

# **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 6 February 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 6<sup>th</sup> February 2014**

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>1</b>	13/02568/FUL Mr J Howe Aiskew  Page no. 3	Construction of a building to be used as a showroom, office and workshops plus formation of a new vehicular access  For: Lifetime Home Improvements Ltd At: Plot 2B, Conygarth Way, Leeming Bar Industrial Park, Leeming Bar  RECOMMENDATION: <b>GRANTED</b>
<b>2</b>	13/02179/OUT Mr T Wood Easingwold  Page no. 9	Outline application for the construction of 48 dwellings  For: Jomast Developments Limited At: Stillington Road, Easingwold  RECOMMENDATION: <b>GRANTED</b>
<b>3</b>	13/02183/OUT Mr T Wood Easingwold  Page no. 28	Outline application for the construction of a food store, petrol filling station, health uses, public open space, car parking and means of access  For: Jomast Developments /Graeme Nigel Burn and Pamela Mary Bacon At: York Road, Easingwold  RECOMMENDATION: <b>GRANTED</b>
<b>4</b>	13/02340/FUL Mr J Howe Hackforth  Page no. 48	Revised application for the demolition of existing dwelling and construction of 6 dwellings  For: N.C. Wilson Ltd At: The Bungalow, Hackforth  RECOMMENDATION: <b>GRANTED</b>
<b>5</b>	13/02559/FUL Mr J Howe Hackforth  Page no. 58	Revised application for the construction of 4 dwellings  For: Mr M Webster At: Land adjacent 4 - 5 Brookside, Hackforth  RECOMMENDATION: <b>GRANTED</b>
<b>6</b>	13/02530/FUL Mr J Howe Romanby  Page no. 69	Extensions to dwellinghouse  For: Mr & Mrs Andrew Price At: 26 Lees Lane, Romanby  RECOMMENDATION: <b>GRANTED</b>
<b>7</b>	13/01854/FUL Mr A Cunningham Sandhutton  Page no. 72	Erection of building and the use of land in connection with an agricultural contracting business  For: Agriwash UK Ltd At: Four Fields Sandhutton Lane Carlton Miniott  RECOMMENDATION: <b>REFUSED</b>

<p><b>8</b></p>	<p>13/02544/FUL Mr T Wood Sutton on the Forest</p> <p>Page no. 77</p>	<p>Change of use of agricultural to 8 pitch traveller caravan site, transit facility, construction of a stable block and five amenity buildings</p> <p>For: Mr E Whatnell At: OS Field 2619, Goose Lane, Sutton on the Forest</p> <p><b>RECOMMENDATION: GRANTED</b></p>
<p><b>9</b></p>	<p>13/02397/OUT Mr A Cunningham Thirsk</p> <p>Page no 89</p>	<p>Outline application for residential development for up to 36 dwellings</p> <p>For: Mr J R Barker &amp; Mrs R Taylor At: Land off St. Mary's Close, Thirsk</p> <p><b>RECOMMENDATION: GRANTED</b></p>
<p><b>10</b></p>	<p>13/01109/FUL Mrs J Low Seamer</p> <p>Page no. 104</p>	<p>Siting of a wind turbine (36m mast)</p> <p>For: Mr Colin Bainbridge At: Seamer Grange, Seamer</p> <p><b>RECOMMENDATION: GRANTED</b></p>
<p><b>11</b></p>	<p>13/02595/FUL Mr A Cunningham Topcliffe</p> <p>Page no. 117</p>	<p>Revised application for the construction of a warehouse and office/mess building with associated access, parking and drainage attenuation pond</p> <p>For: Wagg Foods Ltd At: Wagg Foods, Dalton Old Airfield Industrial Estate</p> <p><b>RECOMMENDATION: GRANTED</b></p>

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Target Date: 27 February 2014

13/02568/FUL

**Construction of a building to be used as a showroom, office and workshops plus formation of a new vehicular access.  
at Plot 2B Conygarth Way Leeming Bar Business Park Leeming Bar  
for Lifetime Home Improvements Ltd.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the construction of replacement, larger, premises at Conygarth Way on Phase Four of the Leeming Bar Business Park for Lifetime Home Improvements, a windows, doors and conservatory manufacturer. The business is located at present on a site off Plews Way on the original Leeming Bar Industrial estate from where it has operated for in excess of 30 years. This site is likely to be redeveloped for use by an adjacent existing food-related operator.

1.2 The proposed building is set within a plot of 0.4ha immediately adjacent to Newquip and Sayers Tankers, within the centre of Phase Four. The proposed steel framed building has an overall footprint of 18m x 42m x 6.8m to the pitched ridge and comprises a showroom and ancillary office and staff accommodation with two integral workshop/fabrication areas.

1.3 The front elevation would be constructed in facing brickwork with the side and rear elevations being plastic coated sheeting in colours sympathetic to buildings adjacent to be agreed. Staff, visitor and disabled car parking with van and cycle parking will be provided on the frontage of the site and within the compound yard. The business at present employs around 25 people and it is hoped that this number will increase following the move.

1.4 The application is reported to the Planning Committee as the site is owned by the Council.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 There have been no previous formal applications within the site. Phase Four of the Leeming Bar Business Park was permitted in 2004.

RELEVANT PLANNING POLICIES:

3.1 The relevant Local Policies within the Development Plan and National Policies are as follows;

Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP12 - Priorities for employment development  
Core Strategy Policy CP15 - Rural Regeneration  
Development Policies DP25 - Rural employment  
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Aiskew Parish Council: No response received.

4.2 Highways Agency: No objections

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

4.4 Health and Safety Executive: No Objections.

4.5 Yorkshire Water: Awaited.

4.6 Sabic Pipelines: No objections but wish to be advised of works within 50m of pipeline boundary.

4.7 Economic Development Officer: "As Economic Development we would support this application as it is providing a new site to an already established business within the Leeming Bar Industrial/Business Park Area. The re-location of this business will allow it to develop further and maintain the employment that it has created over the years. It should be noted that the Council is the landowner of this plot and the application fits in with the Development Brief for the site."

4.8 Police Architectural Liaison Officer: has requested additional statements and commitment from the applicant in respect of site security and these are currently being discussed.

4.9 The application was advertised by site notice and the three closest adjacent businesses were consulted. No adverse representations have been received.

## 5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the sustainable nature of the site location (Policies CP1, CP2 and CP4), the scale, design and materials proposed (Policies CP17 and DP32) together with the potential for the growth of an established local business as a result of the development (Policies CP12, CP15 and DP25). The contents of the National Planning Policy Framework (NPPF) are also relevant in this case and a financial contribution towards the provision of the Bedale Footpath and Cycleway Scheme in accordance with Policy ..... is also currently being negotiated with the applicant. A Unilateral Undertaking ensuring this will be completed prior to the issue of any planning permission.

5.2 The proposed building and associated layout is considered to be appropriate for this location within the Business Park. The mix of facing brickwork and plastic coated steel sheeting is a common feature of adjacent developments on the Phase Four area and the development is in accordance with the Council's Development Brief for the Business Park.

5.3 The applicants existing premises off Plews way are physically restricted and do not offer any potential for the growth of the business. It has been noted above that the business has operated on the Estate for in excess of 30 years and the applicant wishes to remain in the area. The plot now on offer does give additional space both immediately within the proposed building and with further, future, potential within the overall curtilage. It has also already been noted that the release of the applicant's existing premises is likely to facilitate growth by a current adjacent neighbour.

5.4 Paragraph 28 of the NPPF states that Planning Policies 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, it is indicated, support the growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing, and well-designed new, buildings. It is considered that the current proposal appropriately fulfils that aim.

5.5 The net increase in floor area between the applicant's existing premises and the

proposed new building will require a financial contribution towards the delivery of the Bedale Footpath and Cyclway facility. A draft Undertaking has been submitted and the precise figure is currently being negotiated. As noted above the Undertaking will be completed prior to the grant of planning permission.

5.6 The recommendation set out below is subject to additional conditions which may be received following the further observations of the Police Architectural Liaison Officer.

## SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework and Development Policies document in that the proposed development, within a fully sustainable Service Village location, will allow the expansion of a well established local business and release land to assist the expansion of another local employer within an adjacent location.

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:

**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 has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
  - (i) The access shall be constructed as a dropped kerb crossing of the footway to give a minimum carriageway width of 7.3 metres and that part of the access extending 10 metres into the site from the carriageway of the existing highway shall be made up and surfaced in accordance with Standard Detail number A2 and the Specification of the Local Highway Authority.
  - (ii) Any gates or barriers shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway.
  - (iii) That part of the access extending 10 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:15.
  - (iv) The final surfacing of any private access and parking area within 10 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 agreed 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 43 metres measured along both channel lines of the major road Conygarth Way 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. 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 (Reference 567/13/02 Rev.A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

6. 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.

7. 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. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

8. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs adjacent to the southern and eastern boundaries the , 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.

9. The development shall not be commenced until details relating to boundary walls, gates, fences and all other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority

10. The development shall not be commenced until the boundary walls, gates, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 9 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.



11. 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.

12. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (ref 567/13-02 Rev.A; 567/13-03 Rev.A; 567/13-04 Rev.A) received by Hambleton District Council on 11th December 2013 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In 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 interests of road safety.
5. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
6. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
7. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
8. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining development in accordance with Local Development Framework Policies CP16 and DP30.
9. To ensure that the development is appropriate to the character, safety and appearance of its surroundings.
10. To ensure that the development is appropriate to the character, safety and appearance of its surroundings.
11. 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 Policies CP17 and DP32.
12. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.

*Attention is drawn to the following Informatives:-*

1. You are advised that in respect of condition 3 above a separate licence will be required from the Highway Authority in order to allow any works in the adopted

highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

2. An explanation of the terms used in condition 4 above above is available from the Highways Authority.

**Parish:** Easingwold  
**Ward:** Easingwold

**Committee Date:** 06 February 2014  
**Officer dealing:** Mr Tim Wood  
**Target Date:** 14 January 2014

## 2

**13/02179/OUT**

**Outline application for the construction of 48 dwellings  
at OS Field 3324, Stillington Road, Easingwold, North Yorkshire, YO61 3JD,  
for Jomast Developments Limited**

### **1.0 PROPOSAL AND SITE DESCRIPTION**

- 1.1 Outline planning permission is sought for the construction of 48 dwellings on land to the south of Stillington Road, Easingwold. The means of access to the site is to be considered now, with all other details to be considered at the 'reserved matters' stage. An indicative site plan has been submitted showing the layout of plots, roads, footpaths and distribution of affordable housing, bungalows and flats.
- 1.2 The indicative details and planning statement show a mix of 2, 3 and 4 bedroom units in single and two storey dwellings. Following assessment of the viability of the scheme it is proposed that a mix of 2 and 3 bedroom dwellings and flats comprising 25% of the dwellings are to be 'affordable'.
- 1.3 The site extends to 1.7 hectares. 48 dwellings on a site of 1.7 hectares equates to a density of 28.2 dwellings per hectares.
- 1.4 The land is in agricultural use and is currently grassland. To the west is the residential estate of Ingleton Drive and Sandholme Close, to the east is a dwelling and garden of "Nine Acre". In total the site bounds on to the gardens of 10 dwellings and the Stillington Road, Industrial Estate comprising Oaklands Way and Birch Way. To the south of the site is the Redrow Homes residential development and to the north is Stillington Road.
- 1.5 The site lies within the Development Limits of Easingwold. The site is within the area allocated under Policy EM1 as a mixed development site.
- 1.6 A Tree Preservation Order was made in 2012 (TPO 2012/1) in respect of five trees on the Stillington Road frontage. A tree survey has been submitted in support of the application and records that there are, 9 individual trees, 1 group of trees and 1 hedge within the site. Three trees were recorded to be 'U' category, indicating that they should be removed. Two trees T5 and T6 that stand adjacent to Stillington Road are recommended to be removed as soon as practically possible for health and safety reasons due to their location adjacent to the road. A further tree, T3 (not included in the TPO 2012/1) is recommended to be removed to prevent it from becoming dangerous. The remainder of the surveyed trees are allocated to retention categories B and C indicating that retention is desirable or trees which could be retained. All the trees and hedges lie on the boundaries of the site.
- 1.7 A vehicular access to Stillington Road is shown. A 3 metre wide linking footway to Oxmoor Place (part of the Redrow Homes estate to the south is shown on amended plans.
- 1.8 No public rights of way exist within or adjoining the land.

- 1.9 The existing ground levels of the land range from a high point of 26.8 metres above ordnance datum (AOD) close to Stillington Road to a low point of 24.86 AOD close to the southern boundary with the Redrow site. The land is about 1 metre lower than the housing estate to the west, but is 0.5 metres higher than the Industrial Estate to the east.
- 1.10 The site lies within Flood Zone 1, less than 1 in 1000 risk of flooding and is classified as 'low probability'. A risk exists of groundwater flooding and the Flood Risk Assessment states that the site levels will be raised by between 0.5 and 1.0 metres. It is noted that there is insufficient freeboard between property levels and the groundwater level to enable the use of soakaways. A preliminary drainage strategy has been prepared.

## **2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY**

- 2.1 2/94/041/0506A Outline application for residential development - Refused 6 June 1994
- 2.2 11/01018/SCR Request for Environmental Impact Assessment Regulations 1999 screening opinion in respect of a mixed use residential and commercial development – Decided 15 June 2011 Environmental Statement Not Required

## **3.0 RELEVANT PLANNING POLICIES**

### The National Planning Policy Framework – March 2012

- 3.1 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. Whilst the NPPF should be read as whole, Section 6 "*Delivering a wide choice of high quality homes*", Section 7 "*Requiring Good Design*" and Section 8 "*Promoting Healthy Communities*" are particularly relevant, due to their reference to housing delivery, affordable housing and recreation facilities.
- 3.2 The relevant policies of the Development Plan and any supplementary planning documents are as follows:

### Core Strategy Development Plan Document – Adopted April 2007

- CP1 - Sustainable development
- CP2 - Access
- 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
- CP10 – Scale, distribution of new employment development
- CP10A - Scale, distribution of new employment development by sub-area
- 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  
DP13 - Achieving and maintaining the right mix of housing  
DP15 - Promoting and maintaining affordable housing  
DP17 – Retention of employment sites  
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  
DP37 - Open space, sport and recreation  
DP39 - Recreational links  
DP43 - Flooding and floodplains

#### Allocations Development Plan Document – Adopted December 2010

EM1 – Mixed uses Stillington Road/York Road  
EH1 – Ward Trailers, York Road, Easingwold  
EH2 – Kellbalk Lane & East of Oxenby Place, Easingwold  
EH3 – North of Meadow Spring Way, Easingwold

#### 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  
Hambleton Biodiversity Action Plan

## **4.0 CONSULTATIONS**

### Easingwold Town Council

4.1 Wish to see APPROVED in principle with the following requirements taken into account:

1. Wish to see the access point relocated to opposite Leasemires Avenue and install a full size roundabout. This would have the benefit of slowing traffic down and take account of the likely flows of future developments.
2. Wish to see a mix of low cost 'starter' homes, bungalows and 3 & 4 bedroom properties.
3. Concerns over increased traffic on Stillington Road joining the junction to access Long Street and York Road.
4. Serious concerns over drainage (surface water and foul) and how it will be managed. If the application is approved there should be financial provision for Yorkshire Water to significantly upgrade their systems in Easingwold.

### NYCC Highways

4.2 Recommend conditions relating to construction standards, parking provision and inter-visibility. Also that a sum of £40,000 should be set aside to develop and manage a travel plan for the site.

#### NYCC Education

- 4.3 Seeks a sum towards the costs of providing primary school places

#### NYCC Archaeologist

- 4.4 Notes the potential for archaeological features to survive within the northern part of the site. A condition should be appended to the scheme to require recording as excavations are undertaken and analysis, reporting, archiving and display of the results.

#### HDC Senior Engineer

- 4.5 Advises that the scheme is within Flood Zone 1 and is at low risk from fluvial flooding. The development is acceptable subject to design measures to control the rate of discharge of surface water from the site and measures to prevent harm through groundwater flooding.

#### HDC Environmental Health Officer

- 4.6 The EHO advises that there is no objection in principle, however make the following observations:

The residential development shares a boundary with the existing industrial estate and should full permission be sort the EHO would wish to see the amenity of properties along this boundary protected.

The proposals for the residential development indicate that renewable energy sources e.g. air source heat pumps may be utilised. In some circumstances these may give rise to complaints of excessive noise and the EHO would wish to see details demonstrating that no loss of amenity will result.

#### HDC Sustainable Development Officer

- 4.7 Advocates: (a) a roundabout access opposite Leasemires Road to provide a traffic calming feature; (b) that the Public Open Space needs to be in a central position to achieve overlooking and accessibility; (c) small dwellings to meet needs; (d) sustainable drainage, construction, design and transport.

#### HDC Leisure Services Officer

- 4.8 For the number of houses on this development there should be some public open space / play / recreation provision on site. The Open Space SPD / DP37 recommends that there is amenity green space and play areas for children provided on developments with 10-79 houses. Plus, there is a quantitative deficiency in amenity green space, children's play and outdoor sports facilities in Easingwold.

#### Yorkshire Water

- 4.9 Comments awaited

#### Internal Drainage Board

- 4.10 The Kyle and Upper Ouse Internal Drainage board object to the application subject to clarification of the surface water discharge arrangements and to agreeing access for essential maintenance to the Board maintained watercourse, Lease Mires Drain, which runs along the eastern boundary of the proposed site.

#### The Environment Agency

- 4.11 Provided the proposed development is carried out in accordance with the submitted Flood Risk Assessment, the Environment Agency has no objections.

Police Architectural Liaison Officer

- 4.12 Provides the following recommendations:

4.13 **Recommendation 1.**

I would recommend that these houses actually attain Secured By Design Certification, and not just conform to the principles, or 'aims' of Secured By Design, (SBD),

**Recommendation 2.**

Adequate security must 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.

Network Rail

- 4.14 Network Rail has no observations to make

**Public Consultation**

Pre-Application Consultation

- 4.15 A programme of community consultation has been undertaken culminating in a public exhibition on 25 September in the Galtres Centre. The consultation related to both the Stillington Road (housing) and York Road (food store) sites. A Community Consultation Statement was submitted alongside the other application documents.

- 4.16 The report on Consultations refers to the 59% of support for the residential development.

Application Representations Received

- 4.17 Representation has been received from 1 neighbour. The issues raised relate to the following matters:

- Construction noise,
- Flood risk (from surface water) following the elevation of the dwellings on the site and if the drainage scheme (both surface water and foul) is inadequate,
- Overlooking from the new properties,
- Loss of trees,
- Lack of infrastructure capacity within the Town (water supply, drainage, doctors, dentists and schools).

**5.0 OBSERVATIONS**

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

- a) Safeguarding employment land
- b) Scale & Distribution of Development
- c) Housing Mix, Type & Tenure
- d) Public Open Space
- e) Education
- f) Highways Issues
- g) Drainage & Flood Risk

- h) Design & Layout
- i) Sustainable Construction
- j) Landscape & Visual Impact
- k) Trees & Ecology
- l) Archaeology
- m) Infrastructure & Services
- n) Community Engagement

### **Safeguarding employment land**

- 5.2 The application site is within the Allocation site EM1 – Mixed uses Stillington Road/York Road. The allocation sought to achieve “B1 employment uses, together with health and small retail facility uses (2.5ha) at the north of the site accessed from Stillington Road.”
- 5.3 The proposal for residential development would result in the loss of the land for the allocated purposes. The application documents includes an “Employment Land Assessment” prepared for the applicant by Storey Edward Symmons, that considers whether the loss of the site for employment purposes (and the foodstore and petrol filling station in proposal 13/02183/OUT) can be justified having regard to planning policy and to the market for employment land and premises. The authors of the report set themselves 5 tests. These are set out below with a summary of the findings on each test.

**Test 1:** On an objective assessment of needs, is there an appropriate provision of employment land within Hambleton district and the Easingwold sub-area?

Finding: that there is a 34-year supply of employment land within the Easingwold sub-area, that a reduced supply would not harm the prospects for economic development and the LDF Allocation 2010 was based on out of date evidence.

**Test 2:** Is there a reasonable prospect of the Application Sites being used for employment purposes or, having regard to market signals, should alternative uses of the sites be considered?

Finding: that the employment development that has taken in the Easingwold sub-area has not been on allocated sites and that the application site has been marketed and no offers received during the last 2 years. Market signals are that there is no reasonable prospect that the land will come forward for employment use.

**Test 3:** Is employment use of these sites essential for a strong rural economy?

Finding: that the planning policy change in the NPPF encourages rural employment and that developments since 2004 have been on land out with the sub-area’s settlements. Allocated employment sites that require provision of infrastructure will make little contribution to the rural economy.

**Test 4:** Do the Application Sites contribute to the range and choice of available sites?

Finding: there are 5 other sites within the sub-area of similar size and in 11 in the District and have little to distinguish them from other sites that are available.

**Test 5:** Is there a shortage or surplus of employment premises in the district and sub-area?

Finding: there is no shortage of office or industrial floor space and a 42% vacancy rate of all office space in the Easingwold sub-area.



### 5.3 The summary states:

On all the evidence there is no realistic prospect of the Application Sites being used for employment purposes, nor do they represent an essential part of the employment land supply. Their development for alternative uses would help to reduce the oversupply of employment land within both the district and sub-area and allow the development of uses for which there is greater need.

- 5.4 Detailed assessment of the case made by the applicant has been undertaken and concludes that on the evidence available the site does not need to be retained for employment uses and that the guidance in the NPPF supports the release of employment land in these circumstances. This would also have the comparative advantage of allowing for increased housing provision within existing development limits. DP17 does not require that all criteria are met, therefore the proposed development is considered to comply with DP17 and NPPF paragraph 22, primarily on the basis of the marketing evidence submitted which indicates that the site is unlikely to come forward for development.

### **Scale, Distribution and Timing of Development**

- 5.5 The proposed scheme would provide 48 dwellings, within the Service Centre of Easingwold. Spatial Principle 2 of the adopted Core Strategy defines the Easingwold 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. The site is part of a larger allocation (Policy EM1) for a mix of housing, employment and other uses. The northern part, the subject of this application, is allocated for Use Class B1 employment uses, together with health and small retail facility uses. The central part was allocated for housing, this is currently being developed by Redrow Homes. The southern part was allocated for Use Class B2/B8 employment uses and is the subject of application 13/02183/OUT .
- 5.6 Approval of additional housing land in the Easingwold Sub Area would assist the Council in meeting the Government's aim to increase the supply of housing.
- 5.7 At least two thirds of all new housing within the Easingwold Sub Area should be provided within Easingwold Service Centre (CP6 1.). With an annual District requirement of 420 dwellings per annum (five years' supply plus 20% plus backlog), the Easingwold Sub Area would be expected to deliver around 59 dwellings per annum, around 39 of which should be within the Service Centre (2011-2016). Post 2016, 11% of the District's requirement should be within the Easingwold Sub Area. This equates to around 46 dwellings per annum in the Sub Area and around 31 dwellings per annum in the Service Centre.
- 5.8 The Council's recent survey of supply for the Easingwold Sub Area indicates that 348 dwellings could be delivered within five years based on existing permissions and allocations. This is beyond the five-year requirement with additional 20% buffer and compensating for under-supply in previous years. An additional 48 dwellings would lead to a supply of 396 dwellings. This would be 166 dwellings more than the Sub Area's requirement based on the Council's policies for housing distribution.

### **Housing Mix, Type & Tenure**

- 5.9 The proposed mix of 48 homes comprising 2, 3, and 4 bedroom homes, including bungalows and apartments, is welcomed, particularly the provision of some bungalows to provide a type of housing suited to older people's needs. Local market research undertaken by the Housing Manager in November 2013 highlighted demand for 2 bedroom bungalows from people wanting to downsize and live close to the centre of Easingwold. Currently only four bungalows are proposed, two of which are

larger detached. Swapping these larger properties for smaller 2 bedroom bungalows would probably better satisfy market demand and offer the potential for more bungalows on the site.

- 5.10 The applicant's planning support statement indicates a willingness to provide 30 or 31% (both figures are referred to within the statement) affordable housing subject to a viability appraisal. 30% affordable housing would equate to 14 units & 31% to 15 affordable dwellings. This is well short of the Council's 50% target, which equates to 24 dwellings. The agent has submitted an indicative layout plan of the scheme on which only 9 affordable homes are identified (equating to 19%). The size, type and tenure of these dwellings has not been detailed instead, the planning support statement proposes that the mix of affordable will be agreed during the determination period.
- 5.11 Following appraisal of the development finances and negotiation, the applicant has increased the affordable housing offer to 12 dwellings, 25% of the total. This has been achieved by reducing profit levels and whilst a welcome improvement, it is significantly below the Council's 50% target. Advice is awaited from the Council's consultants Mouchel following an open book assessment and is expected to confirm that the offer is reasonable.
- 5.12 To meet local housing needs the affordable homes should be a mixture of two and three bedroom homes for general needs with some provision of housing for older people including two bedroom bungalows. The type, mix, tenure and location of these homes must be agreed with the Housing Manager.
- 5.13 The Housing Manager notes that at the reserved matters stage the affordable homes should be clearly shown on a site layout plan indicating their tenure and submitted with a schedule confirming plot numbers, property types/sizes/tenures and transfer prices. The tenure should comprise a mixture of social rented and intermediate tenure (normally 70/30 split) and the homes should be 'pepper-potted' throughout the development in clusters (of no more than 8 dwellings). The minimum size and transfer price of these homes must accord with the schedule contained in the Council's Affordable Housing SPD.

