rapidly run off down the hills and into Station Road – new development would exacerbate this. Would increase likelihood of flooding to properties alongside the river. Site is in a flood plain. The field has flooded on occasions, as have the farm buildings. Application site currently has culverts under to take flow from becks draining into the River Leven. Station Road has been totally submerged by floodwater in the past. Report by Hydrock seriously flawed. Flooding incident on Station Road in 2009 had a depth of 50cms as opposed to their theoretical prediction of 20cm. Culvert unable to handle current water flow after heavy rain. Not practical for storm drains from new development to connect into this culvert – could result in floodwater entering domestic sewerage system with raw sewage flooding occurring on the site and on adjoining properties. Last spillage was August this year when houses had to be evacuated. Alternative storm water system needed and no practical route for it. Residents of new development would be cut off by flooding in Station Road. Hydrock fail to take into account effect of the mines to east of Great Ayton, which fill with water and then gradually release it into the streams that flow down either side of the proposed development site. Houses built on this site would be uninsurable. No mention of controlled flow rates or on site retention in submitted reports. Culvert is in a poor state of repair and cannot take any more water. Raw sewage runs from sewer manholes into River Leven- children play in this river in the summer. Video of flooding at Station Road roundabout supplied. Any suggestion that the developers will “engineer” the drainage should be treated with scepticism. Gladman’s flood risk assessment has taken upon itself to re-classify the Environment Agency’s likelihood of flooding. The maths executed in the Manning equation on page 6 is simply wrong and query where the Hydraulic Radius of 4,62 metres for the channel at the upstream boundary comes from. There is an accepted problem with sewerage and drainage in Great Ayton with no viable solution. Increased area of hard surfaces will increase speed and volume of flood water affecting properties downstream in Great Ayton. Regarding Sewerage, Northumbrian Water only agreed that an extra 75 houses in Great Ayton could be built due to pipes to the treatment works being at nearly full capacity. A Flood Risk Assessment prepared by M Design Civil and Structural Engineers on behalf of objectors to the scheme concludes that there are fundamental errors with the submitted FRA and that the methods used in the calculation process are incorrect. Additional flows into the local watercourses and sewer system will have a detrimental effect and the report does not fully assess the risks to the surrounding area. Sequential test has not been complied with therefore contrary to Policy DP43.
- g) **Loss of good quality agricultural land** - and reduction of food supply when we are being told that food production is to become of paramount importance.
- h) **Inadequate Access** - Dangerous access to the development. Is on a narrow road leading round bends to a mini roundabout. Problems for emergency services – only one way in and out of the development. Many cars crash each year into the field where the houses are to be built. Poor visibility. Leaving the Farm drive is also bad for visibility of vehicles from Station direction.

- i) **No need for Affordable Dwellings** - Village does not need 113 new houses. Detrimental to unique community spirit and atmosphere. There are hundreds of houses lying derelict in Middlesbrough, within a drive/bus ride of a few miles. Currently there are 72 properties for sale on Rightmove in Great Ayton priced from £70,000, and 114 properties within one mile, so don't need affordable housing. What is the definition of affordable housing and how will it be applied? Whilst there may be a shortage of affordable housing the proposal is unlikely to significantly address this.
- j) **Impact on landscape and National Park** - Development will blight views from the hills of the National Park and take away a landscape that has helped define Great Ayton as a destination for tourists, on the trail of Captain Cook. Criticism of certain aspects of the Landscape and Visual Impact Assessment, that it has not been carried out in a thorough manner. In particular, it has not included a Visual Envelope Map, the thresholds for the scale of high, medium and low for all other aspects other than "overall significance of landscape and visual effects" of the assessment are not stated and therefore open to interpretation; reference to the historic, designed landscape of Cleveland Lodge is omitted; the baseline assessment of the landscape character does not represent a true assessment, failing to reflect the unique and specific character of the landscape context and the residual visual impact will be greater than stated due to inconsistencies in planting proposals. Direct conflict with Policy DP10.
Leeming Associates, a registered practice of the Landscape Institute, were asked by a local objector to the application to prepare a review of the applicant's Landscape and Visual Impact Assessment. They have concluded that the site forms a significant green section on the eastern settlement boundary of Great Ayton and it forms an important buffer to the designed landscape of Cleveland Lodge and the foreground to the Cleveland Hills escarpment just 2 km to the east.
- k) **Impact on Wildlife** - Site is a wildlife habitat. There is a pond between the site and Cleveland Lodge with Great Crested Newts in it. Farm buildings have bats.
- l) **Overdevelopment** - Great Ayton is already more densely populated than the "town" of Stokesley yet we are a "village." Too large a development/urban sprawl. Will result in serious cramming.
- m) **Contrary to LDF** -Not an allocated site for development in LDF/outside village boundary. Loss of green field site. Should develop brownfield sites first. Sites for development exist within the village boundary. Are 2 large developments within a 5 mile radius – (Guisborough and Nunthorpe). Developers target small villages, then take the matter to appeal when refused. Government wanted local people to make their own decisions about what's best for their own area, but the appeal process is in favour of the developer. Should be refused for same reasons as Gladman's site in Easingwold. Speculative development on the back of a change in Central Government Policy. Undesirable precedent for further development.
- n) **Detrimental to Conservation Area** - Development would detract from the character of the conservation area and ambiance of historic village.
- o) **Lack of employment** - Occupants of this development would be employed within the greater Teeside area – but difficult to see where new residents will find employment? Also difficult to see what economic advantages these new residents would bring to the village. Most likely they will be commuters preferring to shop in Middlesbrough or Stockton on Tees rather than using local shops.
- p) **Inadequate Consultation** - Lack of consultation with the tenant of School Farm, and the Parish and District Council. Poor quality consultation by the developers with few people invited to the event. Gladman's have failed to discuss properly their proposals with the tenants of the farm and have supplied misinformation. They gave a response time of one week, including a bank holiday and their

questions were slanted towards people wanting to increase their family size and first time buyers.

q) **Loss of privacy and security**, particularly if 3 storey houses are built and loss of outlook/view.

r) **Other Objections**

Access to garages to Station Cottages should be retained otherwise they will have to reverse onto Station Road causing hazard to other road users.

Proposed play area will attract the wrong clientele – the existing play area is already vandalised.

Intended occupants of houses will be “two car owners.” Car Parking not adequately catered for within the plans.

What are the plans for the road adjacent to no 21 Station Rd?

Would put at risk a 19th century farm barn.

4.47 In addition, one letter of support for the scheme has been received, commenting that there needs to be more affordable housing to enable first time buyers to live in a thriving lovely village like Great Ayton. The proximity of the site to the centre of the village makes it ideal for both old and young.

5.0 **OBSERVATIONS**

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

- a) Housing Supply
- b) Scale & Distribution of Development
- c) Development Limits
- d) Housing Mix, Type & Tenure
- e) Affordable Housing
- f) Public Open Space
- g) Education
- h) Highways Issues
- i) Drainage & Flood Risk
- j) Design & Layout
- k) Sustainable Construction
- l) Landscape & Visual Impact
- m) Trees & Ecology
- n) Archaeology
- o) Ground Conditions
- p) Impact on Conservation Area and existing Farm Buildings
- q) Proposals for Use of Stone Barn
- r) Impact on Residential Amenity
- s) Other Developer Contributions
- t) Infrastructure & Services
- u) Community Engagement

Housing Supply

5.2 The first of the NPPF's 12 core planning principles is that planning should be “genuinely plan-led” and therefore the development of this unallocated site should only be considered in exceptional circumstances, where it can deliver benefits that clearly outweigh the disadvantage of not following the LDF's spatial strategy. The Applicant contends that their calculation of future housing supply within the District justifies planning permission being granted. The Council sets out its policies for housing supply in its Development Plan Documents. These documents were adopted before the publication of the National Planning Policy Framework (NPPF). The NPPF places emphasis on maintaining a 5 year supply of deliverable housing (paragraph 49). Paragraph 47 requires an additional 20% buffer to be applied where there has been a record of persistent under delivery. There is no clear and concise definition

regarding what constitutes persistent under delivery of housing. Whilst the Council considers that District-wide targets were met in 4 out of the last 9 years, it recognises that delivery has been below target in the last few years, and accepts that it is prudent to plan for a five year supply on the basis of requiring an additional 20% buffer.

- 5.3 Beyond this 20% buffer it is has become practice in some appeal decisions to add the backlog in undersupply to the next five years' supply (known as the 'Sedgefield Method') or over the remaining plan period (known as the 'Liverpool Method'). This practice is not required by national or local planning policy but has developed in a series of appeal decisions.
- 5.4 The Council is mindful of the Government's objective to significantly boost housing supply nationally, and has taken into account recent appeal decisions when determining the methods to use to calculate housing supply. Therefore the Council has taken a cautious approach to calculating five year supply for the District, with an additional buffer of 20% and undersupply incorporated into the five year supply (i.e. following the Sedgefield Method). A robust survey has been carried out for all sites with extant planning permission and allocations to assess the expected delivery of housing. No provision has been made for windfalls.
- 5.5 The Core Strategy in CP5 sets a target of 290 dwellings per annum gross for the period 2011 to 2016 delivery (1,450 five years supply), adding 20% leads to a revised target of 1,740 delivery (an additional 290 dwellings). The undersupply backlog for the District over the period April 2004 - September 2013 is 358. If this were added to the above the total requirement (five years' supply plus 20% plus backlog) would be 2,098 dwellings (420 pa over five years). In line with mechanisms within Development Policy DP11 and the Allocations DPD which provides for a control mechanism to ensure the maintenance of a 5 year rolling supply of deliverable sites, Council agreed to relax the phasing of all housing sites, by removing the phasing requirements, on 10th December 2013. The findings of the Council's 2013 Developers' Survey conclude that the District has a deliverable supply of 2,267 dwellings. This exceeds the revised target requirement for supply (169 surplus), even when adopting the most cautious approach to its calculation. This supply relates to the District with phasing relaxed. Therefore, it is considered that the Council's policies relating to the supply of housing remain relevant and carry full weight in the determination of this application.
- 5.6 If the proposal were developed over 4 years assuming a start date in 2014/15 and a build rate of 30 dwellings per annum 113 dwellings could be delivered within the next five years. The District would have a surplus of 282 over the five year requirement. It is acknowledged that national policy within NPPF paragraph 49 states that 'housing applications should be considered in the context of the presumption in favour of sustainable development' and it could be argued that the additional development would contribute to the overall objectives of boosting housing supply. However, the first of the NPPF's 12 core planning principles is that planning should be genuinely plan led. As the District has a demonstrable supply well in excess of five years (i.e. with 20% and historic under-provision added) there is no reason to release this unallocated site and to allow housing of this scale outside Development Limits. Where such releases are necessary in the future they should be guided by the plan making process and in accordance with the agreed relaxation of phasing, there is no reason to depart from the strategy set out in the LDF. Further in line with the NPPF the Council is currently reviewing its stock of employment land and demand and this review may reveal other opportunities for additional housing development within Development Limits.
- 5.7 LDF policies regarding distribution remain relevant. The implications for the Stokesley Sub Area ought to be considered, and afforded appropriate weight. To assist in the consideration of policies relating to distribution, sub area calculations have also been made. The five year requirement for the Stokesley Sub Area is 217 (again this is with the adoption of the most cautious approach to calculation of supply). The survey indicated that with a relaxation of phasing the Stokesley Sub area would have a

supply of 278, a surplus of 61 dwellings. In addition to the calculated supply, it is considered that there is a possibility for more infill development within Development Limits which could boost the housing supply and affordable housing provision within the sub area and the District and it would be consistent with the principles of national and local planning policy to consider such sites in preference to unallocated sites outside Development Limits.