### **Public Open Space**

- 5.14 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.
- 5.15 Section 4 of the Open Space, Sport & Recreation Supplementary Planning Document (Open Space SPD) identifies that developments of between 10 and 79 dwellings should make provision for amenity green space and play areas for children 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 Public Open Space in all sub areas (see paragraph 4.12 of the Open Space SPD).
- 5.16 The illustrative layout plan shows a small area of Public Open Space (POS) that is also to provide the pedestrian and cycle link to the neighbouring residential development. Details of the layout of the site are reserved matters and the amount of open space to be provided on site and the level of contribution towards improving off-site provision elsewhere can be secured by a Planning Obligation. 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.

- 5.17 The viability assessment includes a contribution towards POS of £125,431.

### **Education**

- 5.18 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 and 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.
- 5.19 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
- 5.20 NYCC Children and Young Peoples Service had previously identified a shortfall of 2,466 sqm of recreation space at Easingwold Community Primary School. This shortfall is comprised of 2,330 sqm of team game playing fields and 144 sqm of informal and social areas with a small surplus of 28 sqm for hard standing playground. This calculation is based on current attendance of 283 pupils, not taking into account numbers expected through recent planning permissions at EM1 (Redrow) and Ward Trailers. A further increase in pupil numbers as a result of this development would further increase this shortfall in provision.
- 5.21 NYCC Children and Young Peoples Service has confirmed that 12 pupils would be generated by the development which would be part of an overall shortfall of 30 places at Easingwold Community Primary School. Therefore, a contribution of £163,152 has been requested and has been incorporated within the viability assessment prepared for the scheme.

### **Highways Issues**

- 5.22 A Framework Travel Plan has been submitted with the application. The Framework Travel Plan (FTP) seeks to promote sustainable travel by residents. The FTP makes reference to the objectives of the NPPF, the NYCC Local Transport Plan and the LDF that focus on maximising walking, cycling and public transport and reducing the use of the private car. The commentary of the FTP concludes noting:

“It can be concluded that the proposed development is well located with respect to nearby bus stops and local facilities. The site can be accessed by a range of transport modes thereby highlighting the accessibility of the site in transport terms. It can be seen that walking, together with public transport and cycle use, will provide a safe, convenient alternative transport mode for trips to / from the development.

The site will also be designed to facilitate easy movement for pedestrians including those with mobility impairments to enhance and compliment existing infrastructure and services.”

- 5.23 The FTP refers to the role of a Travel Plan co-ordinator to promote the sustainable travel options to new residents and to monitor and review actions to continue to promote sustainable travel. The Local Highway Authority has raised no objections subject to conditions and recommends that a commuted sum be provided to fund the role of Travel Plan co-ordinator.

## **Flood Risk & Drainage**

- 5.24 Policy DP43 of the adopted 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.
- 5.25 A Flood Risk Assessment (FRA) produced by JNP Group Consulting Engineers has been submitted with the application. The FRA confirms that site can be classified as being within Flood Zone 1, an area with low flood risk, and is outside the flood envelope of all other identified sources of flood potential and records that residential development within Flood Zone 1 does not need to be subjected to the Sequential Test set out in the NPPF.
- 5.26 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.
- 5.27 The Applicant's drainage proposals at Annexe G of the Flood Risk Assessment include raising the ground level of the site to 26.0m Above Ordnance Datum. It states that:

"A pipe network will convey the surface water discharge to an existing drainage ditch maintained by the Kyle and Upper Ouse Internal Drainage Board. This ditch then discharges into Hawk Hills Beck and River Kyle.

From Yorkshire Water sewer records an existing 225 dia. surface water sewer is identified as crossing the site. To accommodate the proposed development, a diversion will be required. A possible solution is indicated on the proposed drainage strategy subject to Yorkshire Water approval.

Given the ground conditions and risk of groundwater flooding a proposed land drain located to the south of the site will reduce ground water levels.

The foul water will positively drain to a pumping station located to the south of the site and be pumped up to the Yorkshire Water foul sewer located in Stillington Road. The foul water drainage including the pumping station will be built to adoptable standards with the intention of adoption subject to Yorkshire Water approval."

- 5.28 An objection was raised by the Internal Drainage Board (IDB) regarding surface water discharge arrangements and access for essential maintenance to Lease Mires Drain. Details have been submitted to show the provision of access points to Lease Mires Drain for maintenance; however the objection of the IDB has not been withdrawn.
- 5.29 The response of Yorkshire Water is awaited. However as noted above the scheme is found by the Council's Senior Engineer to be capable of being drained.

## **Design & Layout**

- 5.30 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.

- 5.31 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
- 5.32 The application is submitted in outline form with only the means of access to be considered at the outline stage. The detailed design (including the impact on neighbours) and density would be determined at a later date through the submission of reserved matters applications.
- 5.33 Notwithstanding the need for future reserved matters applications, an indicative masterplan has been submitted with the application and shows how a development of 48 dwellings and includes reference to the size of dwellings and the provision of bungalows.
- 5.34 The broad principles of the illustrative layout are considered to be acceptable. However, the Council would expect further pre-application discussions to take place, concerning external appearance, design and layout, in advance of any reserved matters application.
- 5.35 The residential amenity of the existing neighbouring residential estates would be safeguarded by the residential development of the land. The Stillington Road Business Park includes both offices, industrial, and storage and distribution uses. The layout of the site and design detailing of future dwellings will need to consider the potential impacts of these uses on residents amenity. There is no overarching objection to the development on these grounds.

#### **Sustainable Construction**

- 5.36 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.
- 5.37 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**

- 5.38 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.
- 5.39 The site is between two residential estates (existing and under-construction) and an industrial estate with road frontage to Stillington Road. Whilst views from the neighbour properties would be affected by the development the impact would not be so substantial or adverse to justify a refusal of planning permission. The indicative site layout shows the bungalows to adjoin some of the existing residential property. The loss of view over an open field is not a material planning consideration.

#### **Trees & Ecology**

- 5.40 An 'Arboricultural Report and Arboricultural Impact Assessment' has been produced by JCA Ltd. 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*'.
- 5.41 The tree stock was found to comprise 9 trees, 1 group and a hedge, ranging from young to over-mature. None of the trees were found to be of the highest quality 'Category A'. Trees on the Stillington Road frontage are the subject of a Tree Preservation Order.
- 5.42 The proposed position of the access requires the removal of T4, the report considers the tree to have a limited life expectancy of 10 to 20 years. Inspection by the landowners tree surgeon during remedial work to remove Ivy has revealed significant signs of decay on T4 and notice is to be served to undertake works make the tree safe.
- 5.43 Trees T5 and T6 (that are TPO'd) also on the Stillington Road frontage are identified for removal as a high priority to overcome the risks posed from the wounds, decay and form of the tree. Removal of Ivy around the tree will enable further inspection. T3 on the frontage is also listed for removal. Other trees and the hedgerow around the site (which are not to the subject of a TPO) are not noted to require significant works at this time.

### **Archaeology**

- 5.44 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."
- 5.45 No assessment has been submitted with the application. Advice of the NYCC Archaeology unit is awaited.

### **Infrastructure & Services**

- 5.46 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
- 5.47 Concern has been raised about the impact of the development on existing 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. The site has been identified and subsequently allocated for development in the LDF Allocations document enabling the service providers to prepare their investment plans to meet the needs of future developments.
- 5.48 The Primary Care Trust's responsibilities have recently been transferred to the Clinical Commissioning Group (CCG). 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**

- 5.49 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.
- 5.50 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.
- 5.51 The Council's SCI makes clear that developers should discuss and agree the exact nature of consultation in advance. In this case the applicants have undertaken pre-application engagement as sought by the NPPF and local policies. The application documents show how the process of engagement has shaped the proposals through incorporating the following elements in response to locally expressed needs and preferences:
- Single storey dwellings;
  - Affordable housing;
  - Small dwellings.

In addition, footway and cycleway links do not enter Ingleton Drive in response to the issues raised by neighbouring residents.

### **Summary**

There is no need to retain the land for employment uses. There is no evidence to show the land is required to support the retailing function of the town. No evidence that health care needs of the town can only be fulfilled by the provision of facilities on this land. A proposal has been made to provide for health care as part of a proposal for a foodstore and PFS

The issues of drainage can be addressed by physical measures within the site and off site by the Statutory Undertaker and controlled by planning condition

The provision of housing on the site would avoid harm to the residential amenity of neighbouring residential property. Subject to suitable design detail the provision of additional housing will not be adversely effected by the neighbouring Business Park or impact upon on the viability of businesses within the Business Park.

## **6.0 RECOMMENDATION**

6.1 The planning permission is **GRANTED** subject to:

- (a) The completion of a planning obligation in respect of (i) the provision of affordable housing on site; (ii) a financial contribution towards local education provision; and (ii) a financial contribution towards local open space, sport and recreation provision; and

(b) Subject to the following conditions.

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval

of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: the siting, design and external appearance of each building, including a schedule of external materials to be used; the landscaping of the site.

3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

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

5. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses.

6. No part of the existing boundary hedge along the south, east and western boundary(ies) of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 2.5 metres other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.

7. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.

8. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 7 above.

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 validation report detailing all works carried out has been submitted to and approved in writing by the local planning authority.



10. 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) The proposed buildings and site layout, including levels
    - (e) Accesses and driveways
    - (f) Drainage and sewerage system
    - (g) Lining and signing
    - (h) Traffic calming measures
    - (i) 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.

11. 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.

12. 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.

13. 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 59 metres measured along both channel lines of the major road Stillington 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.

14. 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 visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre 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.

15. HC-12a Approval of Details for Works in the Highway  
Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

(i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority.

(ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.

(iii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

a. Provision of tactile paving

b. Erection of new 40 mph speed limit signs and relocation of the 30 mph speed limit and gate way features on Stillington Road

16. The development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number: Erection of new 40 mph speed limit signs and relocation of the 30 mph speed limit and gate way features on Stillington Road

17. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

(i) tactile paving

(ii) vehicular, cycle, and pedestrian accesses

(iii) vehicular and cycle parking

(iv) vehicular turning arrangements

(v) manoeuvring arrangements

(vi) loading and unloading arrangements.

18. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing following the reserved matters submission. Once created these parking areas shall be

maintained clear of any obstruction and retained for their intended purpose at all times.

19. 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.

20. 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.

21. During construction works there shall be no:  
(a) Light Goods Vehicles exceeding 3.5 tonnes; or  
(b) Medium Goods Vehicles up to 7.5 tonnes; or  
(c) Heavy Goods Vehicles exceeding 7.5 tonnes  
permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 9:00 to 15:00 on Mondays to Fridays and 7:30 to 12:30 on Saturdays.

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

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

The approved areas shall be kept available for their intended use at all times that construction works are in operation.

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy .
5. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.

6. The trees are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.
7. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
8. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
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 CP21.
10. In accordance with Policy and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
11. In accordance with Policy and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
12. In accordance with Policy and in the interests of highway safety.
13. In accordance with Policy CP1, CP2, DP3 and DP4 and in the interests of road safety
14. In accordance with Policy CP1, CP2 and DP4 and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.
15. In accordance with Policy CP1, CP2, DP3 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
16. In accordance with Policy CP1, CP2, DP3 and DP4 and in the interests of the safety and convenience of highway users.
17. In accordance with Policy CP1, DP3 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
18. In accordance with Policy CP1, CP2, DP3 and DP4 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
19. In accordance with Policy CP1, CP2 and DP3 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
20. In accordance with Policy CP1 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
21. In accordance with Policy CP1 and to avoid conflict with vulnerable road users.

22. In accordance with Policy CP1, CP2 and DP3 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

*Attention is drawn to the following Informatives:-*

1. In imposing the above condition it is recommended that before a detailed planning submission is made a draft layout be produced and be the subject of a discussion between the applicant, the Local Planning Authority and the Local Highway Authority in order to avoid abortive work. The agreed drawings must finally be approved by the Local Planning Authority for the purpose of this condition.

# 3

## 13/02183/OUT

**Outline application for the construction of a foodstore, petrol filling station, health uses, public open space, car parking and means of access.  
at York Road Easingwold North Yorkshire  
for Jomast Developments / Graeme Nigel Burn And Pamela Mary Bacon**

### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 The proposal is in outline, the only matter of detail to be considered at this stage is access to the site. The matters of appearance, landscaping, layout and scale are reserved for later approval if outline permission is granted.

1.2 The site area is 3.20 hectares. The proposal relates to 3,490 square metres (gross new internal floor space) of A1 retail use. The retail proposal is for a foodstore. Additional floor space is proposed for the health uses (no indication is given on the type or range of uses) 930 square metres, and a petrol filling station kiosk of 70 square metres.

1.3 The application estimates that the total number of employees on the site would be 194.

1.4 A single new access is proposed to be formed from York Road, from a point south of the boundary of the allocated land in Policy EM1. The access details include a widening on the east side of the road to provide a right turn lane in to the site. A simple priority ('T' junction) is shown to access the site.

1.5 The indicative plans show the provision of an area of landscape at the front of the site, behind which a petrol filling station with kiosk and canopy are indicated, beyond which is a car parking area in front of the foodstore. To the rear of the foodstore an area of public open space is shown. The open space area is to the south and west of the Redrow housing development area of Public Open Space and flood water attenuation.

1.6 A series of options for the layout of the site were demonstrate in the Community Consultation Documents, this reports that the layout favoured by local people is the one shown in the application documents. The layout shown is however indicative and all matters except the access are reserved for later approval.

1.7 The site is within the area identified with the Allocations Document DPD Policy EM1 except for the access that extends at most 20 metres beyond the allocated land extending the area of the site from about 31,000 square metres to 31,995 square metres.

1.8 The area between York Road and Stillington Road was allocated for mixed uses in the adopted Allocations DPD. Allocation EM1 was for 8.6 hectares of land (2.6 hectares for housing and 6.0 hectares for employment and other uses). The southern part of the allocation is "B2/B8 uses (3.5 hectares), accessed from York Road"

### 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 None relevant to the application site.

2.2 A planning application, 11/02245/FUL, was made for 5 dwellings, a retail foodstore (class A1) with associated parking, servicing and landscaping on the nearby former Falcon Office Furniture site on Stillington Road. The application was resolved to be

refused by the Planning Committee but was made the subject of an appeal for non-determination, the appeal was subsequently withdrawn prior to consideration by the Planning Inspector. The Council had decided that the application should have been refused on the following grounds:

1. Adverse impact on the vitality and viability of Easingwold Town Centre and surrounding village shops, including local consumer choice.
2. Serious harm to the living conditions of the occupiers of residential properties within Galtres Drive, George Long Mews, Stillington Road and Leasmires Avenue by virtue of its overbearing nature and enclosing effect. In addition, insufficient information has been submitted to demonstrate that noise and disturbance generated by the foodstore and associated car park will not have a detrimental impact on the amenity of nearby residents.
3. Interference with the free flow of traffic with consequent danger to highway users by virtue of its proximity to existing junctions.
4. The absence of adequate on-site parking space for the proposed foodstore resulting in vehicles being parked outside the site on the highway to the detriment of the free flow of traffic and road safety.
5. The detrimental impact on the visual amenity of the streetscene through the loss of key landscape features (a cherry tree and an oak tree).
6. The failure to minimise opportunities for crime due to the seclusion of the proposed residential parking area.
7. Failure to deliver any open space, sport and recreation facilities.

### 3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant Local Policies within the Development Plan and National Policies 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 CP12 - Priorities for employment development  
Core Strategy Policy CP14 - Retail and town centre development  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP18 - Prudent use of natural resources  
Core Strategy Policy CP19 - Recreational facilities and amenity open space  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP5 - Community facilities  
Development Policies DP6 - Utilities and infrastructure  
Development Policies DP17 - Retention of employment sites  
Development Policies DP23 - Major out of centre shopping and leisure proposals  
Development Policies DP29 - Archaeology  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation

Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP34 - Sustainable energy  
Development Policies DP43 - Flooding and floodplains  
Hambleton Biodiversity Action Plan  
National Planning Policy Framework - published 27 March 2012

3.2 The Allocations Document DPD Policy EM1 makes reference to the development of the land for mixed uses and comprises 8.6 hectares of land, 2.6 hectares for housing and 6.0 hectares for employment and other uses. The Policy EM1 makes 10 requirements, 7 of which are relevant to the development of the southern part of the site and are set out below:

- iv. employment development (6.0ha) being in two distinct parts: B1 employment uses, together with health and small retail facility uses (2.5ha) at the north of the site, accessed from Stillington Road, and B2/B8 uses (3.5ha) at the south of the site, accessed from York Road;
- v. the design and nature of the B1, B2 and B8 employment developments should be set in high quality environments and respect the proximity of the neighbouring housing (existing and proposed);
- vi. the main access points to the site being taken from York Road with a secondary access point from Stillington Road with no vehicular links between the two;
- vii. provision of any necessary improvements to the existing drainage system or appropriate and suitable alternative drainage methods;
- viii. provision of landscaping to the southern part of the site, and between the housing and B1 and B2/B8 development;
- ix. contributions from the developer towards the costs of a Sports Hall at Easingwold Secondary School, cycle or footpath links within the site and to other existing or proposed footpaths/cycleways, and, if required, drainage and sewerage infrastructure; and,
- x. contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

#### 4.0 CONSULTATIONS

4.1 Easingwold Town Council - Wish to see the application approved but have serious concerns over drainage (surface water and foul) and how it will be managed. If the application is approved there should be financial provision for Yorkshire Water to significantly upgrade their systems in Easingwold.

The council particularly welcomes a petrol station. It believes this to be a more suitable location for such a development. However it is concerned over the safety of the proposed access from York Road into the site. It also feels that the access road should be on the opposite side away from residential properties.

The Town Council wishes to request a row in the car park of the proposed supermarket for long stay commuter use.

4.2 NYCC Highway Authority – Make recommendation that subject to conditions and the provision of a roundabout at the end of Stillington Road and a sum for the implementation of a Travel Plan.

4.3 Yorkshire Water - object to the application as submitted as the building is shown sited over the public water supply. Amendment is invited to overcome the problem.



Conditions are also recommended in the event that permission is granted.

4.4 Environment Agency - No objections; provide comments that a condition should be imposed regarding surface water disposal, to have regarding to specific advice regarding groundwater issues, the developer should address risks to controlled waters using the NPPF's guidance and our 'Guiding principles for land contamination' document. In respect of flood risk/surface water they state that provided the development is carried out in accordance with the submitted FRA, we have no objections.

If the applicant intends discharging surface water runoff into the Kyle and Upper Ouse IDB System, the discharge rate (including any associated drainage design) and amount of attenuation storage should be agreed with the IDB.

4.5 Environmental Health – Scientific - The proposed development includes a petrol filling station which is a category of industrial activity regulated by the local authority under the Environmental Permitting (England and Wales) Regulations 2010 (As Amended).

I would recommend an informative to the applicant as follows:

"The applicant is reminded that the operation of a petrol filling station is subject to local authority control under the Environmental Permitting (England and Wales) Regulations 2010 (As Amended). The unloading of petrol into stationary storage tanks at a service station (if the total quantity of petrol unloaded into such tanks at the service station in any 12 month period is likely to be 500m<sup>3</sup> or more) and motor vehicle refuelling activities at a new service station (if the petrol refuelling throughput at the service station in any 12 month period is likely to be 500m<sup>3</sup> or more) are classed as 'Part B' activities regulated by the local authority under an 'Environmental Permit'.

Prior to operation of the petrol filling station the proposed operator must make an application to the local authority for an environmental permit. Operating a Part B activity without an environmental permit is an offence which may lead to prosecution.

4.6 EHO - The layout for the supermarket site is not that preferred by those contributing to the consultation exercise, however, the layout places the noisy delivery/service operation alongside the residential development. It is recommended that the layout be revised to protect the future residential occupiers from the noises associated with delivery and service operations

4.7 HDC Senior Engineer - advises that the scheme is within Flood Zone 1 and is at low risk from fluvial flooding. The development is acceptable subject to design measures to control the rate of discharge of surface water from the site and measures to prevent harm through groundwater flooding.

4.8 Network Rail - No observations.

4.9 North Yorkshire Police Architectural Liaison Officer - makes recommendations and does not advise against granting planning permission. The recommendations are set out in an appendix to the report.

4.10 **Neighbour consultations.** Responses have been received from immediate neighbours to the site and those within the area around Easingwold. The summary of comments set out below refer to the range of objections and support given to the proposal.

At the time of writing 80 responses have been received, 33 objecting, 46 supporting and 1 with neutral comments.

4.10.1 BREACH of LDF policy

The LDF policy states at Policy DP16 that support will be given for B2 and B8 uses, not food

store and petrol filling station.

#### 4.10.2 FOOD STORE ISSUES

Objections to the size of the food store.

Beyond the negative impact on the local community and existing (high quality) shops which Easingwold has, the position of this development is highly questionable

Oppose the construction of a large supermarket (3,490 sq m) on the edge of our small market town in principle. Noting that Easingwold is already well served by independent specialist shops and three smaller supermarkets or convenience stores.

Comment that the independent retail study commissioned for a supermarket on the Fire Station site, Stillington Road, in 2012 concluded that a supermarket in Easingwold would threaten the diversity and viability of the existing retail provision. This would be even more true of this proposal. Correspondents note that local residents are already well served by three supermarkets within a 12 mile drive (Clifton Moor, Boroughbridge and Thirsk) and by online deliveries, without having a supermarket in the town directly threatening local shops. Comment is made that the LDF doesn't support the development of a supermarket.

Advising that I oppose the application for this site on two specific grounds. It is outside and beyond walking distance of the retail centre of the town. So it cannot be argued that consumers would visit the supermarket AND local shops as part of one trip. In this sense the application goes against recent Department for Communities & Local Government (DCLG) National Planning Policy Framework guidance on development.

I object to the proposal to build a large superstore in Easingwold. It will severely affect our way of life. The parking facility will potentially attract underage drinking, vandalism and litter. I believe there would be an effect on local traders in Easingwold town centre. Jobs will be lost to local people. The scheme will not "Keep Easingwold special".

The scheme will be detrimental to small local business. A local business owner whose core business is a bakery, states "I am extremely anxious about the effect this supermarket will have on my business. Supermarkets produce bread at prices I could not dream of competing with due to their purchasing power and their ability to have 'loss leaders' such as bread to get customers through the door". It is stated that no cafe or takeaway food outlet in store or on site should be permitted.

#### 4.10.3 UNIQUE CHARACTER OF EASINGWOLD

The proposal will change the nature of a beautiful market town; which is very sad.

#### 4.10.4 TRAFFIC

It must be stipulated no delivery Vehicle can pass through town to the store they must use the by pass and enter to the south.

The A19 currently diverts a lot of unnecessary traffic from Long Street. A supermarket of the size proposed would obviously attract more traffic from both ends of the town. For residents living along Long Street there could be a significant increase in traffic noise - particularly relevant for those whose houses have no garden at the front. Long Street is a main thoroughfare for children going to school, both at the Primary School and High School. Presumably traffic calming measures would have to be made to ensure the safety of all concerned.

The increase in traffic on York Road would represent a considerable nuisance (one only has to see the effects of the traffic lights today further down this street).

In a particular, siting the development directly opposite to the secondary school is very poor planning.

Increased volume of heavy goods vehicles right by a school appalling.

The increased traffic where the footfall of young people is so large will represent a serious risk, which I do not see having been addressed by the Highways Agency (for example). I note that in none of transport documentation is there any mention of the impact of the increased traffic, notably delivery vehicles on the parents and pupils of the school. I would dispute the comments in the transport plan that "These pedestrian facilities ensure that local amenities can be accessed via foot in a safe manner and connectivity between residential areas and local facilities are accessible" - by definition accessing the new development from the school (as pupils may wish to do) will involve crossing York Road - the current facilities are inadequate to allow for the safe crossing of large numbers of pupils so close to the 40 mph and de-restricted areas

The argument that customers may access the store on foot and on bicycle are flawed and would not affect the volume using their vehicles.

A 24hr retail operation with a petrol station, will bring many extra articulated lorries to our town at all times of day

#### 4.10.5 Petrol Filling Station

The petrol station MUST be built and maintained as part of any agreements to operate a store or license revoked to sell anything.

A PFS would be an asset but it should be built near the by-pass not on the edge of town as it would inflict harm on the character and appeal of the whole town.

#### 4.10.6 FLOODING and DRAINAGE

The application should not have been validated until a comprehensive survey of the drainage and sewerage systems for existing and projected developments.

Existing drainage systems are defective and developments have been undertaken before the problems have been resolved.

The needs of this large development would further overwhelm the water and sewerage infrastructure in this part of the town - problems which have included sewerage flooding in to people's home, issues well documented in the Easingwold Advertiser and the minutes of meetings of Easingwold Town Council

#### 4.10.7 RESIDENTIAL AMENITY

The neighbours to the site will suffer from traffic and drainage problems and also severe noise and light pollution day and night.

The development will result in a loss of value to their property.

This store will be completely out of character for the area and will cause those nearby a great deal of stress due to an increase in noise, litter, noise from various sources, traffic both delivery and customer vehicles, light pollution and antisocial behaviour particularly the car park used by youths in evenings involving drink and vehicles.

Plans show delivery lorries passing along the back of several houses which will cause unnecessary and unwanted noise.

#### 4.11 NEIGHBOUR SUPPORT

##### 4.11.1 Retail Needs

A proper supermarket and petrol station would clearly benefit Easingwold and it's ever expanding number of residents.

HDC has continued to support the expansion of housing in the local area, it is time now to support these and existing families needs.

I do not believe there is real research to support that the town centre will die as a result, on the contrary, I believe if Easingwold is allowed to progress in its natural development it will make the town a stronger and more appealing place to live and visit.

The tea shops and other lovely shops that are in the centre will thrive from extra tourism and local support.

A supermarket will keep people in the area instead of forcing them away.

I also wonder if anyone objecting is below the age of 50?

The current small supermarkets are not big enough to support the 'full' family shop, people have no choice but to waste fuel and drive elsewhere supporting other local economies.

I appreciate there are campaigns to keep Easingwold in the past, most of whom have probably objected to this proposal making it look one sided, but is this the true voice of Easingwold and it's increasing population and needs?

Big housing developments have been supported the resultant increased populations needs; a proper local supermarket. Easingwold cannot progress unless it's services grow in relation with its population.

#### 4.11.2 Employment

The proposal will help provide more local jobs, help move Easingwold on as we progress into the 21st Century.

#### 4.11.3 PFS

The proposal would create jobs in Easingwold and provide fuel at a sensible price. It is sought to be conditioned that the petrol station be built and maintained as an asset to the community.

### 5.0 **OBSERVATIONS**

5.1 The main issues with this application are:

- the loss of employment land for B2/B8 uses
- the impact of the retail use on Easingwold Primary Retail Area
- issues of highway safety and accessibility
- the impact on the environment including neighbours to the site
- the impact on flooding
- the provision of drainage and sewerage

5.2 The proposal is not in accordance with the LDF Allocations Policy EM1 as the mix of uses included in this scheme does not include B2 or B8 uses.

5.3 Evidence has been provided by the applicant (in a study by Storeys Edward Symmons) to show that the loss of land for B2 and B8 purposes would not harm the local economy. This evidence has been considered and in the light of studies undertaken for the Council and found to be valid.

5.4 The proposal would reduce the supply of available (committed) employment land in the Easingwold Sub Area. The proposal seeks to bring forward the development of an employment allocation which is assessed in the submitted market evidence to be unlikely to come forward for employment purposes in the foreseeable future, the proposal therefore meets criterion ii of DP17 and paragraph 22 of NPPF. Detailed analysis has been undertaken of the submitted assessment using the range of data available to the Council; the assessment is found to be robust. Paragraph 22 of NPPF also considers that regard should be had to the relative need for different land uses to support sustainable communities. It is considered that the proposal for A1 (Food store) and Petrol Filling Station would serve to retain some of the current expenditure which is leaking out of the District, it will enhance choice and competition locally and will reduce the need to travel, will provide 194 jobs, and therefore further meeting the provisions of the NPPF .

5.5 LDF Policy DP23 sets the policy for major out of centre shopping proposal proposals that are on land outside the Primary Retail Areas designated under Policy DP21. The Policy seeks to protect the vitality and viability of the existing town centres and says that unless the proposal can be demonstrated to be acceptable under national planning policies contained in PPS6 (now replaced by the NPPF) and the four tests set out below the proposals will not be permitted

5.6 The four tests of DP23 are set out and discussed as follows:

- i. that the need for the proposal in quantitative and qualitative terms outweighs other planning considerations; and
- ii. there are no suitable viable and available sites both within or on the edge of the existing Primary Retail Areas, being flexible about format, scale, design and parking provision; and
- iii. there would be no adverse impact upon the vitality and viability of existing designated Primary Retail Areas; and
- iv. the proposal would be accessible by a choice of means of transport (including public transport, cycling and walking), and the local transport system is capable of accommodating the potential traffic implications.

5.7 The proposed foodstore would be the largest retail premises within the town of Easingwold and its hinterland. As the floor area of the unit is more than 500 square metres it has been the subject of a Retail Impact Assessment (RIA) prepared on behalf of the applicants by Nathaniel Lichfield and Partners Ltd. The RIA considers the proposal against National and Local Development Plan policy. The RIA has been the subject of assessment for the Council by England and Lyle. The England and Lyle report similarly considers the development against National and Local policy requirements.

5.8 The findings of England and Lyle are that the assessment undertaken by NLP shows that the proposal is acceptable under the National and LDF policies. The scheme addresses the need for quantitative and qualitative improvements, that there are no sites that are available and viable within or on the edge of the existing Primary Retail Area (DP21 defines this area around the Market Place) and that there are no adverse impacts upon the vitality and viability of the designated Primary Retail Area. The scheme intends to increase retail choice and reduce leakage to other areas. It is acknowledged that there will be potential for an impact upon retail establishments on Long Street, but that these are outside the Primary Retail Area and are not afforded protection by the LDF Policy DP23. The final test iv is that there would be a choice of means of transport and capacity within the transport network to serve the development. The site is within walking distance (and the path is to be extended), the site is within cycling distance and is on a bus route. Accordingly a choice of means of transport is available. The highway network has capacity to accommodate the development.

5.9 The England and Lyle report conclusions draw attention to the difference between the scale of the current proposal that addresses the issue of leakage from the Market Town and the scale of the proposal made in 2012 on Stillington Road that failed to prevent leakage because it was too small and that it would have detracted from the viability and vitality of Primary Retail Area.

5.10 The England and Lyle conclusions state:

## **“8. Conclusions**

8.1 The Planning and Retail Statement prepared by NLP concludes that:

- In relation to the sequential approach, none of the potential alternative opportunities considered are suitable and available to accommodate the development and the application complies with the sequential approach.
- The proposed foodstore would not result in any significant adverse impact upon existing centres, in terms of planned investment, or upon their vitality and viability.

- The proposed development is in accordance with the overall aims and objectives of the development plan.
- The proposed foodstore would also result in a number of positive impacts. It would enhance local consumer choice and meet the need for a new main foodstore and petrol filling station in Easingwold.
- The proposed development would be a sustainable development, in accordance with the NPPF.

8.2 In England & Lyle's review of the proposal for a foodstore development at Stillington Road in Easingwold in February 2012 we advised the Council that:

- There was likely to be a significant adverse impact on convenience goods trade and overall retail trade in Easingwold town centre.
- The level of trading impact in Easingwold town centre was likely to have an adverse impact on the vitality and viability of the town centre.
- The application site is not sequentially preferable to the EM1 allocation site (the location of the current proposals at York Road). The application did not adequately consider the EM1 site as an alternative for large-scale retail development.
- The benefits of regeneration and employment did not outweigh the potential harm to Easingwold town centre.
- Choice and competition would improve but this has to be weighed against the negative impacts of the proposed development in terms of retail impact and the scale of retail development.

8.3 We have reviewed the information used by NLP on existing shopping provision and shopping patterns, based on a new household survey. We note that there is a leakage of more than 60% of spending out of the Easingwold area for convenience goods shopping and that, despite this, there is evidence of over-trading in existing shops in Easingwold including the Costcutter store on Long Street and the Co-op supermarket, also on Long Street but outside the district centre.

8.4 NLP have carried out a sequential assessment of several alternative sites in Easingwold, mostly in out-of-centre locations that are not sequentially preferable. We agree that none of these sites is suitable and available to accommodate the proposed development and that the application complies with the sequential approach to site selection set out in the NPPF.

8.5 We are satisfied that there is more than sufficient capacity for the convenience turnover of the store based on the likely increase in retention of spending in the Easingwold area and allowing for the current level of over-trading.

8.6 The household survey shows that in the Easingwold area twice as many people said they are likely to use the proposed new store compared with those who would not use it.

8.7 We have reviewed the retail impact assessment carried out by NLP for convenience goods and for robustness we have made an independent assessment of impact using different assumptions about trade draw within the catchment area. We have also assessed the potential comparison goods impact of the proposed store and the overall impact of convenience and comparison goods combined.

8.8 Our assessment of convenience goods impact on shops in Easingwold district centre is an overall trade diversion of 12% of turnover with the largest impact on the Costcutter store which is strongly over-trading. We predict that the impact on the Co-op in Long Street in convenience goods is 23%. The potential impacts on stores in Thirsk are small and are not considered to be significant.

8.9 Our predicted comparison goods impacts are 12% on Easingwold town centre and 5% on Thirsk town centre. The predicted combined convenience and comparison impacts are 13% on Easingwold town centre, 23% on the Co-op in Easingwold (all in convenience goods), 6% on Thirsk town centre and 9% on Tesco in Thirsk (all in convenience goods).

8.10 We agree with NLP that Easingwold district centre has a high level of vitality and viability. In our view the proposed development would not have an adverse impact on the vitality and viability of Easingwold district centre.

8.11 We do not believe the viability of the Co-op store in Long Street would be harmed by the proposed development. In any event the store is not located within the defined centre of Easingwold and is not protected by planning policy. Any impact on that store could not be used as a reason for refusal in applying the NPPF impact test.

8.12 A reduction in trade in the Co-op store would have some effect on linked trips to Easingwold district centre but a new store at York Road would also be expected to generate linked trips to the district centre which would offset any reduction in linked trips from the Co-op.

8.13 We agree that there would be benefits to local residents from the presence of a petrol filling station as part of the proposed development.”

5.11 The difference in the development proposals between the current application and the proposal in 2011 on Stillington Road are identified and justifies the conclusion that whilst the proposal on Stillington Road was unacceptable, in part due to the impacts upon the vitality and viability of the Primary Retail Area this proposal would not cause harm to the vitality and viability of the Primary Retail Area and the proposal meets the policy requirements of DP23 and the NPPF.

### **Highway safety and accessibility**

5.12 The Highway Authority has responded to the application noting that the proposal, subject to conditions, is acceptable. The proposed works show the provision of a new access with right turn lane, designed to accommodate the range of vehicles that need to access the site. The details of the potential layout of the land, whilst not fixed in this proposal, have been provided and demonstrate that it is possible to provide parking and turning for the largest vehicles.

5.13 Off-site highway works are noted to be required including the formation of a roundabout at the junction of Stillington Road and Long Street. The applicants have indicated a willingness to undertake the required works.

### **Streetscene and approach to Easingwold**

5.14 The provision the new access to the site coupled with a petrol filling station close to York Road would have a significant visual impact upon the approach to Easingwold. The allocated use of the land for B2 and B8 uses would also have had a significant impact.

5.15 The potential impacts from a supermarket and petrol filling station would relate to lighting and signage, these impacts may not arise from a B2 and B8 development. Further approvals would be required for illuminated signage. The height and design of buildings would also be part of the visual impact arising from this proposal. Overall the proposal is considered to not be significantly greater than for the allocated use. The proposal for the site includes landscaping works, the details and implementation of which can be secured by a planning condition to ensure that the site has a character appropriate to the market town of Easingwold.

### **Impact up on the amenity of neighbours**

5.16 The provision of a petrol fillings station and access route for delivery vehicles to a foodstore would have an impact upon the amenity of neighbours. The provision of a landscape buffer and retention of existing features would mitigate some impacts, however some impact upon the amenity of neighbours is anticipated to remain and that this would come from a variety of sources. Noise from vehicle movements, the closing of doors, sound systems, engine noise (starting and moving off); odour from vehicle exhausts and from refuelling; lights from passing vehicles and the various forms of flood lighting, security lighting and signage lighting; impact upon privacy from larger and higher vehicles passing and views from buildings and concerns about security and anti-social behaviour are all material planning considerations.

5.17 Design considerations and controls through planning and other legislation can be used to reduce the impacts. The Policy test set in DP1 is that the development "must adequately protect amenity". It can be anticipated that there would be some loss of amenity to close neighbours as a consequence of the development. There is no evidence to suggest that the loss of amenity would be significantly greater than the allocated use of the land or that the impacts would be so substantial that the proposal would fail to adequately protect amenity providing that reasonable care is taken in designing the layout of the site and buildings.

### **Alternative layouts**

5.18 A series of layouts have been prepared for the site. The layout identified by 44% of respondents to the community consultation as being 'preferred' has raised concern from consultees as it places the noise generating developments closest to neighbouring residential property. In order to reduce the potential for complaint and nuisance to future neighbouring residents the layout of buildings, spaces, plant and equipment will need further scrutiny. These are matters that would need to be resolved at the point of reserved matters submissions.

### **The impact on flooding**

5.19 The site is within Flood Zone 1, the land at the lowest risk of fluvial flooding. The site is at risk from surface water flooding with 75% of the site being within the Environment Agency classification for flooding of this type, however the Environment Agency does not object to the scheme. The presence of surface water flooding and groundwater does not prevent development, but the developer would have to include measures to manage the risks.

5.20 The application details that surface water and groundwater would be managed within the Sustainable Drainage System that will be designed for the development, the principles of which are outlined in the Flood Risk Assessment.

5.21 It is proposed that groundwater will be managed through the raising of ground levels and the installation of land drainage to manage elevated ground water levels, but not dewater the land. Discharge of land drainage is proposed to the Leasmires Drain subject to agreement with the Kyle and Upper Ouse Drainage Board.

5.22 The development would include a surface water drainage system designed to accommodate a 1 in 100 year (+30% climate change) event. The design criteria is to ensure no flood risk to the development itself and no increase in flood risk elsewhere within the design criteria. Discharge of surface water at greenfield run-off rate is proposed to Leasmires Drain subject to agreement with the Kyle and Upper Ouse Drainage Board. The re-profiling of site levels would allow surface water run-off in the event that the drainage system capacity is exceeded to the Leasmires Drain.

5.23 The foul effluent is proposed to be managed through the installation of a sewerage system including pumping station, which would be subject to adoption by Yorkshire Water



Services. The Council's Senior Engineer advises the developer to look at the opportunity to discharge the foul effluent to the neighbouring Redrow Homes development which is served by a pumping station.

5.24 The surface water is proposed to discharge direct to Leasmires Drain, so there would be no discharge to the existing public sewerage system serving Easingwold.

### **Other considerations**

5.25 The proposals include floor space for 'health uses'. The LDF policy requirements for EM1 make specification that the northern part of the land, fronting Stillington Road should include such provision. No scheme has been defined for the use, however, the provision of space within the application addresses the policy requirement in a location that would be accessible to all those who can access the foodstore and may generate link trips between the town, foodstore and health uses.

5.26 Comment has been made that the development should only be permitted if the Petrol Filling Station (PFS) is provided and maintained 24 hours/day to address the needs of the local community. The planning system can be used to require the completion of the PFS before the opening of the foodstore. However, if the operator of the PFS decided to close the facility the LPA could use planning powers to resist alternative use of the land but could not require it to be kept in operation. The situation is comparable to circumstances where Policy DP5 is used to control the loss of community facilities. It would only normally be appropriate to control hours of operation if extended opening were likely to cause some loss of amenity; it would not be reasonable to impose a condition requiring an operator to trade for longer hours than he or she considers viable on business grounds.

5.27 In the event that planning permission is granted for the scheme conditions will be imposed to require the submission of reserved matters before works can commence on site. Conditions would also be appropriate to require provision of the detailed drainage, proposed levels, decontamination, landscaping of open space and surroundings to buildings and car parking and boundary treatments to safeguard the privacy and security of neighbours.

5.28 Provision of secure parking, and other security measures should also be sought by condition together with controls over the use of buildings (including the type and amount of retail permitted on the site) and spaces to protect the amenity of neighbours and ensure that the objectives of the decision to allow a foodstore and health uses to operate are achieved.

5.29 Substantial funds have been secured towards cost of providing the Sports Hall at Easingwold School from the Redrow site, there is no functional connection between the proposed development and the sports hall and no requirement for a contribution from this scheme arises.

### **Conclusion**

The approval of a foodstore, petrol filling station and health uses on this site whilst not in accordance with the allocated use in Policy EM1 would provide employment and moreover would contribute to the development of a sustainable community by increasing the choice of food retailing in the town. It would reduce the leakage of expenditure to other centres, reduce the need to travel to access foodstores outside the area and increase the attraction of Easingwold as a service centre. Any harm arising from the development would be outweighed by these benefits.

6.0 **RECOMMENDATION: GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development shall not be commenced until details of the following

reserved matters have been submitted to and approved by the Local Planning Authority: the siting, design and external appearance of each building, including a schedule of external materials to be used; the landscaping of the site.

3. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. The development shall not be commenced until a plan has been submitted to and approved by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses.
6. No part of the existing boundary hedge along the south, east and western boundary(ies) of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 2.5 metres other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.
7. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
8. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 7 above.
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 validation report detailing all works carried out has been submitted to and approved in writing by the local planning authority.
10. 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) the proposed buildings and site layout, including levels (e) accesses and driveways (f) drainage and sewerage system (g) lining and signing (h) traffic calming measures (i) 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.

11. 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.

12. 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.

13. 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 160 metres measured along both channel lines of the major road York 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.

14. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until: (i)

The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority.

(ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.

(iii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

a. Provision of tactile paving

b. To provide a roundabout at the junction of York Road and Stillington Road to improve road safety at this junction.

c. To provide a footway to the development along York Road by extending the existing path and providing a crossing point to the development.

15. The development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 14 to provide tactile paving, a roundabout at the junction of York Road and Stillington Road to improve road safety at this junction and a footway connection to the development site.

16. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

(i) tactile paving

(ii) vehicular, cycle, and pedestrian accesses

(iii) vehicular and cycle parking

(iv) vehicular turning arrangements

(v) manoeuvring arrangements

(vi) loading and unloading arrangements.

17. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 16 have been constructed in accordance with the submitted drawings. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

18. 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.

19. During construction works there shall be no:

(a) Light Goods Vehicles exceeding 3.5 tonnes

(b) Medium Goods Vehicles up to 7.5 tonnes

(c) Heavy Goods Vehicles exceeding 7.5 tonnes

permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 9:00 to 15:00 on Mondays to Fridays and 7:30 to 12:30 on Saturdays.

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

(i)

on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

21. Surface water draining from areas of hardstanding shall be passed through a trapped gully or series of trapped gullies, prior to being discharged into any watercourse, soakaway or surface water sewer. The gully/gullies shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the gully/gullies.

22. Unless otherwise approved 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 details of the routes to be used by HCV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

23. HC-26 Travel Plans Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include: (i) the appointment of a travel co-ordinator (ii) a partnership approach to influence travel behaviour (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site (iv) provision of up-to-date details of public transport services (v) continual appraisal of travel patterns and measures provided through the travel plan (vi) improved safety for vulnerable road users (vii) a reduction in all vehicle trips and mileage (viii) a programme for the implementation of such measures and any proposed physical works (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

The reasons for the above conditions are:-

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

2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.

3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

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

5. To ensure that existing trees within the site, which are of amenity value, are

adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.

6. The trees are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.

7. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43

8. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.

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 CP21.

10. In accordance with Policy and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

11. In accordance with Policy and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

12. In accordance with Policy and in the interests of highway safety.

13. In accordance with Policy CP1, CP2, DP3 and DP4 and in the interests of road safety

14. In accordance with Policy CP1, CP2, DP3 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

15. In accordance with Policy CP1, CP2, DP3 and DP4 and in the interests of the safety and convenience of highway users.

16. In accordance with Policy CP1, DP3 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

17. In accordance with Policy CP1, CP2, and DP3 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

18. In accordance with Policy CP1 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

19. In accordance with Policy CP1 and to avoid conflict with vulnerable road users.

20. In accordance with Policy CP1, CP2 and DP3 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

21. To reduce the risk of pollution to the water environment.

22. In accordance with Policy CP1, CP2, DP3 and DP4 and in the interests of

highway safety and the general amenity of the area.

23. In accordance with Policy CP1, CP2, DP3 and DP4 and to establish measures to encourage more sustainable non-car modes of transport.

Annex

### **North Yorkshire Police Architectural Police Advisor Recommendation.**

Crime at petrol stations can be a disproportionate drain on police resources. One such crime is what is called a 'petrol drive-off.' This is where a vehicle is driven onto the forecourt where there is no intention of paying for fuel. The vehicle either has false reg. no. plates displayed on the vehicle or has never been registered to the person driving it. It is then filled up with fuel and then drives off without paying. Sometimes the perpetrator cover their faces with hoods etc. Crime figures for the last 6months and there were over 200 petrol make-off's in North Yorkshire

ALO Recommendation 1.

The 8 pumps should be so orientated that vehicles are facing the kiosk and not parked sideways onto the kiosk. This allows the attendant an improved view over the vehicles rather than their view being blocked by the side view of vehicles.

ALO Recommendation 2.

I would strongly recommend that the fuel pumps be of the pre-payment type with a credit card. With this pre-payment system it would allow the attendant to put the pumps onto pre-payment during the daytime should there be a problem with petrol drive-offs in the future, and this is a good sustainable measure.

ALO Recommendation 3.

That there should be a CCTV camera dedicated to each pump. Additionally there should be CCTV inside the kiosk to reduce shoplifting and at the counter to address credit card fraud. The lighting on the forecourt should be compatible with the CCTV.

ALO Recommendation 4.

If the petrol station is to be open overnight there should be an external night counter, similar to a bank counter where there is a shute or restriction where payment can be made. The entrance door to the kiosk should be locked preventing anyone entering the kiosk.

If the kiosk is not open overnight then the whole of the frontage of the kiosk should be protected by a metal roller shutter which conforms to LPS 1175 SR4.

In respect of the foodstore part

1. Further guidance should be sought on the internal layout of the store to reduce crime. This includes the prevention of alcohol sales to under age persons.

2. The rear and sides of the store should be protected from access with fencing 2.0m high, especially because there is access from the rear area via footpaths.

3. Depending on whether the supermarket will be open 24/7 or closed overnight details may vary. However the layout of the car park should be split up to reduce the speed of vehicles driving across it by either with speed ramps or lighting bollards, or kerbing etc. There have been problems with larger car parks such as this where youths, in organised gangs, in high powered vehicles use the empty car park overnight for speed racing and wheelies. Hence this recommendation.

4. If the supermarket is closed overnight then a lockable barrier should be used to prevent access into the car park and also protect parked vehicles belonging to staff working overnight there.

5. Consideration should also be given to mounding the sides of the car park or other form of deterrent to prevent access into the car park other than by road.

6. There should be provided litter bins across the car park or staff available to pick up litter whereby persons buy foodstuffs and drinks either from the petrol station or supermarket

which they then consume inside their vehicle and just deposit the packaging into the car park before driving off.

7. Staff employed in the supermarket shop should be provided with a personal locker to secure their belongings such as cash, mobile phone, etc. rather than leave them in their vehicles.

8. Lighting should be provided around the store and the car park and which is compatible for any CCTV which is used there. Lighting should conform to BS5489 -2013.

9. The external doors and windows of this store should conform to BS24 - 2012 as a minimum standard.

10. Theft of goods from the store will be committed by the public, members of staff and delivery drivers. Any CCTV provision should also cover the goods delivery yard as well as inside the store and in the public car park.

11. There is mention of a cycle store. This should be located as close to the store as possible at the front of the store where surveillance from the store can be utilised to minimise the theft of cycles. If a cycle store is proposed instead of just a cycle rack? Either should be able to lock both a wheel and the frame. If a cycle store is intended it needs to conform to LPS1175 SR1. If a ground anchor is used it needs to conform to Sold secure Silver Standard. It should be secured into concrete a minimum of 300mm with a 'T' bar anchor.

12. All external glass should be laminated glass to a Minimum of 6.8mm.

13. Cash deliveries - The layout of the store should be so designed that cash can be delivered and collected with a minimum distance for the guard to walk and thereby reducing the risk of attack. Far better would be for the Cash in Transit, (CIT), vehicle to pull along the side of the store and deliver the cash directly from the CIT vehicle from an opening in the vehicle to a corresponding chute directly into the supermarket cash office.

14. The cash office should not have any external windows which are seen as a security risk from attack.

15. Card fraud. - There should be CCTV covering the till areas. This can be via individual CCTV cameras depending on how many till areas there are, or a CCTV camera running along a rail controlled by security staff which can cover certain till areas selected.

16. Alarm system. The alarm system should incorporate wire-free personal attack buttons and the use of this facility should be extended for the staff working inside the petrol station kiosk.

#### ATM.

If there is to be an ATM installed at the supermarket precautions need to be taken. There have been three ram raids at supermarkets in North Yorkshire in 2012 and one in 2013

#### ALO Recommendation 5.

1. Recommend here that if the supermarket trolleys are to be parked outside the store overnight then they are best parked in front of the ATM and locked into position. There should be enough room between the trolleys and the ATM for the public to have access. The trolleys should be corralled across the ATM into parallel gangways separated by steel hoops which should conform to BSI PAS 68:2010 and K12/2007. This standard of hoops is designed to stop a 7,500kg truck at 50mph.

Criminals do use construction vehicles with extendable forks to ram raid ATM's. Therefore by using the supermarket trolleys it prevents such a vehicle driving close to the ATM.

2. If the supermarket trolleys are to be kept inside the store then please seek my advice for alternative preventative measures for the ATM, of which there are plenty.

The ATM should be positioned at the front of the store in a prominent position whereby people withdrawing cash are in the safest position to reduce the risk of cash being snatched by open surveillance.

#### ALO Recommendation 6

Public open space at the rear of the store.

If there is to be a children play area with swings and slide etc in the POS it needs to be designed for the age range for which it is intended, otherwise youths can loiter there which can intimidate the children and their parents, and persons walking past from the Nature Trail / footpath.



#### ALO Recommendation 7

From a crime and anti-social behaviour viewpoint I would prefer not to see a children's play area here at the back of the store. This reduces the likelihood of parents allowing their children to play unsupervised with all the dangers this scenario presents, whilst the parents go shopping inside the supermarket.

#### ALO Recommendation 8

Play area.

If there is to be a play area it is recommended that the LAP (Local Area for Play), be designed for a certain age limit and conform to the below.