Scale, Distribution and Timing of Development

- 5.8 The proposed scheme would provide 113 dwellings, within the Service Village of Great Ayton. Spatial Principle 2 of the adopted Core Strategy defines the Stokesley Sub Area as an *Area of Restraint*. This approach is intended to reduce cross boundary commuting and resist further in migration by promoting more sustainable live work patterns. The LDF responds by reducing the scale of new housing development within *Areas of Restraint*. Paragraph 4.2.5 of the adopted Core Strategy states that a proportionately lower scale of development is proposed in the “*areas of restraint*”.
- 5.9 Policies CP5 and CP5A identify the scale of new housing required for the Stokesley Sub Area for the period 2011 to 2016, as 29 dwellings (10% of 290) per annum are required and for the period 2016 onwards, 32 dwellings are required (11% of 290). At least two thirds of all new housing should be provided within Stokesley Service Centre (Policy CP6.1). Taking into account the revised requirement, which includes an additional 20% to the sub area requirement and accounts for the sub areas undersupply, the Stokesley Sub Area would have a five year requirement of 217. This equates to 42 dwellings per annum, around 28 of which should be within the Service Centre, leaving around 14 per annum to be delivered within the remainder of the sub area for the period 2013 to 2016, and for the period 2016 to 2018 around 45 dwellings per annum should be delivered within the sub area, of which around 30 should be in the Service Centre and around 15 should be in the Stokesley’s hinterland.
- 5.10 Assuming a delivery rate of approximately 28 dwellings per annum the proposed scheme for 113 dwellings could be delivered over 4 years, from 2014/2015 to 2017/18. On that basis the proposed development would deliver over 50% of the Sub Area’s 5 year requirement of 217. This would not comply with LDF policy on Distribution of development (Policy CP6), which requires that at least two thirds is within Stokesley.

Development Limits

- 5.11 The site is a greenfield site outside the Development Limits for Great Ayton, with only a small proportion covered by farm buildings. Policy CP4 and Development Policies DP 8 and DP 9 identify criteria for assessing development outside Development Limits. Notably DP8 states that the Development Limits are defined in order to achieve the following “ i)...to relate development opportunities to the **scale and appropriate distribution** of housing proposed to be met by the sustainable hierarchy of settlements during the LDF period; ii) to ensure that new development is **sympathetic in scale and location** to the form and character of settlements; ...” DP8 goes on to consider the location of the Development Limits and states that the location of the Development Limit will ensure that development within it will “c) not have a detrimental impact on the character, appearance and environmental quality of the adjacent countryside or otherwise conflict with the environmental policies of the LDF; d) **meet the needs of the area**, and can be accommodated within the capacity of the existing infrastructure”.
- 5.12 Scale and distribution have been discussed above and it is considered that development of the scale proposed in Great Ayton does not accord with the Councils’ adopted policies. There remain other opportunities such as infill sites within

development limits and rural exception sites to deliver housing within the Sub Area at an appropriate scale.

- 5.13 Policy DP 9 of the adopted Development Policies DPD is of particular relevance and states that permission will only be granted outside Development Limits in exceptional circumstances having regard to the provisions of Policy CP4. CP4 supports development within the Development Limits of the settlements in the hierarchy where that development is of a ***scale and nature appropriate to secure the sustainability*** of each settlement. In addition, Policy CP4 states that development in other locations will only be supported when an exceptional case can be made for the proposal in terms of policies CP1 and CP2, and where it provides affordable housing which meets an identified local need.
- 5.14 When considering the size of development against the requirements for the Sub Area, based on adopted policy, and the level of provision within the settlement, it is clear that the development is not of a scale and nature that is appropriate to secure the sustainability of Great Ayton as a Service Village. It is considered that the Allocations DPD has made adequate provision for the Sub Area, including Great Ayton and the Applicant's survey demonstrates that there are more than sufficient deliverable sites to meet the need for new housing over the coming five years. It should be noted that the figures for housing supply do not include the allocated Cleveland Lodge site at Great Ayton, this is because the Applicant's survey indicated that the owners of this site consider that the site will provide C2 residential units (residential institution) rather than C3 (dwellings). Whilst this position has not been accepted by the Council, it was considered wise to exclude the site from the consideration of housing supply for now. Allocation SH4 would not provide general family accommodation directly however through the provision for the elderly (C2 or C3) and local transfers general second hand housing stock within Great Ayton would in turn be released onto the market.
- 5.15 It is acknowledged that the proposal could make provision for affordable housing but it does not provide for 100% affordable housing, which is the normal policy position for development beyond Development Limits, and therefore would not be considered an exceptional case under the provisions of CP4. Great Ayton is specifically excluded from Policy CP9A due to its population size. The proposal is, however, considered to be contrary to Policy CP4, CP1 and CP2, for the reasons outlined in the following paragraph.
- 5.16 Although Great Ayton has a greater range of services and facilities than are present in other Service Villages, the existing balance between housing and facilities within the village must be taken into account. Great Ayton expanded considerably in the post-war years and its residential population is large in comparison to the facilities offered by the village and this was a contributory factor in the Council's decision to only allocate the Cleveland Lodge site for additional housing in the Allocations DPD. This proposal would result in the loss of a farm shop and would therefore further exacerbate the mismatch between population size and local facilities within the village. It should be noted that the Census 2011 indicated that Great Ayton has a population of 4,973. A comparison of the range of services and facilities available in Great Ayton with Service Centres with a comparable population size shows that the level of service provision for a village of its size is relatively poor in these terms. The service centre of Bedale has a population of 4,601, the service centre of Easingwold has a population of 4,627, and Stokesley has a population of 5,537 (Census 2011, STREAM data). These centres present a significantly greater number of services. The scale of the proposed development would be better located at a centre which has additional facilities to support the increase in residents. At this location residents would be required to travel outside of Great Ayton for at least secondary school provision, main food shopping provision and employment. If development of this scale were to be approved in this location it would be inappropriate, contributing to unsustainable live-work patterns, tipping the balance between what would be

acceptable in a service village acknowledging the facilities it provides, and the overall aims and objectives of the Local Development Framework.. Given the scale, location and available amenities within Great Ayton at present it is considered that there is no exceptional case in terms of policies CP4, CP2 and CP1.

Housing Mix, Type & Tenure

- 5.17 Policy CP8 of the adopted Core Strategy states that ‘Proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure of dwellings. These needs will include appropriate provision for all sectors of the community, for example including the needs of elderly people...’
- 5.18 The Applicant’s ‘Planning Statement’ indicates that mix of 2, 3, 4 and 5 bed dwellings (market housing) would be provided. However, no commitment is given regarding the provision of elderly persons’ accommodation (e.g. bungalows.) Consultation responses to the Allocations DPD supported evidence that there is a significant need for extra care provision in the Stokesley Sub Area, some of which will be supported on SH4, at Cleveland Lodge. The scale of provision here may be more limited than previously indicated. Therefore it would be appropriate for the Applicant to consider accommodation for the elderly within the scheme, in line with the identified need. The need for some provision for the elderly on site was raised at pre-application stage but the planning statement does not address this matter. The Council supports mixed communities and would seek some provision for the elderly if permission were to be granted.

Affordable Housing

- 5.19 The Applicant has offered to provide 50% affordable housing on site, citing Policy CP9 as justification for this approach. This meets the Policy CP9 50% target. However it is not necessary in terms of its contribution towards meeting the District’s identified housing supply. As identified within paragraphs 5.2 to 5.7 of this report, the District has a 5 year supply plus 20% plus the under-supply from previous years, thus making good past under-delivery and development of this particular site is not required. There are other opportunities to deliver affordable housing within the Sub Area, including the development of allocated sites, through the development of small scale exceptions sites under the provisions of Policy CP9A, small scale windfall sites, and possible alternative use of employment sites which would supplement the supply of affordable housing.
- 5.20 Although the Applicant has submitted a list of suggested Heads of Terms for a Section 106 Agreement, including provision of 50% affordable housing, in the absence of an agreed and signed planning obligation, the recommendation includes a further reason for refusal of permission.

Public Open Space

- 5.21 Policy DP37 of the adopted Development Policies DPD requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.
- 5.22 Section 4 of the Open Space, Sport & Recreation Supplementary Planning Document (Open Space SPD) identifies that developments of between 80 and 300 dwellings should make provision for amenity green space, public parks, play areas and facilities for teenagers on site. In addition, off-site contributions will normally also be sought to ensure Policy DP37 Standards are met, because the Council’s evidence base indicates significant shortfalls in the amount of amenity space in all sub areas (see paragraph 4.12 of the Open Space SPD).
- 5.23 The illustrative layout plan shows an amenity green space area and a play area on-site but does not include a facility for teenagers (such as a skate park or bike track).

Nonetheless, firm proposals for adequate on-site public open space, sport and recreation could be secured at reserved matters stage.

- 5.24 In the absence of sufficient on-site provision, Policy DP37 requires a financial contribution towards improving off-site provision elsewhere. Given that dwelling numbers, types and sizes are not fixed, a formula for calculating a commuted sum should be included within any s.106 agreement rather than an agreed figure at this stage. The formula would be based on Table 3 contained within the Open Space SPD (i.e. £2,205.20 per 2 bed, £3,307.80 per 3 bed and £4,410.40 per 4 bed and £5,513 per 5 bed), plus an indexation but minus any on-site provision.
- 5.25 Although the Applicant has submitted a list of suggested Heads of Terms for a Section 106 Agreement, including provision of open space, an equipped children's play area and arrangements for long term management and maintenance, in the absence of an agreed and signed planning obligation, the recommendation includes this as a further reason for refusal of permission.

Education

- 5.26 Policy DP2 of the adopted Development Policies DPD stipulates that contributions will be sought where necessary to ensure the achievement of sustainable development, including the provision of additional infrastructure whenever there is a need generated by the new development. This includes, amongst other things, provision of additional children's services/facilities where existing services in the area have insufficient capacity to cater for the potential increase in the number of children, or are appropriately placed to serve a development, having regard to the need to minimise travel, consistent with Core Policy CP2.
- 5.27 In addition, Policy DP5 of the Development Policies DPD advises that support will be given to the provision and enhancement of community facilities with a view to maintaining sustainable communities. Policy DP6 on utilities and infrastructure seeks to ensure new development is capable of being accommodated by existing or planned services
- 5.28 NYCC Children and Young Peoples Service has confirmed that there is a surplus of places at Roseberry Community Primary School, therefore a contribution towards primary school education has not been sought.

Highways Issues

- 5.29 A Transport Assessment (TA) has been submitted with the application. The TA examines the transport related impacts of the proposed development. Access to the site by all modes of transport has been fully considered with both positive and negative impacts identified. The TA concludes that the additional generated traffic can be readily accommodated on the local road network such that no mitigation measures for capacity or safety reasons are required.
- 5.30 The Local Highway Authority has reviewed the documents submitted in support of the application and considers that the applicant has failed to provide sufficient information to enable the impact of the proposals on the local highway network to be fully assessed. In addition they have failed to propose measures which mitigate the conflict between parked cars on Station Road and traffic generated by the proposed development and neither have they proposed any measures to accommodate the increased number of pedestrians at the Station Road junction with High Street/Newton Road. The negotiation of this junction already causes a problem for pedestrians and the construction of a further 113 dwellings would exacerbate the situation. Finally, they have not shown how an attractive sustainable route to the railway station can be provided. For these reasons the Highway Authority has recommended refusal of the application.

Flood Risk & Drainage

- 5.30 Policy DP43 of adopted the Development Policies DPD outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.
- 5.31 A Flood Risk Assessment (FRA) has been submitted with the application. The FRA states that the majority of the site can be classified as being within Flood Zone 1, an area with low flood risk, although the north eastern corner of the site is shown to be within Flood Zone 3. The consultants have indicated in their analysis that the entirety of the proposed developable area can be considered to be outside the 1 in 1,000 year flood plain and as such the site can be effectively classified as Flood Zone 1. They have recommended that the finished floor levels of the proposed properties be set at a minimum of 300mm above existing ground levels and proposed a surface water drainage scheme to deal with run off.
- 5.32 Policy DP6 of the adopted Development Policies DPD stipulates that new developments must be capable of being accommodated by existing or planned services, and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the community. These systems include surface water drainage and sewage disposal.
- 5.33 The Environment Agency object to the proposals on the basis that the submitted Flood Risk Assessment does not comply with the NPPF's technical guide (para 9). As such, it does not adequately assess the development's flood risks. In particular, the FRA fails to:
- Use sufficiently detailed hydraulic modelling to show that the north-eastern part of the site is not within flood zone 3;
 - Consider how people and properties will be kept safe from residual risk of flooding; and
 - Consider the effect of the development on flood risk to surrounding areas.
- 5.34 As confirmed in the Applicant's submission, Northumbrian Water does not support a development of more than 75 dwellings. The Council's Senior Engineer has raised concerns about the potential for drains to overflow. The Applicant's assessment does not seem to take into account the severity of recent flooding events, or that the proposed access to the site is also within Flood Zone 3 which could therefore be blocked in a flood event.
- 5.35 In the light of these concerns, the proposed development fails to comply with the objectives of Policy DP6 of the adopted Development Policies DPD.

Design & Layout

- 5.36 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness.
- 5.37 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." The NPPF also emphasises, in paragraph 66, the importance of public engagement in evolving good design. That is considered later in this report.

- 5.38 The application is submitted in outline form and therefore the detailed design (including the impact on neighbours) and density would be determined at a later date through the submission of reserved matters applications.
- 5.39 Notwithstanding the need for future reserved matters applications, an indicative master plan has been submitted with the application and shows how a development of approximately 113 dwellings could be designed.
- 5.40 The broad principles of the illustrative layout are considered to be acceptable. However, the principle of development must be settled first and the Council would expect further pre-application discussions to take place, concerning external appearance, design and layout, in advance of any reserved matters application being granted planning permission.

Sustainable Construction

- 5.41 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.42 A 'Renewable Energy Statement' has been submitted in support of the application. The proposed strategy is based on an initial improvement in standard energy efficiency which meets the emissions targets for Building Regulations 2010 Part L. Details of how the scheme will fully achieve any Part L Building Regulation compliance can only be confirmed at detailed design stage but will encompass a 'Fabric First' approach.
- 5.43 In the event that the Council was minded to grant planning permission, a suitably worded condition could be imposed to secure a scheme for suitable design improvements and/or the installation of suitable renewable energy technologies.

Landscape & Visual Impact

- 5.44 Policy DP30 of the adopted Development Policies DPD seeks to protect the character and appearance of the countryside. The design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views.
- 5.45 A Landscape & Visual Impact Assessment (LVIA) has been submitted with the application. The LVIA considers the potential effects of the development upon: individual landscape features and elements; landscape character and visual amenity and the people who view the landscape.
- 5.46 The LVIA concludes that direct effects on landscape fabric would be minor. The LVIA states that the development would have a direct effect on the landscape fabric and an indirect effect on landscape character. There would be a loss of agricultural land, with loss of a small section of hedgerow as a result of development; however the report states that this loss would be more than mitigated against by the addition of new tree and hedgerow planting. The landscape consultants conclude that in the longer term, as the planting matures there would be some beneficial landscape effects from the new landscape features.
- 5.47 The National Character Area "Tees Lowland" and County-level character area "Vale Farmland with Dispersed Settlements" are both relatively large scale areas with distinct characteristics. The consultants state in their report that the scale of these landscapes means that a change of the size proposed, comprising up to 113 new homes, and new landscape areas would have a low overall effect on these National or County landscape character areas.

- 5.48 In terms of landscape character, the consultants conclude that the area has ‘a medium susceptibility to small/medium scale residential development, because of its intrinsic characteristics. They state that the development would have a negligible magnitude of landscape change across the wider character areas leading to minor/negligible adverse landscape effect overall on the character areas.’
- 5.49 Views from houses looking onto the site would inevitably be adversely affected by the development. Development would initially result in a moderate / major adverse visual effect, for those properties with open views. However, loss of view or outlook is not a material planning consideration.
- 5.50 Leeming Associates, a registered practice of the Landscape Institute, were asked by a local objector to the application to prepare a review of the applicant’s Landscape and Visual Impact Assessment. They have concluded that the site forms a significant green section on the eastern settlement boundary of Great Ayton and it forms an important buffer to the designed landscape of Cleveland Lodge and the foreground to the Cleveland Hills escarpment just 2 km to the east. They also have concerns about the thoroughness and rationale behind the Assessment.
- 5.51 The objectors have referred the case to the National Planning Casework Unit, (NPCU) ‘on the basis that the site warrants the preparation of an Environmental Impact Assessment. The NPCU have sought further advice from both English Heritage and Natural England and have requested that a decision be delayed until their responses have been received. It is possible that a Holding Direction may be issued by the NPCU until the consultation responses have been received, however this would mean that the application would run over the 13 week time period which is a concern for the Planning Authority, given current pressure from central government to determine major planning applications within target. A verbal update on this will be made to Members at the Planning Committee meeting.

Trees & Ecology

- 5.52 An ‘Arboricultural Assessment’ produced by FPCR Environment & Design Ltd has been submitted with the application. A survey and assessment of existing trees has been carried out in accordance with British Standard 5837:2012 ‘*Trees in Relation to Design, Demolition and Construction - Recommendations*’ (BS5837).
- 5.53 All trees are positioned along the boundary of the site and the planning application seeks to retain the existing trees and hedgerows, supplemented by additional planting. The Arboricultural report concludes that the proposed new development will be sufficiently offset from the boundary hedgerows and trees to ensure their continued contribution to the site’s visual amenity.
- 5.54 Policy DP31 of the adopted Development Policies DPD states that ‘Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value’.
- 5.55 An ‘Ecological Appraisal’ produced FPCR Environment & Design Ltd has been submitted with the application. The Ecological Appraisal concludes that the arable and improved grassland is considered to be of relatively low ecological value, but that other habitats, particularly the hedgerows provide nesting habitat for birds and potential foraging habitat for a range of wildlife including bats. Although evidence was found of water voles, no evidence was found of badgers, otters or great crested newts.
- 5.56 One hedgerow (H1) is likely to be important under the wildlife and landscape criteria of the Hedgerow Regulations 1997 and this is proposed to be retained within the development. One hedgerow (H4) would need to be removed to provide the proposed access to the site with suitable visibility. Those trees identified as

containing potential and identified bat roosts would be retained within the boundaries of the site.

- 5.57 The 'Ecological Appraisal' recommends specific mitigation measures to protect wildlife during and after construction. In the event that the Council is minded to grant planning permission, a suitably worded condition could be imposed to secure the implementation of these mitigation measures.

Archaeology

- 5.58 Paragraph 128 of the NPPF states that "Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate Desk-Based Assessment and, where necessary, a field evaluation."
- 5.59 The Desk Based Assessment prepared by the consultants has considered the potential for designated heritage assets and non-designated heritage assets to survive within the site. The report has concluded that the site has low/nil potential for non-designated archaeological evidence from all periods and states that the 'Historic Environment Record' does not record anything of archaeological interest on the site.
- 5.60 Nonetheless, NYCC's Archaeologist has identified the site as being of archaeological interest and has recommended that a geophysical survey be undertaken in advance of planning permission being granted. The survey would assist in identifying mitigation options for minimising, avoiding damage to, and/or recording any archaeological remains.
- 5.61 The application is an outline with layout as a reserved matter. Consequently, it would be feasible to require submission of the geophysical survey by condition if outline permission were granted and to subsequently identify any mitigation or layout changes in response to its findings and recommendations.

Ground Conditions

- 5.62 The Applicant has submitted a detailed Ground Investigation Report which has shown that a number of possible contaminants exist at the site which require further consideration in due course. Environmental Health Officers recommend conditions for assessment of the risks posed by contamination and a requirement for remediation works to be carried out, should permission be granted.

Impact on Conservation Area and existing Farm Buildings

- 5.63 The proposed development site is only publically visible from the end of the driveway to the farm shop and by small glimpses between properties. The site is not predominant in the visual experience of the Conservation Area. The land form rises within the site and therefore this limits views within. Once at the existing field access views can be had west towards the farm buildings. The stone barn is not currently visible from this position as it is hidden by a large modern barn, though this is proposed to be demolished as part of the scheme. Overall, the impact of the development on the character and appearance of the conservation area is relatively low, although the design and materials of the new dwellings would need to sit sympathetically within the historic landscape.
- 5.64 The application proposes the retention of the large stone barn within the centre of the existing farmyard. This barn is of local historic value and is considered to be a Non-Designated Heritage Asset due to its history as part of the Friend's School, its age, the fact that it is built of local stone and designed to a high standard as originally it would have been visible from Cleveland Lodge and its potential contribution to the visual appearance of this area. The proposal suggests a B1 use for the building. The pre-application submission referred to a community use, which has now changed to B1. Any subsequent application for works to the stone barn would need to take into

account its local significance as a Non-Designated Heritage Asset. The other 4 buildings on the site, a large shed, two barns and a stable block are not considered to have any real architectural merit or contribution to the character of the conservation area.

Proposals for Use of Stone Barn

- 5.65 The application seeks the reuse of one of the agricultural buildings within the site for B1 use. It is not clear within the submission what is meant by the term “office pods”. It is recognized that the continued use or re-use of the building would be desirable to ensure the protection and or enhancement of this non designated local heritage asset.
- 5.66 The Applicant suggests through the planning statement that the provision of 277sqm of office space would not require a sequential assessment (i.e. seeking town centre locations first) because paragraph 25 of the NPPF states that the sequential test should not be applied to applications for small scale rural offices or other small scale rural development. There is very little guidance on what constitutes small scale rural development. Given the nature of the economy within the district and the size of units within the district a reasonably low threshold could be applied, although none is set out in current policy. The statement considers that the provision of offices at this scale would provide employment in Great Ayton. It is estimated that, if used as offices, the building could provide 20 jobs, but the loss of approx 5 jobs from the existing farm shop should be netted out of this. The scale of employment provision would not be sufficient to make a significant contribution to reducing the need to commute for most employment.

Impact on Residential Amenity

- 5.67 There are a number of residential properties in Station Road which back onto the application site, including School Farmhouse. Issues in respect of overlooking and loss of privacy would be considered at reserved matters stage if outline permission were granted. The applicant has submitted sufficient information in the illustrative layout to show that a scheme could be designed such that impacts could be minimized. With regard to the use of the stone barn for B1 office purposes, Environmental Health Officers have suggested a planning condition on hours of operation to minimize any unacceptable impacts. Generally speaking B1 uses are those which can operate in a location close to residential properties without any loss of amenity, therefore the principle of retaining the barn for this purpose is considered acceptable. Some concerns have been raised about the proximity of the proposed play area to existing dwellings, however, the actual siting of the play area is something that would be considered at reserved matters stage.

Other Developer Contribution Requirements

- 5.68 During the development of the Allocations DPD a need was identified for footpath and cycle-way links between Stokesley and Great Ayton. An application of the scale proposed would lead to additional trips from Great Ayton to Stokesley, particularly in view of the imbalance between residential population and village facilities noted earlier. Therefore contributions towards the cycle-way would be required from the development, in line with policies DP2 and CP2. Details of the scheme can be found in the Stokesley and Villages Regeneration Group Cycle-ways Report (August 2010). Furthermore a Business Plan is to be prepared within the next month which will provide details of costs, route options and phasing. The Applicant has not suggested any contribution towards cycle-way links in their suggested Heads of Terms Document.

Infrastructure & Services

- 5.69 Policy DP5 of the Development Policies DPD on community facilities advises that support will be given to the provision and enhancement of community facilities with a

view to maintaining sustainable communities. Policy DP6 on utilities and infrastructure seeks to ensure new development is capable of being accommodated by existing or planned services

- 5.70 Local residents have raised concerns about the impact on existing and planned services. Whilst the concerns of local residents are acknowledged, service providers tend to adopt a reactionary approach to service delivery rather than a pro-active approach and generally allocate resources when the need arises. Whilst the aim of the planning system is to promote sustainable development and economic growth, it can only go so far in co-ordinating service delivery. Ultimately, it is the responsibility of service providers to plan effectively for the needs of the existing and future community. However, where a service provider can demonstrate that infrastructure cannot support a development, and that development cannot provide or fund the necessary investment in infrastructure to address this, planning permission may be refused.
- 5.71 Responsibilities for health care provision have recently been transferred to the Clinical Commissioning Group (CCG). The CCG is not yet in a position to respond to planning application consultations. The formulae for calculating the majority of planning benefits are drawn from policy and Council priorities and therefore these take precedence. However, the contribution required for the local health care facilities is not prescribed and therefore no sum has been sought.