It can be a collecting point for youths who may mean no harm but by their mere presence can be viewed as being intimidating and can frighten the toddlers from using their play equipment. In some cases even the mothers too feel intimidated to go to the toddler play area, let alone asking the youths to move from the toddler play equipment. Consider fully the security and personal safety, especially for the children;

#### ALO Recommendation 9.

The play park should display clear signage informing the residents and users of the park, what time the park is open and closed. This helps the residents to 'police' the play areas themselves. It lays down the rules!

#### ALO Recommendation 10.

Litter bins should be provided at suitable locations in the play areas.

#### ALO Recommendation 11.

The footpath / nature trail that has been mentioned in this application that would link the 48 house development and beyond to this supermarket should be a minimum of 3m wide with 1m wide buffer zone on each side. The footpath should be as straight as possible so that the user can see as far as possible thus reducing the fear of crime, be lit and offer quickest, safest, attractive and most convenient possible routes.

#### ALO Recommendation 12.

Adequate security must be in place during the construction phase.

Sustainability is at the heart of all Planning applications. A sustainable community should not only consider the current crime and social problems, but should also consider what projected trends may be like in the future, and countermeasures planned for now.

I make my recommendations with this in mind.

Victims of crime should not be created by poorly designed architecture.

## 4

### 13/02340/FUL

**Revised application for the demolition of existing dwelling and construction of 6 dwellings.  
at The Bungalow Hackforth North Yorkshire DL8 1PA  
for N.C.Wilson Ltd.**

#### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the demolition of a detached brick-built bungalow followed by the construction of six dwellings, four detached x four bed roomed units and a pair of two-bedroomed semi-detached units (which are put forward as the affordable dwelling contribution for the development) on land within the centre of the village, to the east of the C-class road between Crakehall and Hornby, to the west of the Hornby to Langthorne Road and to the north of the Bowbridge Beck which runs east-west through the village. To the north of the site is a pair of brick built two-storey semi-detached dwellings. The application site is a truncated triangle shape with a maximum width to the south of 100m and a minimum width to the north of 43m. The frontages to the Hornby-Crakehall and Langthorne- Hornby roads are 75m and 65m respectively.

1.2 Across the road bounding the western boundary of the site is a terrace of six dwellings (Brookside) managed by Broadacres Housing and part of a terrace of seven dwellings (Summerfields), to the north-western corner, managed by Tees Valley Housing. The land to the east of the site is undeveloped farmland. To the south of the application site there are five substantial stone built detached dwellings and two single storey stone built cottages.

1.3 It is proposed that the pair of two bedroomed semi-detached units would be constructed in the north-western corner of the site facing the Brookside development, each having its own vehicular access with two off-street parking spaces. Three of the four bedroomed dwellings would face directly southwards to Bowbridge Beck, the western and centre houses being served by a shared drive off the Crakehall-Hornby Road. The fourth four bedroomed house would face eastwards onto the Langthorne road and would be served by another shared drive with the easternmost south-facing unit in the south-eastern corner of the site. The three south facing dwellings each have an attached single car garage with additional off-street spaces whilst the unit facing eastwards would have a detached double garage and additional parking.

1.4 It is proposed that the pair of semi-detached units and the easternmost detached dwelling would be constructed in facing brickwork with clay pantiles and white upvc windows. The three southern facing dwellings would be constructed in natural stone with clay pantiles and white upvc windows.

1.5 Internal boundary treatments would be 1.8m close boarded timber fencing whilst externally the semi-detached units would have metal railings to the frontage to match the Brookside terrace development opposite. The mature hedgerows along the western and eastern road frontages and which would be retained to form the roadside boundaries of plots 1, 3 and 4, other than where the shared accesses are to be formed.

1.6 A public footpath runs through the southern part of the application site parallel to Bowbridge Beck. This is within an area which has been excluded from the domestic curtilages and would be developed as open space, with additional hedgerows and planting, to enhance the footpath route. This will, naturally, require consultation with the North

Yorkshire Footpaths team if any changes to the line of the route are proposed.

## 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 There have been no previous applications within the site.

### RELEVANT PLANNING POLICIES:

3.1 The relevant Local Policies within the Development Plan and National Policies are as follows;

- Development Policies DP1 - Protecting amenity
- Development Policies DP8 – Development Limits
- Development Policies DP15 - Promoting and maintaining affordable housing
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- Development Policies DP37 - Open space, sport and recreation
- National Planning Policy Framework - published 27 March 2012
- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP9 - Affordable housing
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP19 - Recreational facilities and amenity open space

## 4.0 CONSULTATIONS

4.1 Hackforth Parish Council: Express concern in respect of the number and scale of dwellings on the site, highway safety and car parking, impact on the footpath across the site, potential flooding issues, the need for affordable housing within the village and impact on trees.

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

4.3 North Yorkshire County Council (Heritage Unit): No objections subject to a 'watching brief' condition.

4.4 North Yorkshire County Council Footpaths: No works to be undertaken which would obstruct the existing footpath.

4.5 North Yorkshire Police Architectural Liaison Officer: No objections subject to conditions.

4.6 Environment Agency: No objections subject to full compliance with submitted Flood Risk Assessment.

4.7 Yorkshire Water: Awaited.

4.8 Environmental Health Officer: No objections subject to conditions.

4.9 Rural Housing Enabling Officer: Awaited.

4.10 The application was advertised by site notice and the 16 closest neighbours were directly notified. Four letters were received objecting to the proposal and expressing concerns in respect of potential flooding of the site, the lack of need for affordable dwellings

in the village, the scale of development proposed and the lack of public transport in the village to cater for new development.

## 5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the sustainable nature of the site location (Policies CP4 and DP8) the scale, design, layout and materials proposed (Policies CP17 and DP32) and the potential impact on local visual amenity and landscape character (Policies CP16 and DP30), the provision of an appropriate level of affordable housing as part of the scheme (Policies CP9 and DP15) and any impact on adjacent residential amenity (Policy DP1). The provision of an area of public open space and/or a contribution to the provision/improvement of such facilities is required under Policies CP19 and DP37.

5.2 Hackforth is designated, in the context of Policy CP4 as a Secondary Village, having a modest range of local services and facilities (most importantly a primary school, pub serving food and a Village Hall). The proposed development is entirely within the defined development limits of the village and is, consequently, on the scale proposed, in accordance with national and local policy considerations. The development proposed will also assist in further supporting and sustaining the existing facilities referred to.

5.3 Policy CP9 requires all proposals for residential development in villages comprising two or more units to make provision for 40% of the houses to be affordable. In this case the development comprises 6 units, less the bungalow to be demolished, 5 net therefore requiring two dwellings as affordable units. It has been noted above that the pair of two-bedroomed houses in the north-western corner of the site has been identified for this purpose thus complying with Policy CP9.

5.4 The form and layout of the proposed development has sought to relate to the scale and type of housing already existing on adjacent land. Hackforth is a mixture of brick and stone properties and the dwellings currently proposed reflect that. The pair of semi-detached units in the north-western corner relate well to the existing adjacent pair of brick built houses to the north of the site, and to the Brookside terrace development to the west, both in terms of materials and scale. The three detached dwellings on the southern fringe of the site are to be constructed in natural stone and consequently relate to the substantial stone detached dwellings across the Bowbridge Beck which they would face. The detached dwelling on the eastern boundary of the site is in brick and would form a link in both materials and scale to the proposed and adjacent developments. The provision of a landscaped corridor around the footpath between the Beck and southern curtilages of the three southern dwellings would, it is considered provide a focal point and an enhanced and safe 'visible' pedestrian link between the eastern and western parts of the village and, in addition, between the school, Village Hall and The Greyhound Inn.

5.5 In addition to the relationship of the proposed development to existing adjacent development referred to in 5.4 above it is considered that the scheme, although proposing a further six (net five), dwellings will not create any adverse visual impact either to the village or landscape character. The views of the development from the three approaches into the village, from Crakehall, Langthorne and Hornby, will be seen against existing buildings thus comprising a consolidation of this southern part of Hackforth rather than an 'add-on' extension.

5.6 The closest distances between the proposed development and existing houses is 7m side to rear in the north eastern corner of the site. However, this is an oblique measurement and the relative orientation of walls which do not have openings to the form and layout means that this will not have any significant adverse impact on adjacent amenity.

5.7 The requirement for the provision of public open space and the financial requirements of Policy DP37 have been referred to above. A draft Unilateral Undertaking was submitted

with the application. Further discussions on the final form of the facility to be provided are continuing but a formal Undertaking ensuring compliance with the Policy will be completed prior to the final determination of the application. The recommendation is also subject to the final comments of Yorkshire Water and the Police Architectural Liaison Officer, which may involve the imposition of additional conditions.

## SUMMARY

It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the scheme comprises a modest development with an appropriate range of house types, including an affordable element, within a sustainable location with no demonstrable adverse impact on local visual, or adjacent residential, 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:

Subject to:

- (a) the satisfactory completion of a planning obligation to secure a contribution towards open space, sport and recreation facilities; and
- (b) consideration of any further consultation responses,

permission is **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 accesses 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 and/or footway shall be constructed in accordance with the approved details and Standard Detail number E6 Var.
  - (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 or proposed highway.
  - (iv) That part of the accesses extending 10 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 6 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 agreed in writing by the Local Planning Authority.

4. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works until:

- (i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority.
- (ii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

- a. Provision of tactile paving crossing
- b. Installation of a footway along the full length, from the start of the frontage at Plot 6 south to the end of the frontage at Plot 1.

5. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority:

- a. Provision of tactile paving crossing
- b. Installation of a footway along the full length, from the start of the frontage at Plot 6 south to the end of the frontage at Plot 1.

6. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- (i) tactile paving
- (ii) vehicular, cycle, and pedestrian accesses
- (iii) vehicular and cycle parking
- (iv) vehicular turning arrangements
- (v) manoeuvring arrangements
- (vi) loading and unloading arrangements.

7. No dwelling shall be occupied until the related parking facilities have been constructed. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

9. 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.

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

11. No burning of structures or materials on site shall be permitted at any time and in addition measures shall be taken to minimise the likelihood of nuisance caused by dust during the demolition works, including the provision of an adequate water supply for damping down where required.

12. The development shall be carried out entirely in accordance with the details contained within the Flood Risk Assessment dated July 2013 submitted in support of the planning application.

13. The development, including any works within the area between the southern domestic curtilages of Plots 1, 2 and 3 and Bowbridge Beck, shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs and hedgerows, 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.

14. No development shall be commenced until:

- (a) a written scheme for the construction of the semi-detached dwellings on the site for use as affordable housing ("the Affordable Housing Scheme") has been submitted to and approved in writing by the Local Planning Authority;
- (b) a written scheme for the construction of the remainder of the dwellinghouses on the site ("the General Market Housing Scheme") has been submitted to and approved in writing by the Local Planning Authority.

15. Not more than 50% of the total number of the dwellings comprised in the General Market Housing Scheme shall be occupied until the Affordable Housing Scheme is ready for occupation.

16. No person or persons shall occupy all or any part of the housing in the Affordable Housing Scheme ("the Affordable Housing") unless he or she is a tenant and unless:

- (a) he or she is a person in need of such accommodation as defined in the

Schedule to these Conditions and he or she fulfils one or more of the criteria contained in Conditions 17 or 18 below: or

- (b) he or she has succeeded to a tenancy under the provisions of the Housing Act 1986 upon the death of the former tenant of the accommodation; or
- (c) he or she has upon the death of the former tenant's family who resided with him/her throughout the period of twelve months ending with the former tenant's death and who occupied the accommodation as his or her only principal home at the time of the former tenant's death; or d) he or she has succeeded to the tenancy as a result of a Court Order.

17. Subject to Condition 18 no person or persons shall occupy all or any part of the Affordable Housing Unless he/she is a person who is in need of such accommodation and who:

- (a) has immediately prior to such allocation been ordinarily resident within the Parish of Hackforth ("the Parish") for a period of at least twelve months; or
- (b) has within the last ten years prior to such allocation been ordinarily resident in the Parish for a period of at least five years; or
- (c) has immediately prior to such allocation a mother, father, son or daughter or some other relative or carer approved in writing by the Local Planning Authority who has been ordinarily resident in the Parish for at least twelve months; or
- (d) is immediately prior to such allocation permanently employed in the Parish.

18. If upon a unit of accommodation within the Affordable Housing becoming available for occupation whether on completion of the construction of the Affordable Housing or at any time subsequently the Owner is unable to fill any vacancy arising in accordance with Condition 17 above as confirmed in writing by the Local Planning Authority then the Owner may allocate the unit of accommodation to a person who is considered by the Owner to be in need of such accommodation and who:

- (a) has immediately prior to such allocation been ordinarily resident within one or more of the Parishes of Burneston, Theakston, Exelby, Leeming and Newton, Carthorpe, Kirklington- cum-Upsland, Gatenby, Swainby with Allerthorpe, Snape with Thorpe, Well , West Tanfield, Howgrave, Sutton Howgrave, Firby, Burrill with Cowling, Thirn, Rookwith, Clifton on Yore, Thirn, Thornton Watlass, Crakehall, Langthorne, Hackforth, Ainderby Mires with Holtby, Killerby, Kirkby Fleetham with Fencote, Scruton, Rand Grange, East Tanfield (or such other Parishes as may be agreed from time to time ("the Other Parishes")) for a period of at least twelve months; or
- (b) has within the last ten years prior to such allocation been ordinarily resident in one or more of the Other Parishes for a period of at least five years; or
- (c) has immediately prior to such allocation a mother, father, son or daughter or such other relative or carer approved in writing by the Local Planning Authority ordinarily resident in one or more of the Other Parishes; or
- (d) is immediately prior to such allocation permanently employed in one of the Other Parishes

but if there is no such person then to any person in priority need nominated by the Local Planning Authority PROVIDED that if within seven working days of a written request by the Owner to the Local Planning Authority is unable to nominate a person and/or if within fifteen working days of the request the Owner is unable to fill any vacancy arising in accordance with Condition 17 above or this Condition then the Owner may allocate any vacant unit to any



person who is considered by the Owner to be in need of such accommodation.

19. At all times in allocating or managing the units of accommodation in the Affordable Housing the Owner shall:

- (a) comply fully with the rules of a Housing Association and its current published housing waiting list and allocation system and in all cases in accordance with any published Housing Corporation Policies and Guidance Notes or rules policies and systems which are similar to such Housing Association and Housing Corporation documents; and
- (b) charge rents which are no higher than the Benchmark rents for the area specified by the Housing Corporation from time to time.

20. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (Ref SCH441/2; SCH441/3; SCH441/4; SCH441/5; SCH441/6) attached to planning application 13/02340/FUL numbered received by Hambleton District Council on 4th November 2013 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In the interest 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 interests of the safety and convenience of highway users.
5. In the interests of the safety and convenience of highway users.
6. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
7. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
8. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
9. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
10. The site is of archaeological interest.
11. In the interest of the amenity of adjacent residents in accordance with Policy DP1.
12. In the interest of the provision of sustainable drainage within the area.
13. In the interest of local visual amenity and the provision of an enhanced footpath link within the site.
14. To ensure that the development complies with policy CP9 of the Local

Development Framework Core Strategy.

15. To ensure that the development complies with policy CP9 of the Local Development Framework Core Strategy.

16. To ensure that the development complies with policy CP9 of the Local Development Framework Core Strategy.

17. To ensure that the development complies with policy CP9 of the Local Development Framework Core Strategy.

18. To ensure that the development complies with policy CP9 of the Local Development Framework Core Strategy.

19. To ensure that the development complies with policy CP9 of the Local Development Framework Core Strategy.

20. 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 CP9, CP16, DP30, CP17, DP32 and DP1.

*Attention is drawn to the following Informatives:-*

1. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8 727374 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

2. You are advised, in respect of condition 3 above that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

3. In respect of conditions 4 and 5 above there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.

4. SCHEDULE - (Relating to conditions 14 - 20) Definition of Need for Accommodation

1. A person is in need of accommodation if he/she is a person:-

(a) Occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions: or

(b) Occupying housing accommodation which is temporary or occupied on insecure terms;

(c) With a particular need for settled accommodation on medical or welfare grounds or the parent or carer of such a person with whom that person lives and will continue to live;

(d) Whose social or economic circumstances are such that they have difficulty in securing settled accommodation.

2. For the purposes of 1 (a) to 1 (d) inclusive above the following are examples of

situations which may apply:

(a) Insanitary, overcrowding and unsatisfactory housing conditions; lacking bathroom or kitchen lacking inside WC; lacking cold or hot water supplies, electricity, gas, or adequate heating; lack of access to a garden for children; overcrowding; sharing living room, kitchen, bathroom/WC; property in disrepair; property unfit; poor internal or external arrangements; under-occupation; children in flats or maisonettes above ground floor.

(b) Temporary or insecure accommodation; tied tenancies; tenancies of a limited term; hostel accommodation; refuges for households escaping domestic violence; living in homes to be demolished or modernised; leaving institutional care; sharing with friends or relatives; facing eviction or repossession; 'roofless'.

(c) People with a particular need for settled accommodation on medical or welfare grounds (criteria may apply to any member of the household); a mental illness or disorder; a physical or learning disability; chronic or progressive medical conditions (e.g. MS, HIV-Aids); Infirmary due to old age; the need to give or received care; the need to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse; ability to fend for self restricted for other reasons; young people at risk; people with behavioural difficulties; need for adapted housing and/or extra facilities, bedroom or bathroom; need improved heating (on medical grounds); need sheltered housing (on medical grounds); need ground floor accommodation (on medical grounds); need to be near friends/relatives or medical facility on medical grounds.

(d) People whose social or economic circumstances lead to difficulty in getting settled accommodation; lack of an actual or potential wage earner head of household unemployed or in part-time or low paid work; lack of capital assets.

# 5

13/02559/FUL

**Revised application for the construction of 4 dwellings.  
at Land Adjacent 4 - 5 Brookside Hackforth North Yorkshire  
for Mr M Webster.**

## 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the construction of four x two storey dwellings, two detached units, one having five bedrooms and one four, and a pair of semi-detached dwellings, one having three bedrooms and one having two. The pair of semi-detached units is put forward as affordable dwellings to be managed by Broadacres Housing. The application site lies in the south-western corner of the village to the west of the C-class road from Crakehall to Hornby. Vehicular access into the site is directly from the C-class road to the north of a beck which runs east-west through the village.

1.2 The site, currently in agricultural use although not intensively farmed, comprises an L-shape having a maximum depth of 55m (from the highway) and a length of 75m. The southern boundary is the beck referred to above, the western and part of the north-western boundaries are not currently defined on the ground, the north-eastern boundary abuts the curtilage of a terraced dwelling which fronts onto the road and most of the eastern boundary runs along the rear curtilage boundaries of a terrace of dwellings (1-6 Brookside) managed by Broadacres Housing. The frontage area through which access would be taken measures 20m. The land rises generally to the north from the village street although not significantly.

1.3 The two detached dwellings are set within plots in the north-western (plot 3, the four bed unit) and south-western (plot 4 having 5 beds) parts of the site with the two semi-detached units in the north-eastern corner. The access road, including a hammer head turning area, is in the south-eastern part of the site and also includes an area of public open space and visitor car parking spaces. Plot 3 has a linked single storey double garage whilst plot 4 has a double integral garage with bedroom accommodation above. Plots 3 and 4 have two parking spaces within the curtilages. Timber boundary fencing will be provided around the individual plots with the entrance area and public open space being landscaped in accordance with a scheme to be agreed.

1.4 Provision is made for access into the fields beyond the site via a track between plots 3 and 4 in order to serve both the agricultural needs of the owner and to allow access for village events such as bonfires and other informal recreational events.

1.5 It is proposed that the detached ('open market') dwellings would be constructed entirely in natural stone with interlocking concrete roof tiles and white upvc side hung and sliding sash casement windows. The semi-detached dwellings would be constructed in natural stone to the front elevation with a sympathetic facing brick to the side and rear elevations and, again, concrete interlocking roof tiles and white upvc windows.

1.6 The side elevation of plot 1 (the easternmost semi-detached unit) would be 13m from the rear elevation of the terrace of dwellings (Brookside) which fronts onto the village street. There would be only one (first floor landing) window in this elevation which would be obscurely glazed. The rear elevations of plots 1 and 2 would be 13m from the side of the closest dwelling to the north although this (side) elevation has no openings. The southern elevation of plot 4 would be 23m from the side elevation of Mill Leat, a large semi-detached

dwelling which is the closest property to the southern boundary of the site.

1.7 The application site straddles the boundary of the defined development limits for the village with only the width of the access road from the existing highway and a depth of 25m into the site being within the defined limits. The remainder of the site is, consequently, outside the development limits shown in the Local Development Framework.

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

2.1 04/01388/OU: Outline application for the construction of a detached dwelling: Permission Refused Sept 2004.

2.2 07/02433/FUL: Construction of a detached dwelling: Permission Granted December 2007.

2.3 10/02834/FUL: Application to replace extant permission in order to extend the time limit for implementation of construction of a dwelling: Not yet determined.

2.4 13/01606/FUL: Detailed application for the construction of four dwellings: Withdrawn Oct 2013.

2.5 In addition to the formal applications referred to above the site has been the subject of discussions with the landowner/current applicant, the Council's Rural Housing Enabling Officer and a number of Housing Associations over a period of some 9 years in an attempt to identify and progress a site for affordable housing to serve the village. Reference is made in section 5 below to the housing surveys and levels of need which have been discussed over this period.

## **3.0 RELEVANT PLANNING POLICIES**

3.1 The relevant Local Policies within the Development Plan and National Policies are as follows:

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP9 - Affordable housing
- Core Strategy Policy CP9A - Affordable housing exceptions
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP13 - Achieving and maintaining the right mix of housing
- Development Policies DP15 - Promoting and maintaining affordable housing
- 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 Hackforth Parish Council: Awaited.

4.2 Highway Authority: No objections subject to conditions.

4.3 North Yorkshire County Council Historic Environment Team: No objections subject to a 'watching brief' condition.

4.4 Environment Agency: No objections subject to compliance with submitted Flood Risk

Assessment.

4.5 Yorkshire Water: No objections subject to conditions.

4.6 Rural Housing Enabling Officer: Supports the proposed scheme which meets the need identified in the housing needs survey.

4.7 The application was advertised by site notice at the front of the site and the seven closest neighbours were notified directly. Two letters were received from local residents who object to the proposal on grounds of potential flooding, lack of need for affordable homes in the village and the lack of need for, and future maintenance of, an area of open space ancillary to the development.

## **5.0 OBSERVATIONS**

### **Principle of development**

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the sustainable nature of the site location (Policies CP1, CP2 and CP4) and consideration of developments outside defined development limits, including the provision of appropriate affordable housing (Policies DP8, DP9, DP9A and DP10), the scale, design and materials proposed (Policies CP17 and DP32) and the potential impact on local visual amenity and landscape character (Policies CP16 and DP30). The impact on adjacent residential amenity is also to be appraised in accordance with Policy DP1. The provision of an area of public open space and a contribution to the provision/improvement of such facilities is required under Policy DP37. The contents of the National Planning Policy Framework (NPPF) are also considered to be relevant.

5.2 Hackforth is designated as a Secondary Village in the context of Policy CP4 of the Local Development Framework, having a modest range of community services and facilities (including, most importantly, a primary school, a pub serving food and a village hall) adequate to cater for additional residential development which would, in itself, sustain and support such facilities. In principle, therefore, Hackforth is a sustainable settlement in both local and national policy terms. However, as noted above, the application site does include a significant proportion of land which is outside the defined development limits albeit directly adjoining. LDF policy would support development of this site for affordable housing in principle, but this area cannot be accessed without reducing the development on the front portion. This is an important issue which requires careful analysis and appraisal taking into account related factors including the potential benefits of the development of affordable housing units as a significant (50%) integral part of the overall scheme and other related ancillary local benefits.

5.3 Policy CP9A states that schemes outside but adjacent to development limits will be supported where 100% affordable housing is to be provided to meet an identified local need and where the development is small in scale. Although Policy CP9A normally requires the development outside limits to be exclusively of an affordable nature it is considered in this case that there are benefits to the local community by the provision of 2 affordable houses and 2 'open market' houses both being outside Development Limits if the utilisation of the area within limits is necessary to allow the development to happen at all including, in addition, the provision of an area of public open space for the village, additional car parking to address current parking problems and access to the land beyond for occasional village/public uses. It should be noted that the applicant has previously had permission for the construction of a single dwelling on the frontage part of this site and an application to renew this permission remains current. However, should such a development take place it would prevent any future development of the land to the rear with the consequent loss of the benefits referred to. The current proposal would sacrifice the implementation of the one dwelling scheme and the inclusion of open market housing on the rear portion is in recognition of this and the other benefits on offer. Following discussions with the Parish

Council and the local community in 2010 in respect of a preferred site for affordable homes in the village, this site, rather than a site adjacent to the Village Hall on the way out of the village, was voted preferable by local residents, supported by the Parish Council.

5.4 The history of attempts to find a site for the provision of affordable housing in the village has been referred to above and has involved several meetings with interested parties, the Parish Council and exhibitions/displays in the Village Hall for the benefit of local residents. Schemes which have been discussed informally over the past 9 years have included numbers as high as seven units (three free market and four affordable) but advice given to the landowner/applicant led to a reduction to the scale now put forward. Surveys carried out by the Council's Rural Housing Enabling Officer over several years have seen numbers relating to housing need vary. The comments of the Council's Rural Housing Enabling Officer supporting the proposed scheme, which will contribute to the needs identified in the Housing Needs Survey are set out above. Appropriate conditions to ensure the phasing and provision of affordable units within the scheme are recommended below.

5.5 The National Planning Policy Framework states, as part of its main aims, that the purpose of the planning system is to contribute to the achievement of sustainable development of which it is noted comprises three dimensions: an economic role, a social role and an environmental role. Paragraph 8 of the NPPF states clearly that "These roles should not be taken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards and well-designed buildings and places can improve the lives of people and communities." In this case the social role is considered to be particularly relevant. The social role as defined in paragraph 7 of the NPPF comprises "supporting strong, vibrant and healthy communities by providing the supply of houses to meet the needs of present and future generations; and by creating a high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being." In view of this support from national policy and the benefits on offer to the village from other aspects of the proposal, it is considered in this case that an exceptional case for approval exists. In reaching this view, it is noted that development beyond Development Limits may be considered favourably where, under criterion iii of policy CP4, "it would provide affordable housing or community facilities which meet a local need, where that need cannot be met within a settlement within the hierarchy." However, the proposal does not fully comply with any of the exceptions listed in LDF policy CP4 and the proportion of affordable housing, whilst welcome, is not the 100% sought outside Development Limits by LDF policy CP9A.

### **Impact on amenity**

5.6 The relationship of the application site to surrounding development and the form of the village is such that there would be no significant adverse visual or amenity impact. The design, layout and materials proposed, together with the limited views available from both vehicular and pedestrian access routes into the village, and past the site, are such that the development would not have an adverse impact upon the form or character of the settlement contrary to the provisions of Policy DP10. The orientation to, and distances from, adjacent residential development is also considered to be such that there would be no demonstrable adverse impact upon residents' amenity.

### **Public open space**

5.7 The application is supported by a statement that documents discussion with the Parish Council since 2004 about creation of an open space for the village on this site. It indicates that the concept has local support and that it has long been understood locally that the creation of the open space would need to be accompanied by development on the remainder of the site. The submitted evidence shows general support for this, subject to assurances about future maintenance of the area.

5.8 Reference has been made above to the need for the development to comply with Policy DP37 in terms of the provision/improvement of public open space or recreational

facilities in the area. It is likely that in this case, the area of public open space would be managed by the Parish Council subject to appropriate financial arrangements as an alternative to a financial contribution for provision elsewhere. A Unilateral Undertaking ensuring compliance with the Policy is currently being discussed and would be concluded prior to determination of the application.

## SUMMARY

It is considered that the proposal is in broad accordance with the Policies within the Local Development Framework Core Strategy, the Development Policies document and the contents of the National Planning Policy Framework in that the scheme will provide a range of dwellings, including a significant affordable element, with ancillary community benefits, within and directly adjoining a sustainable settlement with no demonstrable adverse impacts on local visual, or adjacent residential, amenity.

However, the proposal does not fully comply with any of the exceptions to restraint of development set out in LDF policy CP4 and does not provide 100% affordable housing outside Development Limits as required by policy CP9A and for these reasons must be considered as an exceptional case meriting approval as a departure from the development plan. In this case the local gain in public open space provision, which has enjoyed a degree of local consensus over the last ten years, is considered to outweigh the policy harm.

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.

The recommendation set out below is subject to the satisfactory completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990 to secure provision of the proposed area of public open space and public access to that area, and any necessary additional contributions towards public open space provision.

## 6.0 RECOMMENDATION

Subject to:

- (a) prior advertisement as a departure from the development plan and consideration of any representations received in response; and
- (b) the satisfactory completion of a planning obligation to secure appropriate direct provision or a contribution towards open space, sport and recreation facilities,

planning permission is **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 has



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.
- (i) The access shall be formed as a dropped kerb crossing of the footway, to give a minimum carriageway width of 5 metres, 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 or proposed highway.
- (iv) That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15.

All works shall accord with the approved details unless otherwise agreed 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 70 metres measured along both channel lines of the C36 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. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) vehicular, cycle, and pedestrian accesses
- (ii) vehicular turning arrangements
- (iii) manoeuvring arrangements

No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted details.

6. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing dhh065/04/01 Proposed Site Plan. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

7. 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.

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

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

The approved areas shall be kept available for their intended use at all times that construction works are in operation.

9. The development hereby permitted shall not be carried out except in complete accordance with the Flood Risk Assessment (prepared by Stevenson Associates dated December 2012: Land rear of Brookside Hackforth) unless otherwise agreed in writing with the Local Planning Authority.

10. The development of the site shall take place with separate systems for foul and surface water drainage. Foul water only shall discharge into the public sewer in Crakehall to Hackforth Road.

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

12. The 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

13. No dwelling 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 12 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.

14. (A) No development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions including:

- (i) The programme and methodology of site investigation and recording
- (ii) Community involvement and/or outreach proposals
- (iii) The programme for post investigation assessment
- (iv) Provision to be made for analysis of the site investigation and recording
- (v) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- (vi) Provision to be made for archive deposition of the analysis and records of the site investigation

(vii) Nomination of a competent person or persons to undertake the works set out within the scheme of investigation

(B) No development shall take place other than in accordance with the Written Scheme of Investigation approved under paragraph A above.

(C) The development hereby permitted shall not be occupied until the site investigation and post site investigation assessment has been completed in accordance with the Written Scheme of Investigation approved under A above and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

15. No development shall be commenced until:

(a) a written scheme for the construction of the semi-detached dwellings on the site for use as affordable housing ("the Affordable Housing Scheme") has been submitted to and approved in writing by the Local Planning Authority;

(b) a written scheme for the construction of the remainder of the dwellinghouses on the site ("the General Market Housing Scheme") has been submitted to and approved in writing by the Local Planning Authority.

16. Not more than 50% of the total number of the dwellings comprised in the General Market Housing Scheme shall be occupied until the Affordable Housing Scheme is ready for occupation.

17. No person or persons shall occupy all or any part of the housing in the Affordable Housing Scheme ("the Affordable Housing") unless he or she is a tenant and unless:

(a) he or she is a person in need of such accommodation as defined in the Schedule to these Conditions and he or she fulfils one or more of the criteria contained in Conditions 18 or 19 below: or

(b) he or she has succeeded to a tenancy under the provisions of the Housing Act 1986 upon the death of the former tenant of the accommodation; or

(c) he or she has upon the death of the former tenant's family who resided with him/her throughout the period of twelve months ending with the former tenant's death and who occupied the accommodation as his or her only principal home at the time of the former tenant's death; or

(d) he or she has succeeded to the tenancy as a result of a Court Order.

18. Subject to Condition 19 no person or persons shall occupy all or any part of the Affordable Housing Unless he/she is a person who is in need of such accommodation and who:

(a) has immediately prior to such allocation been ordinarily resident within the Parish of Hackforth ("the Parish") for a period of at least twelve months; or

(b) has within the last ten years prior to such allocation been ordinarily resident in the Parish for a period of at least five years; or

(c) has immediately prior to such allocation a mother, father, son or daughter or some other relative or carer approved in writing by the Local Planning Authority who has been ordinarily resident in the Parish for at least twelve months; or

(d) is immediately prior to such allocation permanently employed in the Parish.

19. If upon a unit of accommodation within the Affordable Housing becoming available for occupation whether on completion of the construction of the Affordable Housing or at any time subsequently the Owner is unable to

fill any vacancy arising in accordance with Condition 18 above as confirmed in writing by the Local Planning Authority then the Owner may allocate the unit of accommodation to a person who is considered by the Owner to be in need of such accommodation and who:

- (a) has immediately prior to such allocation been ordinarily resident within one or more of the Parishes of Burneston, Theakston, Exelby, Leeming and Newton, Carthorpe, Kirklington- cum-Upsland, Gatenby, Swainby with Allerthorpe, Snape with Thorpe, Well , West Tanfield, Howgrave, Sutton Howgrave, Firby, Burrill with Cowling, Thirn, Rookwith, Clifton on Yore, Thirn, Thornton Watlass, Crakehall, Langthorne, Hackforth, Ainderby Mires with Holtby, Killerby, Kirkby Fleetham with Fencote, Scruton, Rand Grange, East Tanfield (or such other Parishes as may be agreed from time to time ("the Other Parishes")) for a period of at least twelve months; or
- (b) has within the last ten years prior to such allocation been ordinarily resident in one or more of the Other Parishes for a period of at least five years; or
- (c) has immediately prior to such allocation a mother, father, son or daughter or such other relative or carer approved in writing by the Local Planning Authority ordinarily resident in one or more of the Other Parishes; or
- (d) is immediately prior to such allocation permanently employed in one of the Other Parish(es)

but if there is no such person then to any person in priority need nominated by the Local Planning Authority PROVIDED that if within seven working days of a written request by the Owner to the Local Planning Authority is unable to nominate a person and/or if within fifteen working days of the request the Owner is unable to fill any vacancy arising in accordance with Condition 18 above or this Condition then the Owner may allocate any vacant unit to any person who is considered by the Owner to be in need of such accommodation.

20. At all times in allocating or managing the units of accommodation in the Affordable Housing the Owner shall:

- (a) comply fully with the rules of a Housing Association and its current published housing waiting list and allocation system and in all cases in accordance with any published Housing Corporation Policies and Guidance Notes or rules policies and systems which are similar to such Housing Association and Housing Corporation documents; and
- (b) charge rents which are no higher than the Benchmark rents for the area specified by the Housing Corporation from time to time.

21. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (Ref dhh065/04/01; dhh065/04/03; dhh065/04/05) attached to planning application 13/02559/FUL received by Hambleton District Council on 10th December 2013 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In 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 interests of road safety.
5. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
6. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
9. In the interest of satisfactory and sustainable drainage.
10. The local public sewer does not have capacity to accept any discharge of surface water from the site.
11. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policies DP1, CP16 and DP30.
12. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
13. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
14. The site is of archaeological interest and the condition is imposed in accordance with Section 12 of the National Planning Policy Framework.
15. To ensure that the development complies with policy CP9 of the Local Development Framework Core Strategy.
16. To ensure that the development complies with policy CP9 of the Local Development Framework Core Strategy.
17. To ensure that the development complies with policy CP9 of the Local Development Framework Core Strategy.
18. To ensure that the development complies with policy CP9 of the Local Development Framework Core Strategy.
19. To ensure that the development complies with policy CP9 of the Local Development Framework Core Strategy.
20. To ensure that the development complies with policy CP9 of the Local Development Framework Core Strategy.
21. 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 CP9, CP16, DP30, CP17, DP32 and DP1.

*Attention is drawn to the following Informatives:-*

1. In respect of condition 3 above you are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

2. An explanation of the terms used in condition 4 above is available from the Highway Authority.

3. In respect of condition 5 above the proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development: A Guide' available at [www.northyorks.gov.uk](http://www.northyorks.gov.uk)

#### 4. SCHEDULE - (Relating to conditions 15 - 20) Definition of Need for Accommodation

1. A person is in need of accommodation if he/she is a person:

(a) occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions: or

(b) occupying housing accommodation which is temporary or occupied on insecure terms; or

(c) with a particular need for settled accommodation on medical or welfare grounds or the parent or carer of such a person with whom that person lives and will continue to live; or

(d) whose social or economic circumstances are such that they have difficulty in securing settled accommodation.

2. For the purposes of 1 (a) to 1 (d) inclusive above the following are examples of situations which may apply;

(a) Insanitary, overcrowding and unsatisfactory housing conditions; lacking bathroom or kitchen lacking inside WC; lacking cold or hot water supplies, electricity, gas, or adequate heating; lack of access to a garden for children; overcrowding; sharing living room, kitchen, bathroom/WC; property in disrepair; property unfit; poor internal or external arrangements; under-occupation; children in flats or maisonettes above ground floor.

(b) Temporary or insecure accommodation; tied tenancies; tenancies of a limited term; hostel accommodation; refuges for households escaping domestic violence; living in homes to be demolished or modernised; leaving institutional care; sharing with friends or relatives; facing eviction or repossession; 'roofless'.

(c) People with a particular need for settled accommodation on medical or welfare grounds (criteria may apply to any member of the household); a mental illness or disorder; a physical or learning disability; chronic or progressive medical conditions (e.g. MS, HIV-Aids); infirmity due to old age; the need to give or receive care; the need to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional or sexual abuse; ability to fend for self restricted for other reasons; young people at risk; people with behavioural difficulties; need for adopted housing and/or extra facilities, bedroom or bathroom; need improved heating (on medical grounds); need sheltered housing (on medical grounds); need ground floor accommodation (on medical grounds); need to be near friends/relatives or medical facility on medical grounds.

(d) People whose social or economic circumstances lead to difficulty in getting settled accommodation; lack of an actual or potential wage earner head of household unemployed or in part-time or low paid work; lack of capital assets.

## 6

### 13/02530/FUL

**Extensions to dwellinghouse.  
at 26 Lees Lane Romanby North Yorkshire DL7 8DB  
for Mr & Mrs Andrew Price.**

#### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for alterations and extension to a detached dwelling on the northern side of Lees Lane between Ainderby Road and Boroughbridge Road on the southern fringe of Romanby. The dwelling and its neighbours are served by a separate service road parallel to Lees Lane itself.

1.2 The proposed extensions comprise the construction of first floor accommodation above an existing flat-roofed garage, which is to be widened and lengthened, on the eastern side of the property. This would have a gable feature facing the front of the dwelling with a pitched roof at 90deg. to the main house and would also be linked by another pitched area parallel to, but lower than, the main existing ridge line. In addition a single storey extension to the rear of the existing main part of the dwelling, 2m in depth x 7.5m in width, is proposed. An existing car port which abuts the boundary of the neighbouring dwelling to the east is to be removed. Finally, an increased parking/turning area adjoining the front drive to allow vehicles to drive out in a forward gear is to be provided. This will increase the entrance by 1.8m.

1.3 The new extension to the eastern side of the house is to be constructed in facing brickwork with concrete tiles to match new tiles to be used for a re-covering of the main roof. The majority of the existing dwelling is to be rendered to the front, side and rear including the rear extension. This is partly for aesthetic reasons and partly due to an erosion and failure of some of the main house brickwork.

1.4 The front elevation of the dwelling comprises a mixture of brickwork, tile hanging and render and this elevation contains a very large proportion of window which is not beneficial to good insulation. The window area is to be reduced and the tile hanging, brickwork and render will be consolidated into a new rendered appearance. The contrast of render and brickwork for the new extension has been reflected on a number of neighbouring properties and in this case will comprise a visual and insulation improvement.

1.5 The closest neighbour to the east is currently 2.5m from the adjacent car port, which is to be removed. The new extension will be 4m from the neighbouring wall. There are no openings in the wall adjacent. The forwardmost part of the existing front garage line will remain as existing.

1.6 The application is reported to the Planning Committee for determination as the applicant is a member of staff.

#### 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 There have been no previous applications within the site since the construction of the house in the late 1960s.

#### RELEVANT PLANNING POLICIES:

3.1 The relevant Local Policies within the Development Plan and National Policies are as follows;

Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design

#### 4.0 CONSULTATIONS

4.1 Romanby Parish Council: No response received.

4.2 The application was advertised by site notice at the front of the site and the five closest neighbours were consulted. No representations have been received.

#### 5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the scale, design and materials proposed (Policies CP17 and DP32) together with the impact, if any, on adjacent residential amenity (Policy DP1).

5.2 The dwelling is set within a substantial curtilage, having a front garden of 15+m depth and a rear garden of 27m. Although the extensions are relatively substantial they do relate appropriately to the form of the existing house, are proportionate to the plot size and will have no adverse impact on neighbouring amenity or privacy. Neighbouring dwellings have had similar extensions in the past and comprise generally large properties with maturing planting screening them from Lees Lane itself.

5.3 The rendering of the main dwelling, particularly the front elevation, will, it is considered, improve its appearance by creating a simpler, more uniform front elevation.

#### 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 site location and there would be no demonstrable adverse impact on adjacent residential 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:

**GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development, including the texture and colour of the proposed render, shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (Ref 122/01/(02)002; 122/01/(02)008;



122/01/(02)009) attached to planning application 13/02530/FUL received by Hambleton District Council on 4th December 2013 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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 Policies CP17 and DP32.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP17 and DP32.

# 7

## 13/01854/FUL

### **Erection of building and the use of land in connection with an agricultural contracting business.**

#### **at Four Fields Sandhutton Lane Carlton Miniott North Yorkshire for Agriwash (UK) Ltd.**

#### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks planning consent for the erection of a building and the use of land in connection with an agricultural contracting business at Fourfields, Sandhutton Lane, Carlton Miniott. The proposed building would be formed to the eastern periphery of the site. An existing agricultural building is positioned to the west of the complex which was the subject of application 2/74/126/0003 in 1974. Retrospective consent is sought for the use of the land. At the time of the application site visit construction of the proposed building had not commenced.

1.2 The proposed building would accommodate an office, canteen, and workshop/store and would measure approximately 18m x 12m, with a total height of approximately 5.8m. Materials for the proposed structure would comprise profiled steel sheeting and facing brickwork.

1.3 The submitted supporting statement advises that the site operates as an agricultural contracting company specialising in farm hygiene, and providing building cleaning services to the farming community in North and East Yorkshire, County Durham and Cheshire. Typically the company provides deep cleaning services for buildings which are used, for example, for chicken rearing or egg production when stock is changed and buildings must be cleaned at regular intervals in the interests of disease prevention.

1.4 The company has 20 full time employees and operates 7 days a week from the site. The applicant advises that the yard and the existing building on site are used for the storage, cleaning and servicing of a range of machinery including pickup trucks, tractors, trailers, quad bikes, and water tanks. The existing building contains a workshop area within which the company's machinery is repaired and serviced.

1.5 Vehicle movements to the site comprise the company's own vehicle movements and the occasional delivery vehicle during normal operational hours. Specific vehicle movements are set out in the Transport Assessment received by the Council on 2 September 2013.

1.6 The agent for the applicant has provided an additional supporting statement received by Hambleton District Council on 9 December 2013. This has responded to the questions raised regarding the compliance of the scheme to paragraph 28 of the National Planning Policy Framework.

#### 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/74/126/0003 - Construction Of Agricultural Building For General Storage Purposes; Granted 1974.

2.2 2/91/126/0058 - Construction Of Minor Buildings And Provision Of Equipment For The Extraction Of Water From An Existing Borehole; Granted 1991.

2.3 12/00104/CAT3 - Storage of equipment and vehicles and large chalet type building on site; Pending Consideration.

## RELEVANT PLANNING POLICIES:

3.1 The relevant Local Policies within the Development Plan and National Policies 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
- Core Strategy Policy CP21 - Safe response to natural and other forces
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP25 - Rural employment
- Development Policies DP26 - Agricultural issues
- 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 Parish Council; expired 07.10.2013 - No responses received as at 11.11.13.

4.2 NYCC Highways - The existing access is poorly surfaced and will require improvement to serve the proposal. The following conditions should be included in any permission given: private access/verge crossings: construction requirements, and precautions to prevent mud on the highway.

4.3 Environmental Health - Advise that there no comments from an environmental protection viewpoint.

4.4 Yorkshire Water - Based on information submitted, no comments are required from Yorkshire Water (site's existing septic tank for foul drainage still being use, with surface water to existing watercourse).

4.5 Environment Agency - Note that a non mains drainage system is proposed. As our records show that the water environment is of a low sensitivity, we have no specific comments about this development. You should, however, ensure that the proposal complies with the foul drainage hierarchy.

4.6 Internal Drainage Board - Response received making no comments/observations on the proposal.

4.7 Neighbours notified and site notice posted; expired 24.10.2013 - No responses received as at 11.11.13.

## 5.0 OBSERVATIONS

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

- Local Policy Context:

5.2 Policy CP4 and DP25 of the Hambleton Local Development Framework (LDF) guide the types of development that will be supported in locations outside of development limits and rural employment within the Hambleton district. Policy CP4 will only support development in the countryside when an exceptional case can be made for the proposals in terms of policies CP1 and CP2, which relate to sustainable development and minimising the need to travel, and where, as relevant, (i) it is necessary to meet the needs of farming or [as relevant] other enterprises with an essential requirement to locate in the countryside and will help to support a sustainable rural economy, or (iv) it would re-use existing buildings without substantial alteration or reconstruction and would help to support a sustainable rural economy, or (vi) would support the social and economic regeneration of rural areas.

5.3 Policy DP25 supports employment development in locations outside development limits, if it is acceptable in terms of the relevant LDF policies, specifically CP1 and CP2 and if all of the following criteria apply: (i) it is small in scale, (ii) it comprises the extension of an existing use which is otherwise acceptable in terms of other LDF policies, (iii) the development is not capable of location within a settlement with development limits, by reason of the nature of the operation or the absence of suitable sites, (iv) it is supported by an appropriate business case which demonstrates that support will be provided to the local economy, which in turn would help sustain rural communities, and (v) the development would not adversely impact on the economy of the Service Centres.

- National Policy:

5.4 Paragraph 28 of the National Planning Policy Framework (NPPF) indicates that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should: (i) support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings, and (ii) promote the development and diversification of agricultural and other land-based rural businesses.

- Compliance with policy:

5.5 Policy CP1 is satisfied by the proposal as it promotes the continued use of an existing rural site and premises by an established business described as “agricultural contracting” that results in economic and social benefits for the Hambleton district by way of employment retention. The replacement structure would also secure an efficient use of land and bring about an improved site appearance enhancing local amenity. The relevant sections of policy CP1 are considered satisfied.

5.6 Policy CP2 focuses on minimising the need to travel. A traffic generation and highway statement has been submitted in support of this application. This demonstrates that traffic generation associated with the use of the site is low. It is recognised that the nature of the business necessitates travel regardless of its location. It is considered that the continued use of the site would not harm the objectives of policy CP2 which seeks to minimise the need to travel.

5.7 The development partly meets criteria (i) of policy CP4. There is no doubt that the proposal is helping to support a sustainable rural economy and it is clear from the overview of the enterprise that it is necessary to meet the needs of farming. Ambiguity arises in regard to the 'essential requirement' of the enterprise to locate in the countryside.

5.8 In their supporting statement the applicant cites “amenity problems” as the reason for the rural location of the enterprise. The overview of the business' activities has been assessed and it is not clear how the enterprise would harm neighbour amenity to a greater degree than any other industrial process positioned within an industrial zone throughout the district. The applicant cites the availability of land at Fourfields and a nearby farmstead for training as a justification for the siting of the enterprise at its rural location. Again this has not been

demonstrated as something that given the rural nature of the district could not be undertaken were the premises positioned within an industrial zone within development limits. These factors demonstrate that there is not an essential requirement for the enterprise to be located in this rural area and the exceptional criteria of CP4 is not considered to be met.

5.9 The next criteria (iv) relates to the re-use of existing structures. The use of the existing agricultural building on-site would fall within the requirements of this policy however the replacement structure would not. The final criteria is relatively generic in its approach and whilst it is clear how the enterprise would support a sustainable rural economy it is not clear how this would specifically support the social and economic regeneration of the rural area.

5.10 The requirements of policy DP25 are satisfied with the exception of criteria (iii). Policy DP25 requires proposals to meet all the requirements. The proposal therefore fails the tests of DP25. It is considered that the development would be capable of being sited within Development Limits. No specific evidence has been provided that shows the operation could not be located within Development Limits. There is no evidence of a lack of suitable sites. The applicant cites criterion (iii) of DP26, that seeks to support the agricultural sector, as lending support to this aspect of the scheme. However DP26 is framed to refer to clusters of farming business or co-operatives, the proposal is not shown to be forming a part of a cluster of agricultural support businesses as such it is considered that the criterion (iii) of DP26 does not support this proposal.

5.11 The supporting statement refers to the interpretation and application of paragraph 28 of the National Planning Policy Framework, and the weight that needs to be afforded to this over and above the local plan policies adopted prior to its publication. It is considered that significant weight should be afforded to the NPPF and the change in approach to stimulating the local and national economy that the Government has adopted since its publication. In view of this other relevant sections of the NPPF should be explored to ascertain their relevance. The presumption in favour of sustainable development is noted at paragraph 14 as are the core planning principles at paragraph 17; the location of new businesses is one of the factors to be considered amongst others in determining the sustainability of the proposal.

5.12 The applicant has made reference to application 12/01497/FUL which related to the refusal of the change of use of workshop/store (used for the repair and storage of agricultural and plant machinery and agricultural contracting) to a storage and distribution depot in a nearby rural area. Whilst this does highlight the Council's approach to siting uses in a sustainable location it does not necessarily follow that the former use is acceptable in this location under current policy as the former use was supported under policies which pre-date the Council's Local Development Framework. The applicant has also made reference to a number of other cases which in their view strengthens their case and demonstrates that refusal of this application would represent inconsistent decision making by the Council. Some of the proposals were considered before the LDF (when the Hambleton District Wide Local Plan was in place) and others before the NPPF was introduced. In one instance Members of the Planning Committee lent support to a proposal that was a departure from the normal policy interpretation but did not set a precedent as every case is to be determined on its own merits.

5.13 Whilst the proposal meets some aspects of the NPPF and LDF Policies it is not fully aligned with policy and therefore the development is not acceptable in principle.

- Neighbour/Visual Amenity:

5.14 There nearest dwellings are Mowbray House to the west and Parkland Grange to the south-east. The operation of Agriwash has been well outlined in the submitted supporting statements. The comments of Environmental Health are also noted which do not raise an objection to the scheme. It is considered that there would not be an adverse impact on neighbour amenity. The existing building is clearly visible to the streetscene, as the proposed structure would be. The nearest building would be set approximately 90m north of the public highway. Both buildings would be viewed on the backdrop of a band of mature

trees to the north. Consequently the proposed structure would not have an adverse visual impact on the local landscape.