Community Engagement

- 5.72 Public consultation should be a genuinely meaningful exercise and must be guided by the Council's Statement of Community Involvement and paragraph 66 of the NPPF.
- 5.73 Paragraph 66 of the NPPF sets an expectation that developers should work closely with those affected by their proposals to evolve designs that take account of the views of the community. This is reflected in the Council's Statement of Community Involvement (SCI), which requires that communities are offered genuine choice and a real opportunity to influence proposals in consultation exercises. The NPPF states that proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.
- 5.74 The Council's SCI makes clear that developers should discuss and agree the exact nature of consultation in advance. It is clear within the SCI that where applicants have failed to seek the Council's input at an appropriate early stage this will be taken into account when assessing the meaningfulness of the consultation exercise, its relevance to the planning considerations and the weight to be attached to the results reported in the Consultation Statement. In this case there was no engagement with the Council on the content or nature of the pre-application consultation.
- 5.75 The limited response to the Applicant's consultation exercise has been noted earlier. The Applicant suggests that the relatively low turn out to the public exhibition indicates that "the silent majority" do not object to the scheme. It could be equally valid to suggest that the majority felt there was little point in commenting. Furthermore, as noted earlier, the Applicant had difficulty in assessing local views because a local campaign group advised residents not to respond to their pre-application consultation and local residents have suggested that more of the village should have been consulted. Given these factors, it seems incorrect for the Applicant to assume any support from a "silent majority".
- 5.76 The relevance and weight of the Applicant's Consultation Statement is limited by the lack of engagement with the Council, the very limited public interest in the exercise and the failure to take account of the need for providing elderly persons accommodation within the scheme. The Applicant has failed to demonstrate that they have worked closely with those affected by the proposal to evolve a scheme that

takes account of the views of the community and as such the proposal should not be looked on favourably.

6.0 CONCLUSION

- 6.1 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be refused for the application as submitted, provided that the National Planning Casework Unit have not issued a Holding Direction regarding their consideration of whether or not an Environmental Impact Assessment should have been submitted with the planning application (see paragraph 5.51)
- 6.2 Following relaxation of phasing, the District has an adequate supply of deliverable housing sites, even based on the most cautious of approaches to the calculation of supply. Development approved in this location would lead to an oversupply beyond the NPPF's additional buffer of 20% for choice and flexibility. The Council has a clear strategy for the scale and distribution of development, with development restraint in this area, which this proposal does not comply with. The proposal would result in a substantial over supply in the Stokesley Sub Area.
- 6.3 The development is outside development limits and no exceptional case has been made in line with policies DP9, CP4 CP1 and CP2, against a context where the Council can demonstrate adequate housing supply and therefore policies relating to supply and distribution should be afforded appropriate weight. Allowing development of this scale, where the District has a five year supply plus 20% plus the backlog from previous years and an Adopted Development Plan including Allocations, undermines the core principle that planning should be 'genuinely plan led' (paragraph 17, NPPF).
- 6.4 The proposed development fails to deliver contributions towards cycleway links and off-site public open space, sport and recreation facilities. Although the Applicant has submitted a list of proposed Heads of Terms for a Section 106 Agreement, which includes a proposal for 50% affordable housing, in the absence of an agreed and signed planning obligation, a further reason for refusal appears within the recommendation.
- 6.5 In light of comments received from Northumbrian Water at pre-application stage, and those of the Council's Senior Engineer, the application fails to demonstrate that the proposed development is capable of being adequately drained without having a seriously harmful impact on existing systems.
- 6.6 Great Ayton was not selected for further development through the Local Development Framework Housing Allocations process (other than for specific elderly persons accommodation) as it is not a Service Centre. Whilst it is a Service Village, there is a current imbalance between the existing population size and facilities offered by the village and the provision of an additional 113 dwellings together with the loss of the farm shop would exacerbate this imbalance.
- 6.7 The Planning Authority considers that the applicant has failed to provide sufficient information to enable the impact of the proposals on the local highway network to be fully assessed. The applicant has also failed to propose measures which mitigate the conflict between parked cars on Station Road and traffic generated by the proposed development and there are no proposals to show how an attractive sustainable route to the railway station can be provided. In addition there are no measures proposed to accommodate the increased number of pedestrians at the Station Road junction with High Street/Newton Road. The proposals as submitted are therefore contrary to Policies CP1, DP2 and DP3 of the adopted Hambleton Local Development Framework, and the National Planning Policy Framework.
- 6.8 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it

has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

7.0 RECOMMENDATION

REFUSED for the following reasons:-

1. The proposal represents unsustainable development on a greenfield site outside of the Development Limits without a clear and justified exceptional case for development contrary to Policies CP1, CP2, CP4, CP6 and DP9 of the adopted Hambleton Local Development Framework, which (amongst other things) seek to reduce the need for travel by car, relieve pressure on the open countryside and prevent the coalescence of settlements, and ensure the capacity of existing infrastructure and facilities is not exceeded.
2. The proposed development would lead to an oversupply of housing within the District contrary to Policy CP6 of the adopted Core Strategy, which provides a clear strategy for the scale and distribution of new housing and a substantial oversupply of housing within the Stokesley Sub Area, contrary to Spatial Principle 2 of the adopted Core Strategy which identifies Stokesley Sub Area as an 'Area of Restraint'.
3. Great Ayton was not selected for further development through the Local Development Framework Housing Allocations process (other than for specific elderly persons accommodation) as it is not a Service Centre. Whilst it is a Service Village, there is a current imbalance between the existing population size and facilities offered by the village and the provision of an additional 113 dwellings together with the loss of the farm shop would exacerbate this imbalance.
4. Although the applicant has submitted draft Heads of Terms which include provision for 50% affordable housing, in the absence of a signed Planning Obligation the proposals fail to deliver an appropriate level of affordable housing contrary to Policy CP4 of the adopted Hambleton Local Development Framework
5. The proposed development fails to deliver a contribution towards off-site public open space, sport and recreation facilities contrary to Policy DP37 of the Development Policies DPD which requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.
6. The proposed development fails to deliver a contribution towards footpath and cycleway links between Stokesley and Great Ayton, the need for which was identified during the development of the Local Development Framework Allocations Document.
7. The submitted Flood Risk Assessment does not comply with the NPPF's technical guidance (paragraph 9) and, as such, it does not adequately assess the proposed development's flood risks, contrary to the NPPF and policies CP21 and DP43 of the Hambleton Local Development Framework. In particular, the FRA fails to a) use sufficiently detailed hydraulic modelling to show that the north-eastern part of the site is not within flood zone 3; b) consider how people and properties will be kept safe from residual risk of flooding and c) consider the effect of the development on flood risk to surrounding areas.
8. Insufficient information has been submitted to demonstrate that the proposed development is capable of being accommodated by existing or planned drainage facilities and will not have a seriously harmful impact on existing drainage facilities, contrary to Policy DP6 of the adopted Development Policies DPD.
9. The Planning Authority considers that the applicant has failed to provide sufficient information to enable the impact of the proposals on the local highway network to be fully assessed. The applicant has also failed to propose measures which mitigate the

conflict between parked cars on Station Road and traffic generated by the proposed development and there are no proposals to show how an attractive sustainable route to the railway station can be provided. Finally, there are no measures proposed to accommodate the increased number of pedestrians at the Station Road junction with High Street/Newton Road. The proposals as submitted are therefore contrary to Policies CP1, DP2 and DP3 of the adopted Hambleton Local Development Framework, and the National Planning Policy Framework.

10. The proposed development fails to demonstrate that the Applicant has worked closely with those affected by the development or taken account of community views in the evolution of the design. Furthermore, insufficient evidence has been provided to demonstrate that the public was offered genuine choices and a real opportunity to influence the proposal. The proposal therefore fails to accord with the expectations of the NPPF (paragraph 66) and the Council's Statement of Community Involvement.

INFORMATIVE – REASON 2

Based upon the most cautious of approaches to calculating supply (i.e. 20% buffer and use of the Sedgefield Method for the delivery of undersupply in previous years), Hambleton District has a demonstrable land supply in excess of five years as required by the National Planning Policy Framework.

12/00911/FUL

**Retrospective application for the change of use of land from single family gypsy site and alterations to amenity building to form a dwelling..
at The Stables Broughton Grange High Street Great Broughton
for Mr Billy Foster.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site lies to the south of Great Broughton, outside the Development Limits of the village. The land is accessed via a private road (from the B1257), which is shared with five dwellings of the adjacent Broughton Grange residential development. The site is part of a formerly agricultural parcel of land bounded by a screen of trees to the north and east and the Broughton Grange development to the south and west. The neighbouring buildings are former farm buildings associated with the adjacent Dromonby Grange Farm, which is Listed Grade II.

1.2 On the site is a single storey stone building, with front (south) facing gable. The roof has pantiles, and roof lights. The building is domestic in character with 'French doors' on the gable elevation, and domestic windows and front door, all in light brown plastic materials.

1.3 To the front of the house there is a fenced off paddock and on the east side of the drive there is a timber stable building.

1.4 The proposal is the change of use of the stone building to a dwelling. The existing building was approved (with different detailing) for use as a utility building in association with a single family gypsy site. The consent included one static caravan and one touring caravan. The static caravan has been removed from the site.

2.0 RELEVANT PLANNING HISTORY

2.1 05/01866/FUL - Change of use of land from agricultural to the keeping of horses and construction of a stable block as amended by plans as received by Hambleton District Council on 12 September 2005 (Withdrawn 13.10.2005)

2.2 06/00195/FUL - Revised application for the change of use of land from agricultural to the keeping of horses and construction of a stable (Granted 25.04.2006)

2.3 06/02005/FUL - Change of use from agricultural land to gypsy site for one family (Allowed on Appeal - 16.11.2007)

2.4 09/01773/FUL - Construction of a single storey utility building (Withdrawn 25.08.2009)

2.5 09/02458/FUL - Revised application for the construction of a single storey utility building. Granted. 16.10.2009

2.6 Enforcement Notice 11/00097/CAT3 1 December 2011 Building not in accordance with approved plans. No appeal made, enforcement notice came in to force on 6 January 2012 with a requirement to comply with the details set out in the Enforcement Notice by 6 April 2012. The works required by the Enforcement Notice have not been undertaken.

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 CP19 - Recreational facilities and amenity open space
Development Policies DP37 - Open space, sport and recreation
Core Strategy Policy CP2 - Access
Development Policies DP4 - Access for all
Development Policies DP3 - Site accessibility
National Planning Policy Framework - published 27 March 2012
Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Development Policies DP14 - Gypsies and travellers' sites
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 - The Parish Council are totally opposed to the grant of planning permission in respect of this application.

We have only been provided with a Design and Access Statement and a number of plans which do not show clearly the intention for the whole site and do not bear a key to the colouring of various areas.

The planning permission for a gypsy family site was granted on appeal. The permission for a utility building was granted by reference to that permission.

The applicant blatantly abused that permission by building a bungalow rather than a utility building.

The Parish Council believe that planning permission would not have been granted for a bungalow in this location which is prominent from the main road into Great Broughton.

The Parish Council also consider that the location of the building and its appearance are incompatible with the other development at Grange Farm which includes a listed building.

4.2 Neighbours and site notice - last expiry 8.10.2012. No observations received.

4.3 Yorkshire Water - No comments

4.4 Environment Agency - "As there is no material increase in vulnerability or risk to occupants, the proposed change of use is considered acceptable in principle. Condition requested to require that it be shown that land levels will not be raised.

5.0 OBSERVATIONS

5.1 The consideration of this application falls under three headings, the principle of residential development on the site, the loss of a single family private gypsy site and finally matters of detailed design.

- Policy principle of Residential Development

5.2 Core Policy 4 (CP4) of the Hambleton District Council Core Strategy states that development in 'other locations' (i.e. outside of designated Development Limits) will only be supported where: an 'exceptional case' can be made for the proposals in terms of Policies CP1 and CP2 of the Core Strategy; the proposed development would not conflict with the environmental/nature conservation policies of the LDF; and where the development complies with at least one of the six criteria of CP4.

5.3 CP4 provides for exceptions, including

- i) the needs of agriculture, or other rural business with a need to locate in the countryside;
- ii) to secure significant improvement to the environment or conservation of a feature of importance;
- iii) provide affordable housing to meet a need not able to be met in a sustainable settlement;
- iv) it would reuse existing buildings without substantial alteration or reconstruction, helping to support the rural economy or help to meet an identified need for affordable housing;
- v) to provide renewable energy; support rural regeneration.

5.4 No evidence has been provided in the application to suggest that it is required to meet the needs of farming, forestry, recreation, tourism or any other enterprises with an essential requirements to locate in the countryside, which will also support a sustainable rural economy (i.e. 'criteria i' of CP4). The proposal would not comply with 'criteria iii' of CP4 in terms of providing affordable housing or community facilities to meet a local need - where that need cannot be met in a settlement within the hierarchy. The building is modern and does not accord with any criteria to establish it as a non-designated heritage asset and does not represent the conservation of a 'feature of acknowledged importance' (as required by 'criteria ii' of CP4) and would not make provision for renewable energy generation (was required by 'criteria v' of CP4).

- The Loss of a Private Gypsy Site

5.5 The building was approved for ancillary use in association with a single family gypsy site granted on appeal ref 06/02005/FUL, in recognition of the housing needs of this applicant and his family. The proposal would result in the loss of an approved gypsy site of which there is at present a shortage, as shown by the Hambleton District Council Traveller Housing Needs Study (THNS September 2012).

5.6 The THNS identified that the authorised public sites are full and that private sites are predominantly one family only and that there are no vacant pitches. Each of the public sites has a waiting list. Of the overall predicted need for 26 (net) new pitches from 2012 to 2027, 15 will be for private pitches and to address current unauthorised development. Of these, 9 are required in the period 2012 to 2017. In summary, the study provides an up to date assessment of need which identifies an existing shortage of sites, including private pitches. The Council is encouraging others to bring sites forward so as to meet the need for new pitches in the District. A number of potential sites have been identified that may provide additional pitches to meet the identified needs, two applications have been made for an 8 pitch site at Sutton on the Forest and a single pitch site at Worlds End Sowerby, no decision on either of the applications has been made.

5.7 Due to the relative proximity of this application site to a sustainable village, appropriate size, safe access and lack of harm to the wider rural surroundings, the location remains suitable as a gypsy site, in accordance with the criteria of adopted policy DP14, and its removal from the 'supply' of gypsy sites would be contrary to the requirements of CP8 and DP14.

- Design

5.8 The detailing of the building is not in accordance with the approved plans. It has domestic features including patio doors, large rooflights, and PVC windows and rainwater goods, and is built to a height of 6.0 metres rather than the approved 5.7 metres. It is viewed in association with the neighbouring former agricultural buildings, where particular care was taken in their conversion to ensure they retained the maximum amount of their traditional character, including the small proportions and timber materials of the windows. In contrast the application building has standard domestic windows and doors in PVC materials which are unsympathetic to the character of the neighbouring buildings and the setting of the Listed Building. The proposed retention of these details would therefore be contrary to the

requirements regarding design contained in CP17 and DP32, which requires that development respect local distinctiveness and the historic context of the site, and use of appropriate materials. It would also be contrary to the requirements of CP16 and DP28 regarding materials and design in relation to the effect of development on the conservation of the historic heritage.

- Amenity and other matters

5.9 With regard to the amenities of neighbouring occupiers, activity on the site will be screened from nearby houses by an existing timber fence and the use as a dwelling would not be unacceptably harmful to the amenities of nearby occupiers.

5.10 The building is screened from the countryside to the north, and from the road and would not be harmful to the rural surroundings. The development therefore is broadly satisfactory in the terms of CP1, DP1 and CP16, DP30.

5.11 The proposal does not provide for public open space and under Policy CP19 and DP47 and the Councils adopted Open Space Sport and Recreation Supplementary Planning Document provision is required for the payment of a commuted sum in relation to provision elsewhere. No such provision has been made.

SUMMARY

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

6.0 RECOMMENDATION:

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

The reasons are:-

1. The proposal would result in the loss of an approved gypsy site for one family, a shortage of which has been identified in Hambleton District Council Traveller Housing Needs Study (September 2012), and it is therefore contrary to Local Development Framework Policies CP8 and DP14 and is not an acceptable exception to the policy principles of Local Development Framework policies CP1, CP2 and CP4.
2. Due to the overall height, inappropriate design details and materials, the building has an appearance which does not respect the historic context of the site or contribute positively to the surrounding buildings and would have a harmful effect on the setting of nearby heritage assets, Listed and non-designated, and is contrary to Local Development Framework Policies CP16, DP28, CP17 and DP32.
3. In the absence of a mechanism to provide the required commuted sum for the provision of public open space as set out in the Open Space Sport and Recreation Supplementary Planning Document adopted by Hambleton District Council 22 February 2012 the proposal is in breach of the requirements of the underlying Local Development Framework Policies CP19 and DP37.

13/02295/FUL

**Revised retrospective application to use an existing caravan for residential purposes for an agricultural worker for a three year period..
at Ingleby Lane Farm Ingleby Greenhow North Yorkshire TS9 6LJ
for Mr David Jones.**

1.0 SITE DESCRIPTION AND PROPOSAL

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

1.2 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.

1.3 The proposal is retention of the static caravan to be used as a temporary dwelling for an agricultural worker for a period of three years. The caravan is located on the west boundary, in front of the hedge. It is of standard design, with shallow pitched roof, and is painted green.

1.4 Supporting details describe the business as breeding and rearing outdoors of rare breed pigs. The business relies on raising pigs to high welfare standards, and gives rise to a high value product. There are also some laying hens and water fowl. Currently there are 14 sows and 2 mature gilts and 3 boars and produces around 100 pigs per annum, each grown on for about 6 months. A business plan submitted with the application sets out the intention to introduce 4 more sows each of the next 3 years, which together with developing gilts to produce a total of 30 sows and a target of 350+ fattening pigs per year. There is also a stud service to other rare breed pig owners. Meat is sold to local retail outlets and restaurants, and to the general public.

1.5 The applicant has provides with the application evidence of the amount of time spent in producing the pigs.

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

2.0 RELEVANT PLANNING HISTORY

2.1 08/00692/FUL Agricultural storage building, Granted 19.06.2008. This is the 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, for a temporary period, Refused 20.06.2013

2.4 13/01460/FUL Change of use of existing agricultural storage unit (container no 1) to form a pork processing unit and office, Granted 12.11.2013

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy 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 DP26 - Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - Object. Reasons are:

No agricultural justification or business case

Holding too small to be viable and sustainable farm

No justification for someone to live on site.

No evidence to show how works to be kept employed or how paid from the business.

Existing pig pens are not viable, there is insufficient land to rotate use by the pigs

Health issues due to accumulation of manure

Mobile home and associated containers are detrimental to the landscape and environment, are clearly visible and are an eyesore

Intensification of access will cause highway/traffic problem at the entrance.

No new information has been submitted to justify this submission.

Comment that Enforcement action should have been taken.

4.2 Neighbours and site notice - expiry 03.12.2013

Observations received;

i. Support - residence on site will ensure better handling and better conditions.

ii Support - support for strong belief in the high standards of farming. The pork produced is very good quality and no other meat supplier in the area can provide such quality pork products.

iii. Object - no positive development since previous application was objected to. Work will not require residential presence. Concentration of pens, barns, steel containers is totally unsuitable for such a small area. Result is ugly and grotesque and jarring in area of such beauty. The development will create a precedent for permanent dwelling as has happened (locally).

4.3 NYCC Highways - No objection.

5.0 OBSERVATIONS

5.1 The site is outside of any sustainable settlement and under Policies CP1, CP2 and CP4 of the Local Development Framework, development with an essential need to locate in the countryside, which includes agriculture, may be considered as an exception to the principles of sustainable development contained in Policy CP1.

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

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

5.4 To help assess whether it is essential for an agricultural worker to live on site, the Council engaged an independent agricultural assessment from Mouchel, which was executed by Andrew Purkiss, who visited the site and also reviewed financial projections. A report was produced as a supplement to one previously undertaken in connection with application ref 13/00189/FUL.

5.5 The Mouchel report previously set out the view that: The holding is well set up for producing high quality British rare breed pig meat. The farm is well equipped and managed and the land is well suited to the system of farming that is in place. There is considerable scope on the available land to expand the business, by increasing the number of sows and the number of farrowings.

5.6 The supplementary report notes the intentions to increase the number of sows and states that stocked with 30 sows and their progeny, as predicted by 2016, would have a labour requirement equivalent to 1 standard labour unit, which in the absence of a standard labour unit figures for outdoor pig units, was calculated by Mouchel by loading 50% to indoor pig production labour requirements. The supplementary report notes that detailed time sheets supplied by the applicant shows total time spent as 1.6 labour units, of which 0.9 standard labour units are considered to relate directly to animal husbandry. The needs of the pork processing activities are excluded from the calculations.

5.7 The report concludes that the proposals appear to be well founded and achievable and the timescale for the proposed expansion is reasonable and achievable.

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

5.9 It is accepted that the breeding of animals gives rise to an inherent need to be in attendance at unsocial hours. The main business of the unit is breeding pigs and rearing pigs. It is the breeding activity that triggers the "essential" need to be on site for the welfare of the animals. It is considered that despite the relatively small scale of the farm the "essential" need exists in this case. It has been assessed that the labour need for the unit is, or very soon will be, equivalent to a full time worker. A residential presence to meet that need is supported by local and national planning policy. A temporary consent to enable the business to develop is appropriate and enables further assessment of the case for a residential presence on site to be made if a proposal for continuing residence is made.

- Other planning issues

5.10 With regard to landscape impact, the static caravan is at the rear of the site, on slightly raised ground. From the entrance it is well set back, and as part of the group of buildings is not conspicuous. It can be glimpsed on approach from the north in particular. Trees and hedges on the east boundary screen direct views into the site. The caravan is painted a dark green colour and is not unacceptably conspicuous against the back ground of the existing well grown hedge, and in the context of the nearby agricultural building.

- Issues raised by the Parish Council and neighbours

5.11 With regard to the business case, and viability of the enterprise, it has been shown by an independent consult that the business has a sustainable and achievable financial basis, and it is accepted that the breeding of animals can give rise to an essential need to live on site. The initial Mouchel report set out clearly that the holding is well set up for

outdoor pig production and the land is well suited to the system of production practised upon it, and that there is capacity for increase.

5.12 As painted the mobile home has a limited impact on the landscape and the impact is not considered sufficient to justify refusal, where a need for a dwelling is demonstrated.

5.13 The Highway Authority are of the view that the proposal does not harm road safety and this aspect is considered satisfactory.

5.14 New information has been submitted in the form of a more detailed business plan, showing how it is intended to increase the business, and evidence of actual hours worked.

5.15 Enforcement action can be taken as required and should follow swiftly in the event that this application is refused, however it would not be appropriate to issue an enforcement notice whilst there is a valid application in hand for the same development.

5.16 With regard to precedent, each application has to be considered on its merits, and approval in this case would not result in a presumption in favour of a different proposal.

SUMMARY

The proposal demonstrates an essential need for an agricultural worker to live on the site and a sound financial sustainability and is able to comply with the above policies.

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

6.0 RECOMMENDATION:

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

1. The temporary permission hereby granted for siting of residential caravan with additions is valid only until the 9 January 2019 and the caravan and materials and associated structures shall be removed from the site and the land re-instated to its former condition on or before that date.
2. The occupation of the residential caravan shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.

The reasons are:-

1. To enable the Local Planning Authority to assess the suitability of any such ongoing use, in accordance with Local Development Framework Policy CP1, CP2, CP4, CP15 and DP26.
2. The dwelling is in an area where the Local Planning Authority considers that new residential development should be restricted to that which is essential in the interests of agriculture or forestry or other rural enterprise in accordance with Hambleton Local Development Framework Core Strategy Policy CP1, CP2 and CP4.

13/01008/FUL

**Retrospective application for a change of use of annexe into separate dwelling.
at Northfield Oaktree Bank Borrowby North Yorkshire
for Mr M Cameron.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks retrospective consent for the change of use of an annexe to a separate dwelling at Northfield, Oaktree Bank, Borrowby. The site is positioned outside of the development limits of Borrowby and Knayton and is located to the west of the public highway which links these settlements. The site is also to the north of Knayton Church of England Primary School.

1.2 The proposed annexe comprises at ground floor level a living room, hallway, shower room/w/c, utility, study and garden room, and at first floor level three bedrooms, a bathroom and landing area.

1.3 An existing driveway and car parking area extends to the front (east) of the property with a garden to the rear (west). The proposed change of use would involve the provision of a timber fence between the frontages of Northfield House and the annexe the subject of this application.

1.4 It is understood that the entire property, Northfield House and annexe, have been marketed since September 2012 and in that time there has been very limited purchase interest. A letter from the marketing agent of 22 April 2013 has highlighted that interest has been limited and the one interested person rejected the property on the basis of its size. The applicant is therefore seeking to separate the annexe from the dwelling to boost the interest in the properties.