- Highway safety:

5.15 The traffic generation and highways statement along with the supplementary statement have provided an overview of all vehicle movements associated with the enterprise. Taking this and the response of the local highway authority into account it is considered that the proposal would not have an adverse impact on highway safety subject to the recommended conditions.

- Conclusion:

5.16 The scheme is acceptable from a highway safety, neighbour and visual amenity perspective. These factors cannot however outweigh the fact that the proposal is not acceptable in principle as it does not fully comply with local policy. Consequently the proposal is recommended for refusal.

6.0 RECOMMENDATION:

## **REFUSED**

For the following reason:

1. The proposal is contrary to policies CP4 and DP25 of the Hambleton Local Development Framework as it fails to demonstrate an exceptional circumstance, sufficient to justify its siting outside of the Development Limits of a sustainable settlement, and has not demonstrated that the development is not capable of location within a settlement with Development Limits.

# 8

Target Date: 5 February 2014

13/02544/FUL

**Change of use of agricultural to 8 pitch travellers caravan site, transit facility, construction of a stable block and five amenity buildings.  
at OS Field 2619 Goose Lane Sutton On The Forest North Yorkshire  
for Mr E Whatnell.**

## 1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 The proposal is for the creation of a new travellers caravan site to accommodate 8 separate pitches. Between pitches there is shown to be a pair of amenity units built in block. Four amenity blocks serve the 8 pitches, a smaller fifth block is to be available to visitors to the site.
- 1.2 Access from Goose Lane is shown to be via the existing drive to the applicant's caravan, High Chaperal, and to the north a dwelling that is occupied by relatives of the applicant.
- 1.3 The layout of site shows a loop road running parallel with the southern boundary of the site with parking spaces for occupiers and visitors adjacent to the road. An area is set aside for children's play and further areas for the parking of non-domestic vehicles. Land to the north of the site is shown to be available for horse grazing.
- 1.4 A footway is to be provided from the site to the adjoining Ponderosa Caravan Park to create a link to the public footpath network that leads to the village of Sutton on the Forest. A bus stop exists to the east of the entrance to the Green Park Business Centre.
- 1.5 A stable block to provide 3 stables and store for the stables is shown on the northern boundary of the application site, close to the applicant's existing residential caravan.
- 1.6 A sewage plant is proposed to be located in the south-western corner of the site.
- 1.7 A 1.2 metre timber post and rail fence is proposed to be erected between the site and the remaining grassland to the north and west of the site. Additional landscaping is shown to be provided beyond the northern boundary of the site.
- 1.8 The site is 1 mile (1.6km) south of the village of Sutton on the Forest. By road from the site to the village hall in Sutton on the Forest is 1.2 miles (1.95km).
- 1.9 The site is within a landscape that is low lying and relatively flat agricultural land, with deciduous hedges and field edge and road edge trees. The surrounding land is predominantly in agricultural use (both arable and livestock farming take place) but also accommodates two business parks, a holiday caravan site, a residential caravan site, businesses alongside dwellings, and there are also substantial blocks of woodland.

## 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 This site is one of several that came forward following the Council's call for private sites in Spring 2013. The HDC Cabinet considered the submitted sites on 16 July 2013 and recommended to Council that pre-application discussions be encouraged on a number of sites, including the application site, in order to test the suitability of

the sites through the planning application process. That recommendation was accepted by Council on 23 July 2013. Several meetings have taken place since then with the applicant, involving Housing and Planning Officers, over draft layout plans and Planning Officers attended a Parish Council meeting on 3 January 2014 to explain the proposal and answer questions.

2.2 Adjacent site – The Ponderosa, Goose Lane, Sutton on the Forest.

2/144/8D – Use of land as a touring caravan site – granted 1977

2/144/8H – Use of existing caravan site and additional area for touring and travellers caravans. Granted 1979 not conditioned to use for touring or travellers.

2/95/144/0008R – Change of use of existing scrap yard to a site for touring and static holiday caravans. Permission granted 5 June 1995. Conditions limit the occupation to holiday purposes with a maximum occupancy of 8 weeks consecutively.

### **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 CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Development Policies DP36 - Waste

Development Policies DP37 - Open space, sport and recreation

National Planning Policy Framework - published 27 March 2012

National - Planning Policy for Traveller Sites (released 23 March 2012 effective from 27 March 2012)

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

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

Evidence base - Hambleton District Council - Traveller Housing Needs Study (September 2012)

### **4.0 CONSULTATION**

4.1 Sutton on the Forest Parish Council – wish to see the application refused. A copy of the full response of the Parish Council is appended to this report. The Parish Council response considers that the scheme does not meet the requirements of the NPPF, LDF and the broad locational criteria identified in the HDC Traveller Housing Needs Study

4.2 Housing Manager – Hambleton District Council's Traveller Needs study 2012, undertaken in accordance with government guidance, identified a need for 26 additional Gypsy and Traveller pitches during the period up to 2027. Local authorities have a statutory duty to identify the housing accommodation needs of Gypsies and Travellers.

This development, if allowed, would make a significant contribution towards meeting that need.



The site is located within approximately one mile of Sutton on the Forest and close to a bus route. The applicant is also proposing to include a footpath link to enable access on foot to facilities within the village. The proposal is for 8 good size permanent pitches - offering plenty of living/amenity space for future residents - and a transit facility. The proposal also includes stables and a children's play area.

The proposed amenity blocks are of good quality and are of an appropriate size and layout to meet the needs of gypsies and travellers.

The applicant is proposing to manage the site himself. His home overlooks the site and therefore he will be close at hand to deal with any issues if they arise. Being a member of the gypsy community himself, he fully understands their needs and culture and his family has experience of managing sites elsewhere in the country. He has drawn on this knowledge and experience to inform the layout and design of this site.

In discussions with officers, the applicant has agreed in principle to restricting the 8 permanent pitches to people with a local connection to Hambleton.

For the reasons stated above, this proposal is supported.

- 4.3 Environmental Health Officer – no objections. Advise that an informative should be applied to state: “The development is likely to require a Caravan Site Licence and the applicant should contact Environmental Health Service at least 2 months prior to commencement of the use.”

- 4.4 North Yorkshire Police – Architectural Liaison Officer

Caravan limits.

I note that it is suggested that there could be up to 3 caravans allowed per pitch, both static and touring caravans. If this were the case, what provisions are there to prevent this being abused so in theory there could be one family in each caravan and if taken to its ultimate there could be 24 traveller families for this 8 pitch application. I would therefore suggest that there be a Condition that there is only one caravan to be occupied per pitch at any one time.

Horse grazing.

I understand that it is suggested that there is to be no limit on the amount of horses being allowed to graze on this site. My concern is that travellers who are not staying on this site will come to leave their horses to graze here creating a disproportionate transit of travellers to and from this site. Also that horses could be abandoned on the site and there would be over grazing. I would suggest that a Condition of Planning be made to limit the total amount of horses allowed to graze this site and that only the travellers who are staying on the site would be allowed to graze their horses there.

Horse security

There needs to be some security to prevent the theft of horses. Maybe this could be addressed with the aid of CCTV on the site. Additionally I would like to see some fencing and gating of the grazing area to prevent horses from straying onto the highway.

Time limit for visitors.

Travellers visiting this site with their caravans, visiting existing travellers on the site could, in theory, stay for an unlimited period. This needs to be regulated and I suggest that a Condition of Planning be made to limit the time that visitors can remain on the site as a visitor, as well limiting the total amount of caravans visiting each existing caravan. Alternatively to condition the total number of caravans on the site at any one time.

#### Access roadway.

The access road to the site is relatively long and is only wide enough to allow one vehicle to traverse it at any one time. This is not ideal for emergency vehicles to be able to access the site, as well as travellers towing caravans. Trying to reverse out onto Goose Lane with a caravan to allow another vehicle to exit the site is a dangerous manoeuvre. I would recommend that the entrance roadway be widened to allow two vehicles to pass, and also that the 'pot holes' be filled in to give a level surface, essential for ambulances.

#### Site demarcation

To prevent anti-social behaviour between caravan owners disputing where caravans and vehicles can be parked I would suggest that the site be clearly marked for each plot. This could be by way of surface demarcation and also fencing.

#### Lighting

The access roadway and the whole site is currently unlit. To reduce crime and the fear of crime I would recommend that both the access roadway and the site be lit so that residents staying on the site can see who is moving around the site at night and also to aid the manoeuvring of caravans during the hours of darkness.

#### Mail

Experience has shown that there are complaints about the harassment by dangerous dogs when mail has been delivered to individual caravans. I would therefore recommend that there is a communal system for the safe delivery of mail to one point which is then securely distributed to each caravan.

#### Fly-tipping

I saw displayed at the entrance to a private muddy lane near to this site a sign displayed saying no tipping. This would suggest that there is a local problem. I would recommend that a Condition of Planning be made that there is no fly-tipping anywhere on this site or the access roadway.

#### Fuel security

It is unclear whether there will be mains electricity provided for the caravans or if the electricity will be by way of a generator, either owned by the landlord or used by each caravan. If the electricity is to be supplied by way of an electric meter either for the caravans or the showers, then this should be by way of a token payment rather than cash. Cash payment meters can be broken into and the cash stolen.

Any generators should be secured to anchorages set in concrete beneath the generators. (Anchorages should be to Sold Secure silver standard). Oil tanks should be secured to prevent siphoning from the top and protection should be given to the fuel pipe from the base to prevent it from being cut and fuel being drained.

#### Site perimeter boundaries

The perimeter fencing should be intact around the entire site. The type and height of the fencing should prevent access or exit by foot or by vehicle. Any holes in the perimeter fencing should be made good.

I am unaware of how these Conditions are to be enforced on a day to day basis but I would suggest that the owner of the site make provision to maintain a safe and secure site. The recording of dates when caravans arrive and leave the site would assist the enforcement of any conditions

- 4.5 NYCC Highways – Seeks clarification regarding the vehicular access and scope to undertake widening of the access and the cutting of the hedges to provide suitable visibility splays. Clarification is also sought on the status of the new path shown as 'public path' on land where no public rights exist.

- 4.6 Kyle and Upper Ouse Internal Drainage Board – seek further details regarding the discharge of surface water and maintenance access to the Board maintained watercourse.
- 4.7 NYCC Education – awaited
- 4.8 Sutton on the Forest Primary School Governor – Notes that the school has a capacity of 91 pupils and has accommodated up to 95 pupils. Currently there are 85 children and capacity exists. The capacity is not evenly spaced through the year groups. An influx of children could affect the ability to find space for other children living in the village, and may mean that we have over capacity in some classes, leading to space problems.

We have a lot of very positive experience of traveller children in the school. However, these children have generally stayed for long periods of time, if not their whole school lives. We would be concerned if we were subject to a large number of “short stay” children who would be a considerable disruption to consistent educational progress of all pupils.

Overall, then, our view is that we are likely to be able to cope with a small number of additional children. Problems will arise if the numbers exceed 5, the degree of challenge will depend on the age of the children. We obviously would benefit from additional funding, but would struggle if we had to support SEN (special educational needs) children without financial assistance. Lastly, we would be worried about overall school performance (and the effect it may have on the satisfaction of our existing parents) if we were faced with pupils only staying for short periods of time.

- 4.9 Neighbour notifications and responses

**Number  
Range of issues**

**Location**

Not in a location of a historic transit route, too distant from the A19.

The location will not meet the wishes of the travelling community to have pitches near to family members and that the site(s) should be developed near Thirsk and Stokesley, thus Sutton site would not be required.

The footpath to the village is long and rough and waterlogged in wet weather. It is an unsuitable access route to the school.

The roads are fast and dangerous for cyclists.

Too distant from shops, there is no general store in Sutton. The shop on the Flower of May Holiday Park makes facilities available on a discretionary basis to local people and closes the shop, swimming pool and residents clubhouse between January and February annually, (because it is uneconomic to remain open).

Too distant from doctors surgery

Limited employment opportunities

Welfare services are not available

Would result in the loss of greenfield land.

**Need**

Additional need for pitches should be met by use of the adjacent Ponderosa site.

Village school is at capacity.

Concern that the number of caravans on the transit site may increase the number of people on site to an unacceptable degree. 50 – 100 residents may be resident on the site.

The size of the site is too large relative to the needs of the District

### **Drainage and sewerage**

Concern that sewer systems will not be able to cope with additional flows.  
Ground conditions and poor percolation of the ground

Scheme is outside the guidance of the HDC Traveller Housing Needs Study. (THNS)  
Concern that insufficient time has been given to consider the application.

### **Security**

Increasing the population near to commercial premises, such as the Green Park Business Centre, increases the vulnerability of those premises from theft and vandalism. Concern that a perception of a loss of security may impact upon business viability and a threat to jobs locally.

## **5.0 OBSERVATIONS**

5.1 The main issues in this application, having regard to national and local planning policy, are:

- whether there is a need for the additional gypsy pitches;
- whether the proposal would result in an unsustainable pattern of development in relation to access to services and facilities;
- the effect on the character of the area;
- the impact on the living conditions of occupiers and nearby residents and on local amenity; and
- highway safety.

5.2 Government guidance is set out in Planning Policy for Traveller Sites (PPTS) and the National Planning Policy Framework (NPPF). While Policy DP14 of the Development Plan details key policy considerations it pre-dates these documents and the PPTS (paragraph 4) crucially seeks to promote more private Travellers sites, reduce the number of unauthorised developments and encampments and to increase the number of traveller sites in appropriate locations to address under-provision and maintain an appropriate level of supply.

5.3 The need for additional traveller pitches was identified in the Hambleton District Council Traveller Housing Needs Study (THNS) September 2012. This established a need for 9 private pitches and 2 public pitches (total 11) by 2017, with a further 7 pitches by 2022, and 8 more by 2027, giving a total of 26 pitches. The higher initial need is to address the current unauthorised sites in the District. Only 2 private pitches have been approved since the base date (one at Bankside Close, Sowerby July 2013 and one at Hailstones Moor, Northallerton on appeal in January 2014). A need for an additional 24 pitches by 2026 remains.

5.4 Although Policy DP14 envisaged the allocation of Travellers sites, this was not taken forward in the Allocations Development Plan Document, so no sites are allocated for Travellers in the LDF. The Council's strategy is to encourage the provision of appropriate private sector sites (Minute CA15). No additional public sites in Hambleton are expected to be developed by the County or District Council or by a Registered Provider, so the emphasis is clearly on providing private sites to meet established needs. Existing public sites also remain fully occupied. There are ongoing planning enforcement/legal issues with several unauthorised traveller sites in the District.

5.5 To satisfy the Government's Planning Policy for Travel Sites requirements Hambleton should have a 5 year supply of specific deliverable sites. This does not exist at present, hence the need for sites to be developed. To address the shortage of pitches a "call for sites" was made. Two applications (this application and one at World's End Sowerby 13/02589/FUL for a single family pitch) have been made

following the call for sites. Council officers are involved in discussion on a further private site at Sowerby, Thirsk for approximately 8 pitches, which may come forward subject to infrastructure constraints being addressed.

- 5.6 LDF Policies CP8 and DP14 seek to meet established local Gypsy and Traveller's housing needs. Policy DP14 is permissive; it permits gypsy sites outside Development Limits where the scale, location or type of existing provision is inadequate (subject to criteria being met).
- 5.7 There is a clear need in the short term in Hambleton travellers site developments and the absence of locally approved sites has been a factor in planning appeals, most recently the Inspector's decision to allow a single plot at Hailstones Moor, Northallerton. As a matter of principle this proposal can meet part of the need. The site could help provide a wider distribution of Travellers sites across Hambleton, which are currently concentrated in the Stokesley and Thirsk areas, and would help the Council to resist unauthorised encampments more effectively.

### **Site factors**

- 5.8 LDF Policy DP14 sets out 6 criteria to be satisfied and these pre-date the NPPF and PPTS. These relate to:
- 1) location and providing access to services and facilities,
  - 2) providing an acceptable living environment,
  - 3) being of an appropriate size,
  - 4) having a safe and convenient access to the road network,
  - 5) avoiding demonstrable harm to the amenity of existing communities and surrounding environment, and
  - 6) not being located on contaminated land

Similar considerations apply in national policies and there are a few additional in the PPTS particularly regarding not putting pressure on local infrastructure and avoiding flood risk area and Greenbelt.

### **Location and access to services and facilities**

- 5.9 Concern has been expressed that the proposal is not in a sustainable location. The Council's key policies on sustainability are Core Strategy Policies CP1 and CP2, which seek to minimise the need to travel. In the precedents of recent appeal decisions at Ings Lane, Great Broughton and Hailstones Moor, Northallerton, Inspectors have noted that Policy DP14 (and supported by the recent THNS report) allows for the provision of traveller sites beyond Development Limits and they took the view that this must inform expectations in relation to sustainable travel, concluding that the NPPF seeks to prioritise pedestrian, cyclist and public transport access 'where practical'.
- 5.10 A link to the 'off-road' public footpath to the village centre to the north-west is proposed. Cycling to the village is possible via minor roads: Goose Lane and Carr Lane. There is regular bus service passing the entrance to the site with a convenient bus stop. Residents would be likely to have the use of a motor vehicle and would have a range of means of transport to access services and facilities on the same basis as other local residents. The NPPF has also reduced the need for alternative transport to the private car, and therefore less weight should now be given to the stricter requirements of Policy CP2.
- 5.11 Sutton on the Forest is a Secondary Village with a primary school and other basic facilities (village hall, pubs, church) and a shop is situated nearby at Goosewood Holiday Park on Carr Lane. The site's location, albeit just over 1 mile from the Sutton on the Forest, is considered sustainable. This conclusion is drawn in the context of

recent Planning Committee and appeal decisions that have considered the issue of the sustainability of locations especially with respect to Travellers sites (e.g. Tame Bridge, Stokesley; Ings Lane, Great Broughton; Hailstones Moor, Northallerton).

- 5.12 This does not mean that the site is ideal in terms of sustainability; however it has to be recognised that the site would satisfy the currently unmet need for more gypsy and traveller pitches within the District and a more sustainable location did not come forward in response to the widely publicised call for sites.

### **Living environment and size of site**

- 5.13 The proposal includes amenity blocks, these are to be positioned and designed to provide separate facilities to each of the pitches. Each building would be divided in to two identical units each with toilet, shower and utility space for a washing machine, so that each building will serve two pitches.
- 5.14 The proposal includes the provision of a small block of 3 stables and store on the northern boundary of the site, built of timber these are to provide a facility for occupiers of the site.
- 5.15 A packaged treatment plant is proposed to deal with sewage from the site.
- 5.16 Taking these factors into account, the proposal would provide an acceptable living environment for Travellers, being of an appropriate size, layout and design, with spacious pitches, convenient access and adequate parking arrangements, soft landscaping, large play area, horse grazing and stabling, suitable amenity blocks and overflow area with visitors' pitches and amenity blocks.

### **Access to the road network**

- 5.17 The widening to the access road and creation of the visibility required by the Highway Authority can be undertaken on land within the control of the applicant and highway land and therefore can be secured by planning condition. Therefore the site is capable of safe and convenient access to the road network and would not cause a hazard to other users. .

### **Amenity of existing communities**

- 5.18 There would be no demonstrable harm to the amenity of existing communities who are mainly situated well away from the site. The closest settled community is Sutton on the Forest but it would not be dominated by the 8 pitches to be occupied permanently and 4 pitches for visitors. This scale of development respects the size and density of the surrounding population and the infrastructure and services in Sutton on the Forest and would not place undue pressure on local infrastructure. Although developing a greenfield site, there would be no adverse impact on the environment and landscape as the site is relatively well screened by existing trees and hedgerows and is not prominent in public views in the flat landscape. The layout is also of an open, well planned nature and the caravans and buildings would be low rise. The proposal would not cause significant harm to the character and appearance of the landscape and would comply with the requirements of the Policy DP30.
- 5.19 Criterion v of Policy DP14 identifies that landscaping can mitigate the impact of gypsy and traveller sites and this can be achieved through imposition of a planning condition.

### **Land contamination**

- 5.20 The site is not located on contaminated land, does not suffer from pollution and is not within areas of flood risk.

## Conditions

- 5.21 The application includes detail that it is to be managed by an existing well established local traveller family living adjacent to the site, which should ensure proper management of the site. The day-to-day management arrangements should not be the subject of planning conditions. Conditions are required to control the nature and extent of the use and to ensure that the proposal meets the policy requirements set out in this report.
- 5.22 Conditions are appropriate to limit the occupancy of the site to those who meet the definition of gypsy and travellers. The maximum number of families and caravans on each pitch can be limited by planning condition to control the impact of the development on local services. The number of caravans and spacing of caravans on the site would also be subject to controls under the Caravans Sites Act. A restriction on the occupancy of the transit site to visitors to the permanent resident families is recommended.
- 5.23 There may be scope to control occupancy to those gypsies and travellers with a local 'Hambleton' connection, although this is not in accordance with PPTS (paragraph 22).
- 5.24 Conditions are recommended to require the improvement of the access and visibility splays, provision of the new path to connect with the public footpath network, to provide the drainage works and amenity units and bin storage, control the materials to be used within the developments, landscaping works, the use of the stable and store, and the external lighting arrangements.

## Observations on consultee comments

- 5.25 Many representations have been made on issues that are addressed in the earlier text. Comment is made that the size of the site is too large relative to the needs of the District and that with a large population the site would exceed the capacity of the infrastructure. The HDC-THNS notes that almost 40% of gypsies are aged 16 years or less. 16.5% are within the age range of 5-11 years – primary school age. The same survey records that nearly 70% of households interviewed had only one trailer/chalet/mobile home. Accordingly observations that the site may have a resident population of about 100 people are not supported by the evidence. If 16.5% of the population are of school age this would fill much of the available space at the Sutton on the Forest Primary School as recorded by the Chairman of the Governors.
- 5.26 The application seeks to provide 8 pitches, 33% of the identified need identified in the District.
- 5.27 The Ponderosa, adjacent to the application site is not the subject of conditions to ensure that it is available as a gypsy and traveller site. The site has permission to be used as a holiday caravan site and also as a permanent residential site by virtue of the 1979 and 1995 permissions. There are no planning conditions restricting the number or type of caravans or the total occupation of the site.

## Conclusion

- 5.28 There is an established need for this development in Hambleton which is not being satisfied elsewhere in the District. The application satisfies national and local planning policies with regard to sustainable location, amenity, environmental and other factors and a more suitable location has not come forward.

5.29 The Council has a duty to facilitate appropriate accommodation to meet known gypsy and traveller need and permitting this development would allow more decisive and effective action to be taken should unauthorised encampments arise.

5.30 Accordingly the application is recommended for approval.

## 6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED**

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

2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

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

4. Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme 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 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

5. The occupation of the site shall be limited to a people who fulfil the definition of "gypsies and travellers" given in "Planning policy for traveller sites Annex 1: Glossary", being "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

6. The site shall not be used to provide more than 8 pitches.

7. The development shall not be brought in to use until the approved amenity blocks have been completed with drainage and power supplies in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The approved amenity blocks, drainage and power supplies shall be maintained in accordance with the approved details and kept available for the use of residents and visitors at all times.

8. The area shown on drawing number 0065-J-13 as "Transit Over-Flow Area" shall not be occupied other than by Gypsies and Travellers who fulfil



the requirements of condition 5 above (in respect of the definition of Gypsies and Travellers) and who are visiting the residents on one or more of the 8 pitches shown on the drawing number 0065-J-13 or the existing residential caravan at the north east of the application site shown on the same plan as "Existing Dwelling".

9. The site shall not be occupied other than by gypsy and travellers with a connection to "Hambleton District" through family ties or work.

10. No development shall commence until a scheme for the improvements to the highway access to the site have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the occupation of the site and shall thereafter be maintained in accordance with the approved details.

11. No part of the site shall be occupied until a footpath connection to the existing public footpath network has been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Thereafter the path shall be maintained in accordance with the approved details.

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

13. The development shall not be brought in to use until bin storage has been provided in accordance with details approved by the Local Planning Authority. Thereafter the bin storage shall be maintained and be kept available for use.

14. The development shall not be brought in to use until the "Play Area" shown on drawing number 0065-J-13 has been provided in accordance with details approved by the Local Planning Authority. Thereafter the "Play Area" shall be maintained and be kept available for use.

The reasons for the above conditions are:-

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

2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

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

4. 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

5. To ensure that the site is available to meet the needs for gypsies and travellers.

6. In order that the Local Planning Authority can control the scale of the use in accordance with the LDF Policy DP14 and the requirements of national policy.

7. In order to ensure that the development is available to meet the reasonable needs of future residents and does not result increase the likelihood of pollution to the environment in accordance with LDF Policy CP1.
8. In order to ensure that the transit facility is available for use by relatives and friends of the occupiers of the approved site and in the interests of the amenity of residents does not become a stand-alone gypsy and traveller transit site.
9. To ensure that some of the needs demonstrated in the Hambleton Traveller Needs Study 2012 are by the development.
10. In order to provide a safe and appropriately designed improved access to the site in the interests of all highway users and in accordance with the LDF Policies CP1, CP2, DP3 and DP4.
11. In order to ensure that the provision of an off-road pedestrian connection to Sutton on the Forest is available for future occupiers in accordance with LDF Policies CP1, CP2, DP3 and DP4.
12. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
13. In order to provide a high standard of amenity within the development in accordance with LDF Policy CP1, DP1, CP17 and DP32.
14. In order to provide a high standard of amenity within the development in accordance with LDF Policy CP1, DP1, CP17 and DP32.

*Attention is drawn to the following Informatives:-*

1. The developer should contact the Environmental Health Service (tel. 0845 12 11 555) at least 2 months prior to commencement of the use in order to seek a Caravan Site Licence that is likely to be required.
2. An application for street naming and numbering should be made to the Council (tel. 0845 21 11 555) prior to the commencement of the use.