1.5 A draft Unilateral Undertaking has been provided to the Council in regard to the contribution of £3307.80 towards off site open space, sport and recreation facilities to comply with policy DP37 of the Hambleton Local Development Framework.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 09/00325/FUL - Two storey extension to existing dwelling to form ancillary accommodation and construction of a detached domestic garage as amended by plan received by Hambleton District Council on 31 March 2009; Granted 2009.

2.2 11/00137/CAT3 - Breach of Condition 2 and 3 of Planning Reference No. 09/00325/FUL; Case Closed 2011.

2.3 12/00203/CAT3 - Alleged separate occupation of annex; Pending Consideration.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP19 - Recreational facilities and amenity open space

Development Policies DP1 - Protecting amenity

Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP32 - General design
Development Policies DP37 - Open space, sport and recreation
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Knayton Parish Council - no comments to make.

4.2 Ward Member (Cllr J Watson) - Following our meeting this morning, my conversation with Linda Gibbons (Knayton Parish Council Chair) and my visit to the site I have no objections to this retrospective planning application

4.3 NYCC Highways - Recommend condition regarding: Parking Spaces to Remain Available for Vehicle Parking (non residential).

4.4 Neighbours notified and site notice posted; expired 13.06.2013 - No responses received as at 13.12.13.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this retrospective planning application relate to the principle of the development in this location, any impact on neighbour amenity, any impact on the visual amenity of the surrounding area, any impact on highway safety, and the necessary contribution towards off site provision of open space, sport and recreation facilities.

- Policy Context:

- Local Development Framework:

5.2 Policy CP4 of the Hambleton Local Development Framework supports development outside of sustainable settlement limits where an exceptional case can be made for the proposals in terms of policies CP1 and CP2 and where: (i) it is necessary to meet the needs of farming, forestry, recreation, tourism, and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy (ii) it is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance, (iii) it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy, (iv) it would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing, (v) it would make provision for renewable energy generation, of a scale and design appropriate to its location, (vi) it would support the social and economic regeneration of rural areas.

- National Policy:

5.3 The national policy context is set out in the National Planning Policy Framework (NPPF) at paragraph 55 which promotes sustainable development in rural areas and states that housing should be located where it will enhance or maintain the vitality of rural communities. For example where there are groups of smaller settlements, development in one village may support services in a village nearby. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances which are listed in paragraph 55.

- Policy Compliance:

5.4 The scheme is best aligned to criteria (iv) of policy CP4 of which it only succeeds in meeting the first part. No other exceptional circumstances of policy CP4 are considered satisfied. Similarly paragraph 55 of the NPPF does not lend support to the proposal. Whilst it

is acknowledged that the annexe accommodation exists, and that this is positioned between two sustainable settlements as are identified in policy CP4, and that it sits adjacent the local school, there is no policy basis which supports the principle of a separate dwelling in this location.

- Neighbour amenity:

5.5 The domestic use of the annexe would continue as is currently the case, with the exception of the change in relationship to Northfield House. The applicant is proposing boundary treatment to the frontage. The layout is in the form of a pair of semi-detached dwellings with windows and doors to front and rear and consequently the change of use of the annexe to a separate dwelling would not raise any neighbour amenity issues.

- Visual amenity:

5.6 The only external change to the property is the front boundary treatment which is considered acceptable in that it would maintain the appearance of the street scene and visual amenity of the surrounding area.

- Highway safety:

5.7 NYCC Highways have not raised an objection to the development subject to a condition regarding on-site parking provision. It is considered that the scheme would not give rise to an adverse impact on highway safety.

- Open Space, Sport and Recreation:

5.8 A draft Unilateral Undertaking has been provided to the Council in regard to the contribution of £3307.80 towards off site open space, sport and recreation facilities. As at 13.12.13 this has not been completed and therefore in the absence of a mechanism to agree the forwarding of this contribution the proposal must be considered to fail the requirements of policy DP37 of the Hambleton Local Development Framework.

- Conclusion:

5.9 Having taken the above into account it is considered that whilst the development is acceptable in terms of neighbour and visual amenity and highway safety, it is unacceptable in principle in this isolated location as it fails to meet an exceptional circumstance of policy CP4 or the NPPF. Additionally a Unilateral Undertaken in respect of the off site provision of open space, sport and recreation facilities has not been completed and the development fails to meet policy DP37. On this basis the scheme is recommended for refusal.

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

6.0 RECOMMENDATION:

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

The reasons are:-

1. 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 which contain appropriate local services and facilities, including public transport links which minimise the need to travel by private car. The application site is

not located within an existing sustainable settlement nor has an exceptional circumstance been demonstrated and the development is, consequently, contrary to these policies. Additionally the development proposal has not identified a special circumstance in the terms of paragraph 55 the National Planning Policy Framework.

2. The scheme fails to provide a mechanism to secure a contribution to achieve the standards set out for open space, sport and recreation in Local Development Framework Policies CP19 and DP37.

13/02446/FUL

**Construction of an agricultural storage building.
at Land North Of Morton On Swale East Of Treatment Works And South Of Thrintoft
Thrintoft North Yorkshire
for A R Sanderson.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the construction of an agricultural building for the storage of straw-based manure within a field known as Railway Field, lying some 100m to the north of the railway line on the western side of Station Lane and north of Morton-on-Swale village.

1.2 The building would measure 23m x 13.7m x 8m to the pitched ridge and would be a steel-framed portal structure with stained Yorkshire boarding to the walls and a fibre cement sheeted roof. There is an existing field access which would be improved at the point where the building would be located. The application has been submitted in accordance with a European Directive to prevent polluted surface water run-off in Nitrate Vulnerable Zones with the benefit of grant aid.

1.3 The applicant's main holding is to the south of the A684 but he also farms two arable fields in this location and brings manure from the main holding to this site. It has been indicated that there would be an average of 3 loaded trailer trips per week (ie six movements) over six months of the year. The applicant has advised that the timing of such trips would be such that they would not coincide with the morning arrivals or afternoon departures from the nearby schools.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 13/02098/FUL Construction of an agricultural storage building. Proposal withdrawn on 6th December 2013. The application was made for an identical building about 350metres to the northwest of the current application site in the same field and closer to Thrintoft village. Following concerns raised regarding the siting of the building the proposal was withdrawn.

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 CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP15 - Rural Regeneration
Development Policies DP26 - Agricultural issues
Development Policies DP1 - Protecting amenity
National Planning Policy Framework - published 27 March 2012
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP42 - Hazardous and environmentally sensitive operations

4.0 CONSULTATIONS

4.1 Morton-on-Swale Parish Council: Wishes to see the building sited elsewhere as it is currently too close to the village, the highway, could cause odours and potential highway safety difficulties.

4.2 Thrintoft Parish Meeting: Object in respect of the need for and location of the building, safety aspects along Station Road and proximity to the School leading to congestion and further safety concerns.

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

4.4 Health and Safety Executive: (Proposed building within proximity of a major hazards pipeline) Does not advise against a grant of permission.

4.5 Environment Agency: No objections.

4.6 The application was advertised by site notice and the eleven closest neighbours were consulted. 38 letters of objection (30 of which were individually signed identical copies) were received in respect of visual impact, access and safety concerns, odours and proximity to houses and schools.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are addressed by the Policies within the Local Development Framework Core Strategy and Development Policies document and relate, to the scale, design and materials proposed (Policies CP17 and DP32), the impact, if any, on local visual amenity and landscape character (Policies CP16 and DP30), the agricultural need for the building and environmental benefits which may result from covering manure stores (Policies CP15, DP26, CP21 and DP42) together with the proximity to dwellings, the local schools and any resultant highway safety considerations (Policy DP1).

5.2 The proposed building is a traditionally designed and constructed building and would measure 23m x 13.7m x 8m to the pitched ridge. It would be a steel-framed portal building with stained Yorkshire boarding to the walls and a fibre cement sheeted roof.

5.3 It has been noted above that the purpose designed building has been submitted in accordance with a European Commission Directive dating from 2008 (as amended) which requires that areas of land which drain into waters polluted by nitrates are to be designated as Nitrate Vulnerable Zones ('NVZ') and farmers with land in such areas have to follow mandatory rules to prevent such nitrate loss. This has resulted in the recent submission of a significant number of applications for either new storage buildings or 'covers' throughout the District.

5.4 The applicant has previously stored manure in this arable field and now wishes to construct a storage building for both efficiency reasons and environmental protection. The overall number of trips will not change from those previously experienced since the applicant's purchased the land.

5.5 The two closest neighbouring dwellings to the proposed site which lie immediately to the south of the railway line on the western side of Station Lane are some 120m away and are partly screened by existing vegetation. The land drops away from the railway line to the north and it is not considered that the building would have an unacceptable impact on local residential or visual amenity.

5.6 Reference has been made to the proximity of the proposed buildings to the local schools (Ainderby Steeple C of E Primary School and The Dales School) in the village. The primary school is in excess of 140m from the proposed building and The Dales School in excess of 250m and from which the proposed building is not seen. Added to the limited vehicular movements proposed and the applicant's commitment to avoid vehicle movements to the storage building during school travelling times it is not considered that there will be any demonstrable adverse impact on these establishments.

SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the scale, design and materials proposed are appropriate to the required purpose of the building which will have no demonstrable adverse impact on local visual, or adjacent residential, amenity and may lead to a significant reduction in polluted surface run-off from the site.

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

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - (i) The details of the access shall have been approved in writing by the Local Planning Authority.
 - (ii) The crossing of the highway verge shall be constructed in accordance with the approved Standard Detail number E1.
 - (iii) Any gates or barriers shall be erected a minimum distance of 15 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - (iv) That part of the access extending 15 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:15.
 - (v) The final surfacing of any private access and parking area within 15 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority.
4. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 215 metres measured along both channel lines of the major road Station Lane from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

5. 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.

6. No vehicles shall enter or leave the site between the hours of 8.30 to 9.30 am or 3 to 4 pm Monday to Friday.

7. Unless otherwise approved in writing with the Local Planning Authority the manure to be stored shall be straw-based only and no poultry waste shall be stored within the building.

8. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing plan and elevations numbered Plan 01 and site location plan received by Hambleton District Council on 15th November 2013 unless otherwise approved 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 the interests of highway safety.

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

4. In the interest of highway safety.

5. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

6. In the interest of the convenience and safety of visitors to the school adjacent to the site.

7. In the interest of the amenity of local residents in accordance with Policy DP1.

8. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP16 and DP30.

13/01862/FUL

Conversion of retail unit into a residential unit. at Elders Elder Road Northallerton North Yorkshire for Mr P Cochrane.

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 Full planning permission was granted in October 2011 for alterations and extensions to an existing nightclub to form 14 flats and 2 shops (ref: 11/00485/FUL). Construction work was completed earlier this year and despite lengthy marketing the owner has been unable to lease one of the retail units. Consequently, change of use planning permission is now sought to convert the retail unit in question into a ground floor flat.

1.2 The proposed internal accommodation is comprised of a lounge with adjoining kitchen, one bedroom and separate bathroom. The overall internal dimensions are approximately 9.4m x 6.4m (60 sqm). In terms of external appearance, the existing timber shop-front would be replaced by two sliding-sash windows and a panelled door. The front door would lead into a shared hallway with a staircase leading to existing flats above.

1.3 Pedestrians can access the site from the High Street via Tweddles Yard, whilst vehicles can access the site via Elder Road. The proposed flat would not benefit from dedicated car parking.

1.4 The application site is located within Northallerton Conservation Area and is attached to the rear of Elder View (formerly Elders Nightclub). The existing retail unit looks out onto a bin-store serving Elder View and a disused single-storey outbuilding (formerly a coffee shop) to the rear of 88b High Street.

2.0 RELEVANT PLANNING HISTORY

2.1 2/94/110/0358K - Alterations to existing public house (Granted 15.06.1994)

2.2 04/00874/FUL - Alterations and first floor extension to provide additional accommodation to public house (Granted 14.06.2004)

2.3 07/00855/FUL - Retrospective application for installation of two windows at existing pub (Granted 05.06.2007).

2.4 11/00486/LBC - Application for listed building consent for alterations and extension to existing bar/night club to form 14 flats and 2 shops (Withdrawn on 01.06.2011 - LBC not required).