## 9

### 13/02397/OUT

**Outline application for residential development of up to 40 dwellings.  
at Land Off End St Marys Close Thirsk North Yorkshire  
for Mr J R Barker & Mrs R Taylor.**

#### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 Outline planning permission is sought for the construction of up to 40 dwellings on land off St Marys Close, Thirsk. The applicant originally stated "up to 36 dwellings" which differed to the design and access statement which referred to 40 dwellings at paragraph 3.2. The applicant has subsequently confirmed that the proposal is for "up to 40 dwellings". Access is to be considered with all other matters reserved for approval at the 'reserved matters' stage. An indicative site plan has been submitted showing the layout of plots, roads, and footpaths.

1.2 The indicative details and planning statement show a mix of 2, 3 and 4 bed units in two storey dwellings of which 40% will be affordable homes.

1.3 The site extends to 1.3 hectares. The applicant has stated in their supporting statement that 'it is envisaged that approximately 35 residential units will be provided over the developable area. This will result in a density of approximately 19 dwellings per hectare'.

1.4 The land is defined as being in agricultural use and is currently down to grassland, however it is not in productive use. To the north-west is the residential estate of St Mary's Close, St Mary's Drive and St Mary's Way. To the south-west is the residential area of Craigs Way and The Orchard. Thirsk Community Primary School, East Thirsk Community Hall, Thirsk Recycling Centre and Sure Start Thirsk Children's Centre are positioned to the south-east. To the north-east is the Thirsk Millennium Gardens which is separated from the site by a small water course running north-west to south-east.

1.5 The site lies within the Development Limits of Thirsk. This site is not allocated for any purpose in the LDF Allocations Document DPD, it is therefore "a windfall site". Historically, the site was envisaged to come forward for recreation development in association with either the school to the south, the Millennium Gardens to the east or Rybeck Farm to the north. The Hambleton District Wide Local Plan (1999) allocated the site for recreation. In 2007, the Hambleton Local Development Framework Preferred Options document identified use for recreation; however this was later removed from the plan as it was deemed undeliverable.

1.6 A vehicular access to St Mary's Close is shown, with no other vehicular access to the site indicated. A Public Right of Way exists to the south-western boundary of the site linking St Marys Walk and Hambleton Place.

1.7 The site is flat in nature. The following documents have been provided with the application submission: Transport Statement, Habitat Survey, Drainage Assessment, Statement of Community Involvement, Desktop Land Contamination Report, Sustainability Checklist and an Affordable Housing Form.

1.8 The site lies within Flood Zone 1, less than 1 in 1000 risk of flooding and is classified as 'low probability'.

#### 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 2/81/152/0201 - Outline application for residential development; Refused 1981.

2.2 2/92/152/0201D - Outline application for residential development; Withdrawn 1993.

2.3 2/93/152/0201E - Outline application for residential development to include open space; Refused 1994. Appeal Withdrawn 1994.

#### RELEVANT PLANNING POLICIES:

3.1 The relevant Local Policies within the Development Plan and National Policies are as follows;

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP5 - The scale of new housing
- Core Strategy Policy CP5A - The scale of new housing by sub-area
- Core Strategy Policy CP6 - Distribution of housing
- Core Strategy Policy CP7 - Phasing of housing
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP9 - Affordable housing
- Core Strategy Policy CP10 - The scale and distribution of new employment development
- Core Strategy Policy CP10A - The scale of new employment development by sub-area
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP18 - Prudent use of natural resources
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Core Strategy Policy 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 DP13 - Achieving and maintaining the right mix of housing
- Development Policies DP15 - Promoting and maintaining affordable housing
- Development Policies DP17 - Retention of employment sites
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
- Development Policies DP32 - General design
- Development Policies DP33 - Landscaping
- Development Policies DP34 - Sustainable energy
- Development Policies 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
- Hambleton Biodiversity Action Plan
- National Planning Policy Framework - published 27 March 2012

#### 4.0 CONSULTATIONS

4.1 Thirsk Town Council - Comments made: The land was allocated for recreation in the District Wide Local Plan and was included as such in the Allocation Document for the LDF but subsequently changed to White land by the Inspector. The Town Council still considers that the land should be utilised for recreational purposes rather than residential development in view of its location and the limited land available in East Thirsk for such purposes, particularly taking into account the extent of the population in the area.

4.2 NYCC Highways - Conditions recommended regarding: Detailed Plans of Road and Footway Layout (Outline All Types), Construction of Roads and Footways Prior to Occupation of Dwellings (Residential), Discharge of Surface Water, Permanent Site Construction Access, Details of Accesses, Turning and Parking, Precautions to Prevent Mud on the Highway, and On-site Parking, on-site Storage and construction traffic during Development.

4.3 NYCC Education – Capacity exists within the Thirsk CP School to accommodate the needs arising from the new development.

4.4 NYCC Development Management Archaeologist – Advise that there is no known archaeological constraints on the land.

4.5 Environmental Health (Land Contamination) - The desk study submitted in support of the application does not identify any significant risks to the end user or the environment and therefore an intrusive investigation is not required. However, given the past land use of agriculture and to safeguard humans in the residential with gardens scenario, I would recommend the testing of soils that are to be placed in garden and soft landscaped areas in order to demonstrate they are free from contamination. This would apply equally to any soils imported to site from an external source. In order to secure this I would recommend a relevant condition be applied

4.6 Environmental Health - No objections to this application.

4.7 Sustainable Development Officer - Comments made on sustainability of development site, sustainability of development size, transport connectivity, biodiversity, energy efficiency, water and waste management.

4.8 HDC Leisure Services - Response awaited.

4.9 Yorkshire Water - Conditions recommend to protect the local aquatic environment and YW infrastructure.

4.10 Internal Drainage Board - Response awaited.

4.11 Environment Agency - Response awaited.

4.12 NYCC Footpaths - Condition recommended regarding the maintenance of the free flow of the public right of way.

4.13 Police Architectural Liaison Officer - Supportive of development. Notes: Remote rear courtyard parking creates the opportunity for crime and should be avoided. Recommendations: 1. I would recommend that these houses actually 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. 2. Adequate security must 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.

4.14 Network Rail - I can confirm that Network Rail has no observations to make.

4.15 HDC Senior Engineer – Advises that the area is in flood zone 1 and no significant area

of susceptibility to surface water flooding as estimated by the Environment Agency identified on the proposed development area Response awaited. Discharge of surface water to the public sewer option is unlikely to be possible as Yorkshire water Services has stated that there is not capacity in their system. It is likely that an infiltration or watercourse discharge solution will be available. The FRA states that run-off to the ordinary watercourse will be to greenfield run-off rate, the usually applied discharge rate is 1.4 litres/hectare/second, with a practical minimum site discharge rate of 5 litres/second.

The design of the surface water system is to be designed to accommodate the 1 in 100 year (+30% climate change allowance) event, with no flooding to the development itself or increase in flood risk elsewhere within the design criteria. The 1 in 30 year event storage volume is to be attenuated within the adoptable system (subject to Yorkshire Water Services approval). The developer must also assess the event that exceeds the 1 in 100 year (+30% cca) so that flood flow paths can be incorporated into the scheme design that directs flows away from dwellings.

4.16 Housing Manager - Mix of homes is welcomed, 40% Affordable housing provision on site which equates to 16 affordable dwellings. Bungalows welcomed. The indicative layout plan are noted and confirmation will be required of the type, size, tenure and location of affordable homes. These are issues to be revisited at detailed stage.

#### 4.17 Public Consultation:

- Pre-application Consultation - A programme of community consultation has been undertaken culminating in a public exhibition on 18 September 2013 at Thirsk Community Primary School. A total of 21 Feedback Forms containing feedback were received during and since the public exhibition. A Statement of Community Involvement summarising the process that was undertaken was submitted with the application.

- Neighbours notified and site notices posted; expired 18.12.2013 and Press Advert; Published: 06.12.2013; Expired: 06.01.2014 - Key points:

- Access should only be from St Marys Close.
- No access from The Orchard for the residential development or during the construction process.
- The land should not be developed - it should be retained for public amenity use only.
- Dominance of dwellings - impact on solar panels on existing dwellings.
- Inadequate separation distances to existing properties on St Marys estate.
- Re-instatement of boundary to The Orchard.
- Overlooking to existing adjacent dwellings.
- Loss of property value.
- Noise impact.
- Will inhibit future school expansion.
- Impact on local drainage.

A petition of 89 signatories has been submitted to the Council - in summary this states 'we hope outline planning approval will not be granted for this land but if the Council are minded to allow residential development then we feel strongly that it should be limited to single storey dwellings in keeping with the local neighbourhood' and concludes that 'in our view what we are faced with is a totally unnecessary proposed development which would severely disrupt the lives of the elderly residents who already live in this neighbourhood by creating extra traffic, noise and loss of privacy as well as destroying amenity land which is well used by local residents and wildlife'.

## 5.0 OBSERVATIONS

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

- (a) Principle, scale and distribution of development
- (b) Housing Mix, Type and Tenure
- (c) Public Open Space
- (d) Education
- (e) Highways issues
- (f) Drainage and flood risk
- (g) Design and layout
- (h) Sustainable construction
- (i) Landscape and visual impact
- (j) Trees and ecology
- (k) Archaeology
- (l) Infrastructure and services
- (m) Community engagement

- (a) Principle, scale and distribution of development

5.2 The windfall site is positioned within the development limits of Thirsk which is a sustainable settlement as identified in the settlement hierarchy outlined in policy CP4 of the Hambleton Local Development Framework. In these circumstances the policy approach supports development of a scale and nature appropriate to secure the sustainability of each settlement as identified in spatial principle 3. This relates to the sustainable hierarchy of settlements and how the focusing of development and services in this hierarchical way is most efficient. The proposed development does not conflict with this policy and the principle of development is considered acceptable.

- (b) Housing Mix, Type and Tenure

5.3 The planning supporting statement proposes a development of up to 40 homes comprising a mix of 1, 2, 3 and 4 bed properties and the applicant has stated that the development could include bungalows. The proposed mix of homes is welcomed, particularly the suggestion that the development could include some bungalows. Local market research undertaken by the Housing Manager in November 2013 suggests that this would satisfy demand for 2 bedroom bungalows from older people wanting to downsize and live close to the centre of Thirsk.

5.4 The applicant's planning supporting statement indicates a willingness to provide 40% affordable housing on the site. This equates to 16 affordable dwellings based on a total of 40 homes and accords with the Council's target for the Thirsk area. The applicant has submitted an indicative layout plan of the scheme but has not identified the affordable housing units. However, the planning supporting statement proposes that, following discussions with the Council's former Housing Manager, these will comprise a mix of two bed semi-detached houses and one bed flats.

5.5 This level of affordable housing is supported. The preferred registered provider plus the size, type, tenure and location of the affordable homes needs to be agreed at the reserved matters stage. The tenure should comprise a mixture of social rented and intermediate tenure (to be agreed) and the homes should be 'pepper-potted' throughout the development in clusters of no more than 8 dwellings (i.e. in at least two areas of the site). The minimum size and transfer price of these homes must accord with the schedule contained in the Council's Affordable Housing Supplementary Planning Document (SPD).

- (c) Public Open Space

5.6 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.

5.7 Section 4 of the Open Space, Sport & Recreation Supplementary Planning Document

(Open Space SPD) identifies that developments of between 10 and 79 dwellings should make provision for amenity green space and play areas for children 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 Public Open Space in all sub areas (see paragraph 4.12 of the Open Space SPD).

5.8 The illustrative layout plan shows the Millennium Gardens as an area of Public Open Space (POS) to serve the residential development. Details of the layout of the site are reserved matters and the level of contribution towards improving off-site provision elsewhere can be secured by a Planning Obligation. The formula would be based on Table 3 and Table 7 contained within the Open Space SPD. As the final mix of dwelling numbers and sizes is yet to be decided the required contribution will be based on a formula taking into account the maximum specified 40 dwellings, the district's average household size of 2.37, any on-site provision, and an allowance for a reduced dwelling number at the reserved matters stage. A Section 106 agreement is currently being produced by the applicant on this basis.

#### (d) Education

5.9 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.

5.10 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

5.11 A response from NYCC Children and Young Peoples Service confirms that at the present time no contribution is required as there is capacity within the Thirsk CP School to accommodate children from the new development. However if the density of the site should change or other changes occur prior to the final approval of the scheme this finding will need to be reviewed.

#### (e) Highways issues

5.12 A Transport Statement prepared by Fore Consulting Ltd has been submitted in support of the residential development. The Transport Statement is prepared on the basis that the development proposals comprise 31 residential dwellings, with one point of vehicular access extending from St Marys Close. The report concludes that: 'Based on the assessments undertaken, it is considered that the proposal development can be safely accessed by pedestrians, cyclists and vehicles, and that there are no transport or highway reasons to justify refusal of the planning application'.

#### (f) Drainage and flood risk

5.13 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.

5.14 The site is within Flood Zone 1, an area with low flood risk, and is outside the flood envelope of all other identified sources of flood potential and records that residential development within Flood Zone 1 does not need to be subjected to the Sequential Test set



out in the NPPF.

5.15 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.

5.16 Queensberry Design Ltd has been commissioned by the applicants to undertake a drainage assessment in connection with a proposed residential development. This document identifies: It is proposed to discharge surface water flows from the development into the existing watercourse at the north-eastern corner of the development at 5l/s. It is proposed the foul flows will discharge unrestricted via a separate foul system into the existing 150mm diameter YW foul sewer in Craigs Way. Proposed foul flows are to discharge from the site at the South-Western boundary. A new manhole is to be constructed as an outfall point on the line of the existing sewer adjacent Craigs Way/The Orchard junction. The assessment concludes that further work to progress a detailed drainage design needs to incorporate a topographical survey, details site layout and detailed ground investigations.

#### (g) Design and layout

5.17 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.

5.18 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".

5.19 Notwithstanding the need for future reserved matters applications, an indicative masterplan has been submitted with the application and shows how a development of 36 dwellings and includes reference to the size of dwellings and the provision of bungalows.

5.20 The broad principles of the illustrative layout are considered to be acceptable. However, the Council expects further pre-application discussions to take place, concerning external appearance, design and layout, in advance of any reserved matters application.

5.21 The safeguarding of the residential amenity for properties adjoining the application site to the north-west needs to be addressed. The separation distances to the rear of the existing properties, the ambiguity over the sensitive rear facing elevations and the indicative house types are such that there could be an adverse impact on residential amenity. These factors can be overcome by the design and layout of the dwellings at the reserved matters stage and as such there is no overarching objection to the development on these grounds.

#### (h) Sustainable construction

5.22 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.

5.23 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.

#### (i) Landscape and visual impact

5.24 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.

5.25 The site is between two residential areas and is adjacent the Millennium Gardens and the Thirsk Community Primary School. Whilst views from the neighbouring properties will be affected by the development the impact would not be so substantial or adverse to justify a refusal of planning permission. The indicative site plan indicates two storey dwellings on site whilst the Council's Housing Manager is keen to introduce bungalows to the scheme. The careful positioning of this alternative house type will improve the appearance of the development. The loss of view over an open field is not a material planning consideration.

#### (j) Trees and ecology

5.26 A Phase 1 Habitat Survey has been produced by Naturally Wild Consultants Ltd. The objective of the survey was to ascertain if any protected species were using the site, document the habitats present and determine the ecological risks posed by the development. Further to this, the survey investigated for presence of invasive plant species on site. The field and boundary hedge lines were assessed, as were the immediate surrounding habitats.

5.27 The site proposed for development includes an unused semi-improved grassland field with associated hedgerows in a built up residential area. The species diversity would suggest that it has previously been used for agricultural purposes, although not for some time. With a slight east-facing slope the field appeared to have reasonable drainage and no areas of waterlogging noted. There are no ponds or buildings on the application site. The site is bordered by residential infrastructure to the west and north, with a school to the south and green open space to the east. The wider area is residential accommodation, and the site has poor external habitat links.

5.28 If the ecological recommendations made in this report are adhered to Naturally Wild are confident that the proposed development will have no significant ecological impact on site or within the surrounding area.

#### (k) Archaeology

5.29 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."

5.30 No assessment has been submitted with the application. The advice of the NYCC Archaeology unit is that there are no known archaeological constraints.

#### (l) Infrastructure and services

5.31 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. The statutory consultees have not raised an objection that would mean that the development would have an adverse impact on community facilities nor would the proposal harm existing utilities and infrastructure.

#### (m) Community engagement

5.32 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.

5.33 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.

5.34 The Council's SCI makes clear that developers should discuss and agree the exact nature of consultation in advance. In this case the applicants have undertaken pre-application engagement as sought by the NPPF and local policies. The application documents show how the process of engagement has shaped the proposals.

5.35 In response to the neighbour comments made but not already addressed; this application is approached on the basis that the only vehicular access to the site is from St Mary's Close and not The Orchard or Craigs Way. Loss of property value is not a material planning issue and cannot feature as a consideration in the determination of this application. An inevitable noise impact would be experienced during the construction phase and addressed by an 'hours of working' condition. The activity associated with the principle of an additional residential development is not considered harmful to existing dwellings.

- Conclusion

5.36 The use of the land for residential purposes is acceptable in principle. The issue of drainage can be addressed by physical measures within the site and off site by the Statutory Undertaker and controlled by planning condition. The provision of housing on the site would not cause unacceptable harm to the residential amenity of neighbouring residential property subject to an amended layout reviewing the positioning of dwellings and house types.

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 housing development, subject to the subsequent approval of detailed plans in respect of layout, scale, design and materials, will have no adverse impact on local visual amenity and landscape character.

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

## 6.0 **RECOMMENDATION:**

**GRANTED** subject to a Section 106 Agreement in respect of the provision of funding towards Public Open Space and the following condition(s)

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning

Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site; (c) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (d) the scale (including the number) of buildings overall.

3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 900-01-03 and 000-01-01 received by Hambleton District Council on 13 November 2013 unless otherwise approved in writing by the Local Planning Authority.

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 dwelling 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. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0800 hours and 1800 hours Monday to 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.

7. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.

8. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 7 above.

9. Prior to development commencing the developer shall submit to the Local Planning Authority a scheme for the re-use of soils and/or importation of soils, including details of the sampling and chemical testing proposed, that are to be placed in garden and soft landscaped areas in order to demonstrate they are suitable for use. The results of the testing shall be submitted to the Local Planning Authority and approved in writing prior to the placement of soils. A verification report shall be submitted to the Local Planning Authority with details of all soils re-used and imported onto site and the development shall not be occupied until the report has been approved in writing by the Local Planning Authority.

10. No development shall be commenced until: a) a written scheme for the construction of affordable housing on the site indicating the type, size and location of the affordable housing has been submitted to and approved in writing by the Local Planning Authority ("The Affordable Housing Scheme"). The Affordable Housing in the scheme to be provided shall not be less than 40% of the dwellings to be constructed on the site; b) a written scheme for the construction of the remainder of the dwellinghouses on the site ("the General Market Housing Scheme") has been submitted to and approved in writing by the Local Planning Authority.

11. No more than 10 dwellings comprised in the General Market Housing Scheme shall be occupied until the Affordable Housing Scheme is ready for occupation.
12. No person or persons shall occupy all or any part of the housing in the Affordable Housing Scheme ("the Affordable Housing") unless he or she is a tenant and unless: a) he or she is a person in need of such accommodation as defined in the Schedule to these Conditions and he or she fulfils one or more of the criteria contained in Condition 13 below: or b) he or she has succeeded to a tenancy under the provisions of the Housing Act 1986 upon the death of the former tenant of the accommodation; or c) he or she has upon the death of the former tenant's family who resided with him/her throughout the period of twelve months ending with the former tenant's death and who occupied the accommodation as his or her only principal home at the time of the former tenant's death; or d) he or she has succeeded to the tenancy as a result of a Court Order.
13. Subject to Condition 12 no person or persons shall occupy all or any part of the Affordable Housing Unless he/she is a person who is in need of such accommodation and who: a) has immediately prior to such allocation been ordinarily resident within the Thirsk Service Centre Hinterland (the hinterland as defined within the LDF Core Strategy) for a period of at least twelve months; or b) has within the last ten years prior to such allocation been ordinarily resident in the hinterland for a period of at least five years; or c) has immediately prior to such allocation a mother, father, son or daughter or some other relative or carer approved in writing by the Local Planning Authority who has been ordinarily resident in the hinterland for at least twelve months; or d) is immediately prior to such allocation permanently employed in the hinterland.
14. At all times in allocating or managing the units of accommodation in the Affordable Housing the Owner shall: a) comply fully with the rules of a Housing Association and its current published housing waiting list and allocation system and in all cases in accordance with any published Housing Corporation Policies and Guidance Notes or rules policies and systems which are similar to such Housing Association and Housing Corporation documents; and b) charge rents which are no higher than the Benchmark rents for the area specified by the Housing Corporation from time to time.
15. Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme 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 'Secured by Design' details prior to occupation or use of any part of the development hereby approved. The Secured by Design principles shall include measures to be implemented during the construction phase.
16. No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.
17. The site shall be developed with separate systems of drainage for foul and surface water.
18. Prior to development commencing details demonstrating how compliance will be achieved with the requirements of Policy DP34 (Sustainable Energy) of the Hambleton Local Development Framework shall be submitted and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained in

accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

19. 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) the proposed buildings and site layout, including levels
  - (e) accesses and driveways
  - (f) drainage and sewerage system
  - (g) lining and signing
  - (h) traffic calming measures
  - (i) 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.

20. 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.

21. 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.

22. There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access extending 20 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with Standard Detail number A1 and the published Specification of the Highway Authority. All works shall accord with

the approved details unless otherwise approved in writing by the Local Planning Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

23. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

(i)	tactile paving	(ii)			
	vehicular and pedestrian accesses	(iii)	vehicular parking	(iv)	
	vehicular turning arrangements		No part of the		

development shall be brought into use until the approved vehicle accesses, parking, manoeuvring and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

24. 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.

25. 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.
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26. No part of the existing boundary hedge along the south-eastern boundary(ies) of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 1.5 metres other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1, CP17, DP1 and DP32.

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.
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 order to protect the amenities of residential property in the locality.
7. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework policy DP43.
8. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework policy DP43.
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 policies CP21 and DP42.
10. To ensure that the development is carried out in full accordance with the aim and content of policy CP9 of the Hambleton Local Development Framework Core Strategy.
11. To ensure that the development is carried out in full accordance with the aim and content of policy CP9 of the Hambleton Local Development Framework Core Strategy.
12. To ensure that the development is carried out in full accordance with the aim and content of policy CP9 of the Hambleton Local Development Framework Core Strategy.
13. To ensure that the development is carried out in full accordance with the aim and content of policy CP9 of the Hambleton Local Development Framework Core Strategy.
14. To ensure that the development is carried out in full accordance with the aim and content of policy CP9 of the Hambleton Local Development Framework Core Strategy.
15. 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
16. To maintain the free flow of the Public Right of Way.
17. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework policy DP43.
18. In the interests of minimising energy demand, improving energy efficiency and promoting renewable energy generation in accordance with policy DP34 of the Hambleton Local Development Framework.
19. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
20. To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
21. In the interests of highway safety.



22. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
23. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
24. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
25. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
26. The trees are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.

*Attention is drawn to the following Informatives:-*

1. In imposing the condition 19 it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant and the Local Planning Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.
2. The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at [www.northyorks.gov.uk](http://www.northyorks.gov.uk).
3. You are advised that a separate licence will be required from the Local Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in condition 22.

# 10

13/01109/FUL

**Siting of a wind turbine 46.3m high (to tip)  
at Seamer Grange Farm, Seamer  
for Mr Colin Bainbridge**

## **1.0 PROPOSAL AND SITE DESCRIPTION**

- 1.1 Planning permission is sought for the siting of a wind turbine at Seamer Grange Farm, Seamer. The proposed turbine measures 46m high to the tip of the rotor, with a hub height of 36.4m. The external appearance of the proposed turbine would be very similar to that of the turbines at the nearby wind farm located between Hilton and Seamer approximately one mile away from the application site, albeit much smaller in scale. (The windfarm turbines are 125m high to tip with a hub height of 80m above ground level.) The turbine the subject of this application would have a solid matt white column with a horizontal axis and 3 rotor blades.
- 1.2 Seamer Grange Farm is located to the west of the village of Seamer, and is situated on the southern side of an unclassified road leading south west off the road between Seamer and Hilton (Seamer Road.) Stokesley lies approximately 3.5 km to the south west of the proposed turbine. The proposed turbine would be located to the west of an existing large poultry shed. A temporary access would be formed from the existing farm access to enable the parts for the turbine to be delivered. The cable route would follow a diagonal line between the turbine and the northern end of the poultry shed building. It is intended that the ground would be reinstated once the turbine was in place. The applicant's agent has indicated that the wind turbine is required to satisfy the energy demands of the farm by providing a renewable energy source that would allow the business to operate in a more environmentally and financially sustainable manner.
- 1.3 The overall character of the area is rural although there are various farmsteads and buildings visible from the site. The nearest neighbouring property is Boy Hill Farm which is located approximately 390m to the east of proposed turbine position.
- 1.4 In support of the application the applicant's agent has submitted a design and access statement, a noise report and a series of photomontages to show the likely impact of the turbine on the local landscape.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 04/02104/FUL – Permission granted for construction of an agricultural building for use as a free range hen house
- 2.2 05/00457/FUL – Permission granted for construction of an agricultural building for use as a free range hen house (amended plans)
- 2.3 06/02849/FUL – Permission granted for alterations and extensions to existing agricultural building used as a free range hen house
- 2.4 13/01249/FUL – Permission granted for construction of an agricultural storage building

- 2.5 09/00859/FUL – Planning permission was granted on appeal in May 2010 for the siting of 2 wind turbines as part of a 5 turbine scheme which straddles the boundary with the adjoining District, the Borough of Stockton-on Tees. The turbines have been constructed and have a hub height of 80m above ground level with a blade tip height of 125m above adjoining ground level. The turbines are visible from the application site.