2.5 11/00485/FUL - Alterations and extension to existing bar/night club to form 14 flats and 2 shops (Granted on 25.10.2011).

2.6 12/02401/MRC - Retrospective application to vary condition 2 of planning approval 11/00485/FUL to retain the 2 additional windows on the north elevation and replace the approved shop front with a front door and 2 windows as amended by plans received by Hambleton District Council on 8th January 2013 (Granted on 22.10.2013).

3.0 RELEVANT PLANNING POLICIES:

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

National Planning Policy Framework - published 27 March 2012
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP32 - General design
Supplementary Planning Document - Open Space, Sport and Recreation
Adopted 22 February 2011

4.0 CONSULTATIONS

Northallerton Town Council

4.1 Confirmed no observations.

NYCC Highways

4.2 The Applicant has shown on the block plan a section of blue in front of the 'Club' building; this is incorrect as this is shown in our records as land forming part of the public highway. The applicant has also made no provision for parking for this dwelling. Elder Road is a Disc Zone with limited waiting of 2 hours, no return within 1 hour and there are no exemptions for residents. The Highway Authority is concerned that there is no provision for parking, however, given the scale of the development and the fact there is limited parking at this location, Highway Authority refusal would not be sustainable.

Yorkshire Water

4.3 Confirmed no comments.

Police Architectural Liaison Officer

4.4 No objection subject to new doors and windows achieving specific security standards.

Public Consultation

4.5 A site notice was erected close to the site and neighbouring occupiers were consulted in writing. The consultation period expired on 20th October 2013. No replies have been received.

5.0 OBSERVATIONS

5.1 The main issues to consider in the determination of this application are the effect of the proposal on the living conditions of future occupiers of the proposed flat having regard to the quality of the living space and the potential for anti-social behaviour in the immediate surroundings and developer contributions towards off-site public open space, sport and recreation facilities.

5.2 Policies CP1, DP1, DP17 and DP32 of the adopted Hambleton Local Development Framework seek to secure high quality design and a good standard of amenity for the future occupants of land and buildings.

5.3 The building is accessed from Northallerton High Street and Elder Road via a narrow alleyway known as Tweddles Yard. The proposed windows (two serving the lounge and one serving the bedroom) would face south and look directly onto the alleyway. The immediate outlook would include views of a bin store, 1.8m high wire-mesh fence, single-storey outbuilding to the south and a two-storey building to the east.

5.4 Due to the orientation of the property, the narrow width of the alleyway, the close proximity of neighbouring buildings and their associated structures, the proposal would result in a limited outlook and a gloomy and oppressive living environment for future residents.

5.5 A similar planning application to convert the single-storey outbuilding (located opposite) into residential accommodation was dismissed on appeal in August 2013. The Inspector considered that the proposed change of use would be harmful to the living conditions of future occupiers of the property. Being mindful of this appeal decision and in the interests of consistent decision making, the current application is recommend for refusal.

5.6 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. Contributions will be dependent on increased demand resulting from the development. A contribution of £1,113.77p is required in accordance with this policy based upon the mix of dwellings shown on the site layout. The Applicant has indicated a willingness to pay this sum. Nonetheless, in the absence of an appropriate mechanism (e.g. s106 agreement to secure the sum, a further reason for refusal follows.

5.7 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be refused for the application as submitted.

SUMMARY

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

6.0 RECOMMENDATION:

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

The reasons are:-

1. The combination of limited outlook, orientation of the property and close proximity of neighbouring commercial buildings and their associated structures, would create a poor living environment which would be harmful to the living conditions of future occupiers, contrary to policies CP1, DP1, DP17 and DP32 of the Hambleton Local Development Framework.
2. The proposed development fails to deliver a sufficient level of both on-site and off-site public open space, sport and recreation facilities contrary to Policy DP37 of the Development Policies Development Plan Document which requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.

13/02318/FUL

Change of use from manufacture, storage and distribution to storage and distribution (natural stone paving and tiles).

**at The Manor House Snape North Yorkshire DL8 2TA
for Prices Paving & Tile Ltd.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for a change of use (of a currently vacant site) from manufacture, storage and distribution to the storage and distribution of natural stone paving, tiles and ancillary materials. The site is the former Hare's of Snape farm buildings and steel fabrication business which lies in the centre of the village fronting the southern side of the main village street. The applicant's company already has an office/showroom within the village on the northern side of the main street some 250m away which employs 5 full-time and two part-time staff, additional staff are employed at the stockyard. These posts will remain in place, and not relocated, should the current scheme be approved.

1.2 Hares of Snape occupied the original site with subsequent additions and the construction of buildings since around 1948. The business was started initially for the construction of farm buildings and subsequently evolved into the manufacture of steel fabricated buildings and structures. Materials were imported onto the site, shot blasting and fabrication took place and the finished products were then exported throughout the north of England. The company went into liquidation and ceased trading in July of 2013.

1.3 The current application site comprises some 1.5ha being an area some 220m deep to the rear of the existing two-storey former office building fronting the village street, and the Methodist Church. The site is also a maximum of 80m wide and contains, in addition to the office building, a conjoined group of industrial scale buildings with a total floor area of some 2,000sq.m towards the south-western corner. The site is bounded to the north by the Methodist Church and a detached dwelling and its landscaped curtilage, to the east and south by agricultural land and to the west by an end of terrace dwelling with a domestic curtilage, partly completed storage building and an attached paddock. The whole of the site has a hard surface finish with a vehicular access between the office and the Methodist Church. The very northern portion of the site lies within the Snape Conservation Area.

1.4 The applicants have submitted a statement in support of the application which indicates that : "Prices Paving and Tile Ltd has been an established part of Snape village since 2003. Currently the company office and showroom is based in Snape however, the stock yard is at a separate location some 8km south of Snape. Possibly due to the company's remote location, the vast majority of customers are travelling a distance to make a visit. This suggests that it is in the customer's interest to buy and collect within the same visit."

1.5 The statement goes on to say that "When referring to the HGV movements associated with the former use of the site, part of the Council's DPD indicates that: "the roads in the local area and within the village are not designed to accommodate such large vehicles" (as referred to in para 1.11 below) Hare's of Snape Ltd has been established since 1948, at one time supplying timber and in recent years manufacturing, storing and distributing steel sections. This has always required large HGVs which frequented the village every day. In context of the above, the proposed use by Price's Paving and Tile Ltd is significantly less disruptive in terms of vehicle size and frequency and should be quite acceptable to the people of the village. It is worth noting that the stock yard would be closed completely on weekends which are likely to see greater activity in terms of residents enjoying the village."

1.6 A separate Transport Assessment was commissioned by the applicants which has identified, in detail, the type and numbers of vehicles which were associated with the site during the later period of operation of Hare's of Snape. In conclusion these comprised 52 movements per day from light vehicles of staff and visitors, 6 movements from larger (although not HGV vehicles) and 32 HGV/articulated vehicle movements. (NB a movement is counted as a single trip i.e. 32 HGV movements means 16 in and 16 out).

1.7 In describing the scope of the current application the applicant's statement goes on to say that: "The application site would be used to hold stone stock and dispatch stone to customers. The Company has a number of their own vehicles including 3 forklifts, a 22 tonne HIAB rigid lorry and one 18 tonne HIAB rigid lorry and these would be parked at the application site overnight. These vehicles are lighter and shorter than standard articulated vehicles. There are five full-time and 3 part-time employees based at the existing stock yard who would transfer to the application site. Business is seasonal in nature with high season being April to September and low season October to March. Being importers of stone, the Company has storage at the docks and tends to use Ipswich: the vast majority of orders are dispatched directly from the dock. The stone is shipped in standards sized wooden crates with the customer orders that need to be split or combined with other items being brought to the existing stock yard for re-packaging and onward shipment. Prices Paving would advise suppliers and couriers with large vehicles to approach Snape village from the north along Watery Lane."

1.8 It is stated that there are estimated to be 10 to 12 deliveries (i.e. 20-24 movements) to the stock yard by articulated vehicles per week, an average of 2-3 per day (4-6 movements) in the high season with 3 deliveries (6 movements) in the low season. For the dispatch of customer orders there are 2 collections per day by courier comprising an 18/22 tonne curtain sided rigid vehicle in high season and one per day in the low season. In addition the Company's own vehicles would be used for 2 deliveries per day in the high season. Finally there are approximately 12 customers per day (24 movements) collecting their own orders, normally with a car or light van, with 6 per day (12 movements) in the low season.

1.9 The proposed hours of active operation at the site would be Monday to Friday 9am-5pm between April and September and Monday to Friday 9am-4pm in the low season. The office within the site may be occupied by staff on Saturdays but there would be no deliveries either in or out by suppliers or customers. The site would not be open on Sundays or Bank Holidays and would close for two weeks over Christmas.

1.10 The application site would be used for the storage of ceramic tiles and internal-type materials within the existing rear buildings with paving and more durable external materials stored in crates along the eastern boundary. Areas for car parking and turning would be within the site, out of view of the main village street.

1.11 The northern part of the application site was allocated for housing in the Local Development Framework Development Policies and Allocations document (Adopted 21st Dec 2010) under allocation BH8. It was, at the time of allocation, envisaged to be within Phase 2 (2016-2021) and was to comprise 20 dwellings at a density of 30/ha of which around 40% was to be affordable. The justification set out in the Allocations document stated that "The site is currently occupied by Hare's of Snape, a structural engineering company which is looking to locate elsewhere in the Sub-Area. The northern part of the existing Hare's site will be developed for housing, accessed directly from the main route through the village, with the southern part being returned to agriculture or natural open space, possibly recreational use. The current occupier of the site is looking to relocate to a more suitable location as the site is regularly used by large lorries and trailers. The roads in the local area and within the village are not designed to accommodate such large vehicles." However, as noted in para 1.2 above, the site owners subsequently went into liquidation and the land subsequently conditionally sold to the current applicant. The Policy implications relating to the application and allocation are referred to in detail below.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/84/135/0060A: Construction of a steel fabrication building : Permission Granted 1984.

2.2 2/01/135/0060B: Change of Use of agricultural land as extension to existing builders yard : Permission Granted 2001.

2.3 2/04/135/0060C: Construction of an industrial unit : Permission Granted 2004.

2.4 2/05/135/0060D: Alterations and extension to existing buildings : permission Granted 2005.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Development Policies DP1 - Protecting amenity

Core Strategy Policy CP12 - Priorities for employment development

Development Policies DP17 - Retention of employment sites

Core Strategy Policy CP15 - Rural Regeneration

Development Policies DP25 - Rural employment

Allocations Document Policy BH8 - Hares of Snape Works, Snape - adopted 21 December 2010

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Snape Parish Council: No objections to the principle of the proposal but concerned about possible future impact on flooding including effect on the existing village drainage infrastructure.

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

4.3 Environment Agency: Advise "no comments"

4.4 Yorkshire Water: Advise "no comments"

4.5 Environmental Protection Officer: The potential impact on amenity and likelihood of the development to cause a nuisance have been assessed and it is considered that there will be no negative impact. Therefore the Environmental Health Service has no objections.

4.6 Planning Policy: The application relates to a site identified as BH8 in the LDF Allocations DPD. This is for a residential development of approximately 20 dwellings to come forward in (what was previously) Phase 2 of the plan period (2016-2021). Strong support would be given to an application relating to these BH8 proposals on this site. However, it is acknowledged that recent market conditions may have prevented residential development from taking place thus far. The proposal within this application is for a similar use to that which has previously existed. The proposals are likely to result in a reduction in traffic movements to and from the site and the size of vehicles involved. There are clear environmental benefits to this in terms of reduced noise and disruption to nearby residents and also in terms of the close proximity to the retail unit of the business which currently exists within the village. There is also the consideration of policies relating to supporting rural business, regeneration (CP15) and rural employment (Policy DP25) which such a proposal would support.

The proposal is not contrary to the Development Plan overall but would not implement a proposal in the Allocations DPD. This proposal is not likely to preclude any future residential

development of the site as set out in the LDF later in the plan period and the Council would be willing to work with the owner of the site to deliver these proposals in future.

4.7 The application was advertised by site notice at the front of the site and the three closest neighbours were consulted. One letter was received objecting to the proposal on the grounds of potential heavy traffic movements and the loss of affordable housing units.

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 referred to in paragraph 4.6 above) and relate, in this case, to the sustainable nature of the site location (Policy CP4) together with the potential impact on adjacent residential amenity and the appearance and character of the Snape Conservation Area (Policies DP1, CP16 and DP28), the potential conflict with the site's partial allocated status for housing development (BH8), and the benefits of the retention of the site for employment purposes (Policies CP12, DP17, CP15 and DP25). The contents of paragraph 28 of the National Planning Policy Framework (NPPF) are also considered relevant in this case.

5.2 Snape is designated in the context of Policy CP4 as a Service Village, having a modest but comprehensive range of local services and amenities (including a primary school, pub serving food, two churches and village hall, a general and specialist local shop which serves a wide catchment area and local bus service into Bedale). The basis of the original designation was also partly as a result of the employment opportunities provided by Hare's. The village is, therefore, a sustainable location in both local and national policy terms.

5.3 The scale and nature of the application site is substantial for a village of this size and is a result of the growth and evolution of Hare's over 65 years. The activity which took place within the site over the past 20-25 years was significant both in terms of the manufacturing and fabrication elements and the consequent size and frequency of vehicles serving that business and was, as noted above, the main reason for the former owners looking to relocate to more appropriate premises and the site's consequent allocation for housing.

5.4 Although the northern part of the site lies within the Snape Conservation Area this portion comprises the traditionally constructed office building (formerly a dwelling) and the site access/entrance. There are no elements of the current proposal which would have any detrimental visual impact on the Conservation Area and some modest improvements may accrue. The reduction in the range of activities which would take place within the site and the consequently reduced levels of traffic which would result can be considered to comprise an improvement to the environment both for closer neighbours and local people generally in a reduction in traffic numbers and size on the local road network.

5.5 The allocation of the site for housing, including a 40% proportion of affordable units, is an important consideration in this case. A search for a discrete site for affordable housing in the village has taken place over the past 5-6 years and has, so far, proved unsuccessful. As noted above the development of the site for housing would have been dependent upon the former owners' relocation which may not have happened for the foreseeable. The site potentially, therefore, may not have been available for development in any case. It may be noted that there is no part of the current proposal which comprise any physical works which would necessarily prejudice the ultimate development of the site for housing.

5.6 The employment levels previously generated within the site have been referred to above. The site has been vacant since the early summer with no activity taking place. The current application comprises the continuation of employment albeit at a reduced level of staffing. This is, nevertheless, considered to be a significant number in a village of this size and would be expected to have spin-off benefits to other businesses.

5.7 Paragraph 28 of the NPPF states that in order to support a prosperous rural economy local authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. This should include supporting the sustainable growth of all types of business and enterprise in rural

areas both through the conversion of existing buildings (and by inference the use of land) and well-designed new buildings. It is considered that this aim is relevant to the current proposal by virtue of it being located within a sustainable settlement and also comprising a reduction in travelling by both staff and customers between the showroom and stock yard area.

5.8 Comments received from the Parish Council refer to concerns in respect of drainage from the site, and particularly from the roofs of the large complex of buildings, thereby having an adverse impact on the village sewerage system. The concerns do go back a number of years and some 8-9 years ago there were problems at the eastern end of the village which were at least partly as a result of the need for maintenance of the local system. Yorkshire Water did carry out works and fewer problems have subsequently been experienced. It should be noted that the more recent buildings within the application site (constructed since the difficulties referred to above) were specifically designed to drain to soakaways rather than go into the local mains system. Consequently, the proposals will not create any additional surface water run-off and therefore drainage would not comprise a reason for refusal.

5.9 Conditions are recommended relating to landscape measures and boundary treatments in the interest of the appearance of the land from the perspectives of both neighbouring dwellings and from the open countryside. The measures required by the conditions may relate to both retention of existing features and supplementary works.

SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy, the Development Policies document and the National Planning Policy Framework in that the site is located within a sustainable village location and will retain the employment use of the site with the advantage of a reduction in manufacturing activity and vehicle movements thereby comprising an improvement to local amenity.

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

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. There shall be no operational activity within the site relating to the import and delivery or collection of materials by suppliers or customers, the internal movement of stock or other use of motorised vehicles or equipment other than between the hours of 9am to 5pm Monday to Friday and at no times on Saturdays, Sundays, Bank or Public Holidays.
3. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs along the site boundaries, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

4. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
5. No part of the site shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
6. Details of the form, type and height of external storage areas, as shown on Layout Plan: Fig 1, shall be submitted for the written approval of the Local Planning Authority prior to the commencement of any development on site.
7. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing (Ref Layout Plan Fig 1) and details attached to planning application 13/02318/FUL received by Hambleton District Council on 1st November 2013 unless otherwise approved 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 the interest of the amenity of adjacent residents in accordance with Policy DP1.
3. In the interest of local visual and residential amenity in accordance with Policies DP1 and DP30.
4. To provide an appropriate definition of the site boundaries and to protect the amenity of the neighbouring residents and ensure that the development is appropriate to the character and appearance of its surroundings.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
6. In the interest of local visual and adjacent residential amenity.
7. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP16 and DP30.

13/01349/FUL

**Retrospective application for change of use of agricultural land to equestrian, refurbishment of existing stable block, formation of a concrete hardstanding area and levelling part of existing paddock area.
at OS Field 9700 Stockton Road Thirsk North Yorkshire
for Mr Charles Teasdale.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This retrospective application seeks planning consent for the change of use of agricultural land to equestrian, refurbishment of the existing stable block, formation of a concrete hardstanding area and levelling part of existing paddock area at OS Field 9700, Stockton Road, Thirsk. The application title has been amended from the 'construction of a replacement stable block' as the agent for the applicant has provided photographic evidence that some of the fabric of the previous stables remains. This is discussed later in this report.

1.2 The stables measure approximately 11.8m x 5m, with a total height of approximately 3.4m and are formed of a profile sheet roof, timber cladding and facing brickwork. They are separated into four stable bays opening onto the concrete hardstanding to the south of the building. The concrete hardstanding is formed around the stables in an L shape with maximum dimensions of approximately 20m x 13.6m. The concrete hardstanding is separated to the grassed area to the south by a timber post and rail fence extending to a height of approximately 1.5m. The land to the south of the building is proposed to be changed from agricultural to equestrian uses and is proposed to be levelled to improve its usability using existing materials on site.

1.3 The site is accessed from the north-east from the A61 public highway which is set at a higher level than the ground level of the stable block and hardstanding.

1.4 The site, access and the immediately adjacent highway are positioned within Flood Zone 2.

1.5 An additional plan has been provided by the agent for the applicant on 22 October 2013 demonstrating how the building has been refurbished.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/83/137/0040 - Extension To Existing Stable Block; Granted 1983.

2.2 2/88/137/0062 - Outline Application For The Construction Of An Dwelling; Refused 1988.

2.3 13/00126/CAT3 - Laying of hardstanding and installation of septic tank; Pending Consideration.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

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

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 South Kilvington Parish Council - No objections to the plans but do have reservations as to the actual use of the building and want to ensure it is only used as a stable block not for caravan storage or other use.

4.2 Environment Agency -

- 1st response: In the absence of an acceptable Flood Risk Assessment (FRA) we object and recommend that planning permission is not granted. The submitted FRA does not comply with the National Planning Policy Framework's technical guide (paragraph 9). As such, it does not adequately assess the development's flood risks. In particular, the FRA fails to:

1. Provide sufficient information with regards to the management of surface water run-off. It appears there is going to be an increase in hardstanding, i.e new concrete area, but we are unclear with regards to the amount and if the existing drainage system can cope with the additional volume and run-off. Clarification is required on this point. If the increase in hardstanding is substantial then adequate mitigation measures will need to be in place so flood risk is not increased off-site.

2. Provide sufficient information with regards to the levelling of land. If it is simply infilling the hollows with material from the existing mounds then this is satisfactory. If material is being brought on site from elsewhere then this may impact flow routes and needs to be addressed.

- 2nd response: The agent has confirmed that there will be no land raising with additional materials being brought on to site and that the area of concrete will be insubstantial. As such, we are satisfied that our objection can be removed.

4.3 NYCC Highways - The Highway Authority has no objection to the proposal.

4.4 Swale and Ure Internal Drainage Board - Whitelass Beck is an adopted watercourse of the Swale and Ure Drainage Board and forms the south boundary of the site. The Board has byelaw powers over a strip of land extending 9m inland from the right bank of the beck. Byelaw consent will be required for any works within this strip. This is required for maintenance of the watercourse. Surface water or washings should not be discharged directly to a land drain because of the risk of watercourse pollution.

4.5 Neighbours notified and site notice posted; expired 11.10.2013 - No responses received.

4.6 Environmental Health - No comments from an Environmental Protection viewpoint.

5.0 OBSERVATIONS

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

5.2 The issue of the refurbishment or replacement of the stables has been discussed with the agent for the applicant who has provided photographs to demonstrate the extent of the

demolition of parts of the former stable block and the re-constructed fabric of the building which is in situ. It is considered that the former stable block has been refurbished on account of the concrete pad, some internal walls, roof structure and some external cladding having been retained. The consideration of the structure as 'refurbished' means that in planning terms a fallback position exists as a stable. This removes the scope to consider issues of principle of the use such as the risk posed by flooding. The scheme does not involve a new use of the land, the refurbishment of the existing structure is acceptable in principle and no objections are raised to the improvement of the building to permit its ongoing equestrian use.

5.3 The refurbishment of the existing stables is considered to improve the visual amenity of the surrounding area as a result of the extent of the alterations to the building. The adjacent hardstanding, levelling works and change of use would maintain the visual amenity of the locality and would not raise any neighbour amenity issues (subject to the outstanding response from Environmental Health).

5.4 NYCC Highways have appraised the scheme. The view of the highway authority has been taken in to account and it is considered that the scheme will not be prejudicial to highway safety.

5.5 The building and entire application site is within Flood Zone 2. The fallback position of the refurbished stables is noted and as result no objections can be raised to their continued use from a flood risk perspective. The response of the Environment Agency is noted who initially objected to the proposal on account of insufficient detail to demonstrate the management of the surface water run-off from the increased hardstanding area, and insufficient information with regards to the levelling of land on site. The increase in the hardstanding area is relatively minimal and it is felt appropriate that a planning condition be attached to any permission granted to require the applicant to demonstrate how the surface water run-off is managed. In regard to the second reason for refusal the Environment Agency proceed to state [in regard to the levelling of land] "If it is simply infilling the hollows with material from the existing mounds then this is satisfactory". The Environment Agency in their second response have removed their objection to the scheme. The applicant states in their Design and Access Statement that "There is an area of the site which is uneven with nom 300 deep hollows and ridges as shown on drawing CT5 . The proposal is to level out this area utilising on site material which will be reseeded as necessary". On the basis of the above it is not considered that the proposal would be contrary to the requirements of Hambleton Local Development Framework policy DP43.

5.6 The agent for the applicant has been asked to advise why the stable block contains a shower and an internal door which is not demonstrated on the proposed plans. The issue of the installation of a septic tank has also been raised with the agent for the applicant who advises that this is being shown as a 'field drain' on drawing labelled CT4. It is noted that the application form does not state in the description of the proposal that consent is being sought for the installation of a septic tank nor does the applicant make reference to a septic tank at part 11. The apparent use and works are in breach of planning control and beyond those included in this application there is no reason to conclude that planning permission would be granted for the development. Accordingly the matters will be pursued through Planning Enforcement procedures and do not need to influence the outcome of this application.

5.7 The comments of the Parish Council are noted. If the use of the building deviates away from stable accommodation a further planning application would be required and would be determined on its own merits.

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

SUMMARY

The development is not detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area and does not have an adverse impact on

highway safety. The scheme accords with the policies set out in the Local Development Framework and is therefore considered acceptable.

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

6.0 RECOMMENDATION:

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

1. Within 3 months of the date of this permission full details setting out how surface water from the hardstanding area is managed and the mitigation measures that will be provided to not increase flood risk off site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and retained thereafter.
2. No off-site material shall be brought to the application site to permit the levelling works to be undertaken.

The reasons are:-

1. In the interests of flood risk management in accordance with policy DP43 of the Hambleton Local Development Framework.
2. In the interests of flood risk management in accordance with policy DP43 of the Hambleton Local Development Framework.