### **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant National and Development Plan Policies are as follows: -

National Planning Policy Framework – paras 97 & 98 “maximise renewable and low carbon energy”

CP1 – Sustainable Development

CP16 – Protecting & enhancing natural and man made assets

CP18 – Prudent use of natural resources

DP1 – Protecting Amenity

DP28 – Conservation

DP30 – Protecting Character and Appearance of the Countryside

DP31 – Protecting natural resources: biodiversity/nature conservation

DP34 – Sustainable Energy

NYCC North Yorkshire and York Landscape Characterisation – 2011

Hambleton District Council Landscape Characterisation 1991

### **4.0 CONSULTATIONS**

#### **Seamer Parish Council**

- 4.1 Wish to see the application refused. The Parish Council is concerned about the cumulative impact of further wind turbines in the surrounding area, particularly in terms of landscape impact. The Parish Council generally objects to all wind turbine proposals but acknowledge that all applications should be fairly assessed. Wish to see a thorough consideration of the size and landscape impact of the proposed turbine.

#### **NYCC Highways**

- 4.2 No objections subject to conditions.

#### **HDC Environmental Health Officer**

- 4.3 The EHO has considered the proposed wind turbine in terms of its effect on nearby non-associated noise sensitive receptors. The guidance used to assess noise from wind turbines is the Government advisory body, Energy Technology Support Unit, document R-97 “*The Assessment and rating of noise from wind farms*”, which states that a simplified assessment is acceptable for a single wind turbine if the noise level from the turbine at any non-associated noise sensitive receptor is less than 35dB – 40dB LA90(10 mins) at a wind speed of 10m/s at 10m height (as the noise level from the wind turbine even in sheltered locations would be masked by the noise of the wind). In a quiet rural location, the lower value of this range (35dB) is considered to be the appropriate standard.
- 4.4 The nearest non-associated noise sensitive receptor is approximately 390m from the site of the proposed turbine. Using the reported sound power level from the manufacturer’s noise report, the noise level from the turbine at that distance is

calculated as being less than the 35dB LA90(10 mins) at a wind speed of 10m/s at 10m height and therefore the simplified assessment criteria applies.

- 4.5 However, cumulative noise impact of the nearby wind farm should be assessed before any decision is made to approve the application (or otherwise).
- 4.6 The applicants have supplied further information contained in a Wind Turbine Noise Assessment Report. Based on this report, Environmental Health officers have confirmed that the installation of the proposed turbine in addition to noise from the existing wind farm has been found to be acceptable and unlikely to cause an impact on amenity.

#### **The Civil Aviation Authority (CAA)**

- 4.7 The CAA has no responsibilities for safeguarding sites other than its own property, and a consultation by a Council is taken as a request for clarification of procedural matters. Councils are reminded of their obligations to consult in accordance with ODPM/DfT Circular 1/2003 and in particular to consult with NATS and the Ministry of Defence as well as any aerodromes

#### **National Air Traffic Services (NATS)**

- 4.8 NATS has examined the application from a technical safeguarding aspect and it does not conflict with their safeguarding criteria. Consequently, NATS has no safeguarding objection to the proposal.

#### **Ministry of Defence (MOD)**

- 4.9 The MOD has no objection to the proposal. The principal safeguarding concern of the MOD with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations.

#### **Durham Tees Valley Airport**

- 4.10 Have carried out an assessment and believe the turbines are likely to display on DTVA's primary radar. The rotation of the wind turbine blades within this development would be detected by the radar, creating clutter, e.g. in the form of twinkling or the formation of tracks on radar screens. This effect can be highly distracting for a controller and can cause confusion when trying to distinguish between real aircraft and false targets. Wind turbines provide significant clutter and make it difficult to provide an unrestricted traffic information and/or de-confliction service. As a result, the safe operation of the Airport could be compromised and the Airport therefore made a **holding objection** whilst the possibility of dealing with this site by applying mitigation was considered.
- 4.11 Subsequent negotiations took place between the DTVA and the applicant and agreement has been reached on a suitable financial contribution to be paid by the applicant towards mitigation measures for the impact of the proposed turbine on the radar system. It is hoped that the DTVA will be in a position to withdraw their holding objection by the time of the committee meeting. Should this prove not to be the case, the DTVA are happy for members to consider the application so long as the decision is not issued until the holding direction has been removed.

#### **Stockton-on-Tees Borough Council**

- 4.12 Stockton Borough Council has no objection to the proposal.
- 4.13 SBC comments that the wind turbine is mid size in comparison with other turbines within the area / on the market. It is considered that the turbine would be sufficient

distance from properties within Stockton Borough to prevent significant adverse impacts in terms of noise, disturbance, shadow flicker and other wind turbine generated impacts. The turbine would be viewed at some distance from Stockton and given the large scale turbines associated with the adjacent wind farm, could not be argued as dominating the landscape.

- 4.14 Officers would request that Hambleton Borough Council consider the visual grouping with the existing wind farm and the juxtaposition that these would have taking into account the difference in scale of turbines.

#### **Natural England**

- 4.15 From the information provided with this application, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on. The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.
- 4.16 If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application.
- 4.17 This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

#### **Yorkshire Wildlife Trust**

- 4.18 No comments received.

#### **The Ramblers Association**

- 4.19 No objection to the proposed turbine.

#### **National Grid**

- 4.20 No comments received.

#### **Health & Safety Executive**

- 4.21 No comments received.

#### **Campaign for the Protection of Rural England (CPRE)**

- 4.22 The site is about 1km from Seamer village and with a prevailing wind from the West, could be unacceptably noisy. There are proposals that there should be a minimum distance from dwellings. This should be taken into account. Hambleton District should take a consistent approach to the location of smaller wind turbines. There should be a site visit.

## **Publicity**

- 4.23 The application was advertised by site notices and directly to the neighbouring residents. The period for replies expired on 22 July 2012. Nine objections have been received which are summarised as follows:-
- a) The proposed wind turbine will have a detrimental impact on the landscape.
  - b) This will be yet another nail in the coffin of the fantastic scenery of this part of North Yorkshire.
  - c) Views from the area of the Village near the church and the top of the bank near the pub do not sight the 5 large existing turbines, but the proposed turbine is to be sited significantly further south and would be a real blight against the distant hills & countryside. Likewise views from the Hilton road would have this proposed turbine right in front of the most attractive Scarth Nick escarpment of the Cleveland Hills.
  - d) The blades alone are the height of a house and they are mounted on a 120 foot mast. When approaching Seamer from Hilton, when the large commercial turbines are behind you and you reach the highest and most scenic viewpoint of the Cleveland Hills from that road, then this turbine will be positioned right in front of the most picturesque escarpment.
  - e) The proposed turbines hub can be seen by the photomontages to protrude into the skyline by approximately 30m above the rooflines of the adjacent farm buildings. It certainly cannot be stated that it will be commensurate and subservient to existing landscape features. It certainly will be a nasty blot on our beautiful countryside.
  - f) There is no point making these misguided attempts to save the planet if you create a place where we no longer want to live!
  - g) The efficiency of wind turbines is debatable, to the extent that some MP's are now starting to rebel against further erection of wind turbines particularly when sited close to communities.
  - h) The cost of running wind turbines and the detrimental impact to local communities and landscapes far outweighs the benefit re providing energy.
  - i) The size of the turbine is far too big
  - j) To have one or more turbines of this height and capacity is not for the betterment of an agricultural farm or the community but another way to make easy money.
  - k) The neighbours already have noise issues with the five turbines. Feel that another turbine will add to the problems.
  - l) The scale and location of the turbine would be such that the impact on nearby residential properties would be significant. It would indeed affect the amenity of the neighbouring properties and would constitute a material harm to living conditions and have a detrimental value on our properties.
  - m) This proposed turbine will be a lot closer to Seamer village than the 5 large commercial turbines.
  - n) Noise impact will be an issue for the closest residents. A constant whooshing noise, not necessarily loud, especially at night, can be absolutely maddening.
  - o) A small turbine situated on a farm further along the road from the proposed one which is very noisy and can't cope with the speed of the wind so is not working most of the time but when it is its scary.
  - p) The turbine location is in a direct line of sight from the front room of my house (Ashwyn)
  - q) Potential for TV Reception interference.
  - r) The unsuitability of the access roads for trucks.
  - s) Construction noise and disruption.
  - t) Noted a difference between the hub height stated on the design document and the hub height in the planning elevation drawing.
  - u) The planning application is misleading as the supporting Hayes McKenzie Endurance E-3120 Wind Turbine Noise Performance Test is carried out on a much smaller turbine of 25m hub height and a blade diameter of 19.2m. Even the

wind farm at 1.5miles away is noisy at night but this turbine will be sited approximately 200- 300 metres from the properties in Hilton Road.

- v) Is there a minimum distance from the base of the turbine to the nearest household resident?

## **5.0 OBSERVATIONS**

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

- a) Landscape and visual impact
- b) Cumulative landscape impact
- c) Impact on Residential Amenity
  - Shadow Flicker
  - Noise impact
  - Electromagnetic interference
  - Visual impact
- g) Proximity to airport and flightpaths
- h) Ecological issues
- i) Archaeological impacts
- j) Heritage assets
- k) Loss of agricultural land
- l) Access arrangements

### **Policy Context and Renewable Energy**

- 5.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF replaces all the previous national Planning Policy Statements and Guidance notes and at its heart is a presumption in favour of sustainable development, which should be seen as a golden thread running through the planning system. For decision taking, this means approving development proposals that accord with the Development Plan without delay.
- 5.3 The NPPF states that local planning authorities should have a positive strategy to promote energy from renewable and low carbon sources and when determining planning applications, local planning authorities should:
- “Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve if its impacts are (or can be made) acceptable.”
- 5.4 Whilst the majority of Planning Policy Statements (PPSs) have been superseded by the NPPF, the companion guide to PPS22 on Renewable Energy still remains in force. The guide encourages the appropriate development of renewable energy schemes.
- 5.5 Policies supporting the NPPF approach to renewable energy, in the Council's Local Development Framework Documents are policies CP1, which promotes sustainable development, CP18, which promotes prudent use of natural resources and DP34, which requires that development proposals should minimise energy demand, improve energy efficiency and promote energy generated from renewable resources as part of an integrated strategy. Whilst there is a presumption in favour of renewable energy development, such proposals must still be balanced against impact upon the local environment and residential amenity and generally comply with other policies in the Local Development Framework.

## Visual Impact and Landscape Character

- 5.6 The application site is located within the County Council's designated Vale Farmland with Dispersed Settlements character area. The topography within this Landscape Character Type is predominantly flat to gently rolling and displays a patchwork of medium to large-scale arable fields which are interspersed with pockets of improved grassland and deciduous woodland. The settlement pattern comprises a combination of dispersed, scattered farmsteads, small villages and hamlets. The applicant's agent acknowledges in the Design and Access Statement that –

“this is a predominantly rural landscape with a strong sense of tranquillity throughout. As such there is a moderate visual sensitivity to change as a result of the combination of open views to adjacent Landscape Character types and sense of enclosure provided by pockets of deciduous woodland.....It has a high landscape and cultural sensitivity overall....”

- 5.7 The agent goes on to reflect however, that over long distances from the Hambleton Hills and Clay Bank, the turbine would be barely visible and that it would be the nearby wind farm that would continue to dominate the landscape. It is the impact upon the local landscape which requires further consideration and in particular its relationship with Seamer village. Policy DP30 of the Local Development Framework states that the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced. It goes on to say that “throughout the District, 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.
- 5.8 The applicant's Agent has carried out a detailed assessment compiling photomontages which show the local topography and landscape features in relation to the height of the proposed turbine from 7 viewpoints. Views 1 and 3 are from points north and south, respectively, of Seamer village. Viewpoint 1 to the north of the village is the closest position from which a photomontage has been created. Whilst the turbine is clearly visible at this point, its height would not look out of place in relation to the trees close to Boy Hill Farm. From viewpoint 3 to the south of the village, the turbine is also seen within the context of existing trees and hedges and does not look unduly out of scale.
- 5.9 From viewpoint 2 to the north of the application site, the turbine would be barely visible due to the topography which would screen most of the turbine. Viewpoint 4 is taken to the south of the application site and again the turbine would be largely screened by the topography. It is the existing wind farm turbines that have the biggest impact from this position. From viewpoints 5, 6 and 7 the turbine would only be visible on the skyline and would have limited impact.

## Cumulative Landscape Impact

- 5.10 Whilst the proposed turbine would be visible alongside the existing windfarm turbines, there are no other turbines that would be obviously visible in local views close to the application site. The proposed turbine would be smaller in scale than those at the nearby wind farm. In the Inspector's appeal decision (09/00859/FUL; APP/G2713/A/09/2114490; May 2010) which allowed the two turbines to the west of Seamer, on the Hambleton District side of the wind farm, he considered cumulative impact and felt that the additional turbines would only result in a marginal change. The Inspector's decision is relevant here, and bearing in mind that the height of the proposed turbine in this case is significantly smaller than those at the existing wind farm, objections to the proposed turbine on the grounds of cumulative impact are likely to be hard to substantiate.



## **Impact on Residential Amenity**

- 5.11 Policy DP1 of the Development Policies DPD indicates that due regard must be had to protecting amenity and in particular developments must not..... "unacceptably affect the amenity of residents or occupants". The impact of the proposed turbine therefore needs to be assessed in terms of the potential for shadow flicker, noise, electromagnetic interference and proximity/visual impact.
- 5.12 Shadow Flicker - The nearest residential property, apart from the applicant's property, is Boy Hill Farm, which is approximately 390m to the east of where the turbine would be sited. In this instance shadow flicker is only likely to occur within 190m of the turbine. The applicant's property is 190m away from the site of the proposed turbine at its south western corner. There are no other residential properties in close proximity to the turbine so it is unlikely that shadow flicker would adversely affecting existing residents.
- 5.13 Noise Impact – The applicants have produced a noise impact assessment for the proposed turbine and Environmental Health Officers are satisfied that the cumulative noise impact of the proposed turbine when taken together with the existing wind farm turbines should not cause any undue loss of amenity to residents. They have however, suggested that a condition be applied, to ensure that the turbine is constructed to the submitted specification, upon which the noise survey is based.
- 5.14 Electromagnetic Interference – The applicant's agent has indicated that there have been no recorded instances of electromagnetic interference occurring from wind turbines less than 45m high. It is further stated that the digital TV network in the UK is not affected by electromagnetic interference which was previously associated with analogue TV services and transmission stations. Whilst local residents concerns regarding this are appreciated, it is unlikely to be an issue in this instance.
- 5.15 Visual Impact – The nearest neighbouring property is Boy Hill Farm which is 390m to the east of the proposed turbine site. As this property is orientated north/south, it would not have direct views of the turbine from principle windows and any views would be at an oblique angle. Properties on Hilton Road would have a direct view of the turbine, but it would be sited sufficiently far away to not unduly impact upon residential amenity. Residents on Hilton Road may feel that the turbine will spoil their view over open countryside but this in itself is not material grounds for refusing planning permission. The turbine would also be visible from properties along Well Lane to the north, but it would be much less visible from here due to the intervening topography.

## **Proximity to Airport and Flightpaths**

- 5.16 The nearest commercial airport is Durham Tees Valley Airport which is located 12km from the site. DTVA currently have placed a holding objection on the application due to concerns regarding adverse impact upon the airport's primary radar. Since the application was submitted in May last year, negotiations have been taking place between the applicant and the DTVA to agree a sum of money towards appropriate mitigation measures. This has now been agreed and at the time of writing this report the DTVA have indicated verbally that they are close to the point at which they can lift their holding objection. It is hoped that the holding objection will be lifted by the time of the Committee meeting. However, if it has not been received by then the DTVA are happy for Members to make a decision in principle and issue the decision once the holding objection has been removed.
- 5.17 The Civil Aviation Authority (CAA), National Air Traffic Services (NATS) and the Ministry of Defence (MOD) have all been consulted regarding the application and none have raised any objections to the proposal.

## **Ecological issues**

- 5.18 The applicant's agent has carried out a survey of local nature reserves, special protection areas and sites of special scientific interest and these are all approximately 10km away from the application site and therefore unlikely to be adversely affected by the proposed turbine. The development does not result in the loss of any trees at the site and there are no other habitats of ecological interest that are to be removed.
- 5.19 The main issues to consider with this application are bird /bat collision risk and potential disturbance/displacement of birds/bats from their habitats arising from the operation of the turbine. As this is an individual turbine the potential for collision is less than, for example with the nearby wind farm. In this location the habitat on site is that of a mixed farm holding with native hedgerows and individual trees. The RSPB generally consider that smaller more agile birds such as sparrows or finches are better able to avoid collision with wind turbines and it is considered that this will be the predominant birdlife within the vicinity. It is considered that nearby hedgerows are unlikely to be adversely affected by the proposed turbine.
- 5.20 With regard to bats, Natural England's Technical Information Note TIN051 "Bats and Onshore Wind Turbines" recommends a 50m buffer zone between turbines and any foraging habitat. In this location the most likely foraging area is the hedgerow to the north of the application site which is well outside of the recommended buffer zone. It is also possible that bats could roost in the farm buildings at the site, but again, these are outside the 50m buffer zone. It is considered that any impact on local ecology should be minimal and therefore the proposal would accord with Policy CP16 regarding the protection and enhancement of natural assets and Policy DP31 of the Development Plan Document regarding the protection of natural resources and biodiversity.

## **Archaeological Impacts**

- 5.21 The proposals will involve some ground excavations when the foundations are laid and the turbine installed. Whilst there are no records of anything of archaeological interest on the application site, it is in an area where Mesolithic flints have been found. In the circumstances it is recommended that a condition be applied to require a scheme of archaeological investigation prior to erection of the turbine.

## **Heritage Assets**

- 5.22 Policy DP28 of the Local Development Framework indicates that conservation of the historic heritage will be ensured by preserving and enhancing listed buildings and conservation areas including their setting. There are no conservation areas in the vicinity of the application site and the nearest listed building is located in the centre of Seamer village, being St Martin's Church which is listed Grade II. Low House Farm to the north is also listed Grade II. The nearest Grade I listed building is the Church of St Peter in Hilton. There are other listed buildings at Middleton on Leven, Middleton Grange, Stokesley, Tanton and Newby. It is considered that the proposed turbine will be sufficiently remote from all of these buildings such that it would not adversely affect their setting or detract from views of the buildings.

## **Loss of Agricultural Land**

- 5.23 The area of the application site is very small and would not result in the loss of a significant amount of agricultural land. The agricultural use of the site would be able to continue whilst the turbine is in operation.

## **Turbine Installation and Access Arrangements**

- 5.24 The applicants anticipate that the installation of the turbine would take no more than 2 months and a standard digger would be used to dig the foundations. Materials and equipment would be transported to the site using standard size lorries capable of accommodating a standard shipping container. The applicants have confirmed that there would be no abnormally large loads and that the vehicles to be used would be comparable in width and scale to agricultural vehicles that currently use the site. The site area that would be disturbed during construction would be no more than an area 6m by 6m (36 square metres in total) and the applicants would be happy to accept a condition requiring reinstatement of the disturbed land, on completion of construction of the turbine.
- 5.25 The submitted plans indicate an access route for delivery of the turbine, tower and foundations using the existing farm access point and through into the field where the turbine is to be sited. It is not intended to create a hard core access to the site as there is no requirement for regular vehicle access to the site other than for an annual maintenance visit.

## **6.0 SUMMARY**

- 6.1 In the Inspector's appeal decision (09/00859/FUL; APP/G2713/A/09/2114490; May 2010) which allowed the two turbines to the west of Seamer, on the Hambleton District side of the wind farm, the Planning Inspector stated:

"I have found that the cumulative effect of the proposed turbines in addition to the approved turbines would not be so harmful to the landscape character of the area as to justify the refusal of planning permission and that the limited harm in respect of DP policy DP30 would be outweighed by the support for the proposal in Government policy, RSS policy ENV5, CS policy CP18 and DP policy DP34. I have also not found change to residential amenity sufficient to justify the refusal of planning permission."

- 6.2 This appeal decision is a material consideration in the consideration of this application. Having said that the application has been considered on its merits but in a similar manner to the appeal decision, it is considered that the presumption in favour of renewable energy developments outlined in the NPPF and Policies CP18 and DP34 of the Local Development Framework are not outweighed by Policy CP16 (Protecting the District's natural and man-made assets) and Policy DP30 (Protecting the character and appearance of the countryside) and nor is there likely to be such loss of residential amenity through noise, shadow flicker, electromagnetic interference or overbearing visual impact that refusal of permission could be justified. The scale of the proposed wind turbine is considered appropriate and unlikely to adversely affect the adjacent village or nearby properties.
- 6.3 The proposed site of the turbine would not adversely affect the setting of any listed buildings or other heritage assets. Neither would it have any adverse impact upon archaeology or ecology.
- 6.4 Although a holding objection has been submitted by Durham Tees Valley Airport (DTVA) this is due to be removed shortly as the applicants have reached agreement with the DTVA regarding a financial contribution towards mitigation measures to minimise any impact upon the airport's radar.

## **7.0 RECOMMENDATION**

Subject to DTVA's objection being removed, planning permission is **GRANTED** subject to the following conditions:-

- 1. Commencement**

The development hereby permitted shall be begun within five 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 application site plan, the drawing numbered EWP50-36M-F-001/F the elevation drawing of the E3120 turbine and the Design and Access Statement received by Hambleton District Council on 24<sup>th</sup> May 2013 and the details specified in the noise report prepared by Dragonfly acoustics dated September 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 CP16, CP18, DP1, and DP30.

3. **Period of Permission**

The permission hereby granted shall endure for a period of 25 years from the date when electricity is first connected to the grid network. Written confirmation of this date shall be provided to the Local Planning Authority within 1 month of connection.

**Reason:** To ensure that the appearance of the turbine over time, does not detract from the character of the local environment in accordance with Policy DP30 of the Hambleton Local Development Framework.

4. **Archaeology**

Prior to the commencement of the development hereby approved, a programme of archaeological work shall be implemented in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority. Where important archaeological remains exist provision should be made for their preservation in situ.

**Reason:** To ensure that any relevant materials found at the site are properly recorded in accordance with Policy DP29 of the Local Development Framework.

5. **Highway Requirements**

The turbine should be sited at least 46m (the height of the turbine from ground level to the tip of the blade) from the boundary of the nearest highway

**Reason:** In the interests of highway safety.

6. **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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the

construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

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

7. **Signage**

No name, sign, symbol or logo shall be displayed on any external surfaces of the turbine or any external transformer unit, other than those required to meet statutory health and safety requirements.

**Reason:** To ensure that the appearance of the turbine does not detract from the character of the local environment in accordance with Policy DP30 of the Hambleton Local Development Framework.

8. **Aviation Lighting**

Prior to the erection of the wind turbine hereby approved a scheme of aviation lighting shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the position, type and luminance and timing of lighting and a method statement for reporting any known failure of the lighting to both the Ministry of Defence and the licence holder for Durham Tees Valley Airport. The development shall be carried out in accordance with the approved scheme and shall be operated and maintained for the life of the turbine.

**Reason:** In the interests of aviation safety.

9. **Ministry of Defence and Durham Tees Valley Airport Notification**

Both the Ministry of Defence and the licence holder for Durham Tees Valley Airport shall be notified in writing, a minimum of four weeks in advance of the following:

- The date construction on site commences, including timing for the erection of the turbine;
- The date construction on site ceases;
- The maximum height of construction equipment; and
- The latitude and longitude of the turbine.

The submission of details shall be accompanied by the site address, grid coordinates and Local Planning Authority's Planning Application reference number.

**Reason:** In the interests of aviation safety.

10. **Hours of Construction, Decommissioning & Deliveries**

All construction operations on site, including decommissioning or removal work and delivery of materials on site, but excluding activities associated with the turbine blades, nacelles and tower, shall be restricted to 0800 – 1800 on weekdays, 0900 – 1300 on Saturdays and no Sunday or Bank Holiday working.

**Reason:** To safeguard the amenity of nearby residents in accordance with the aims of Policy DP1 of the Hambleton Local Development Framework.

11. **Ground Reinstatement**

All excavated ground shall be reinstated to its former condition within 6 months of the commissioning of the wind turbine

**Reason:** In the interests of the appearance of the site and to accord with Policy DP30 of the Hambleton Local Development Framework.

12. **Decommissioning**

Unless a further permission is granted, not later than 12 months before the end of the period of this permission, as defined by condition 3 of this permission, a decommissioning and site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The decommissioning and site restoration shall be completed, in accordance with the approved scheme, within 12 months of the end of the period of the permission.

**Reason:** In the interests of the appearance of the site and to accord with Policy DP 30 of the Hambleton Local Development Framework.

13. **Turbine removal after 12 months inaction**

If the turbine hereby permitted ceases to operate for a continuous period of 12 months (unless such cessation is due to the turbine being under repair or replacement) then a scheme for the decommissioning and removal of the turbine and any ancillary equipment and structures relating solely to that turbine, shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the end of the cessation period. The scheme shall be implemented within 12 months of the date of its approval by the Local Planning Authority.

**Reason:** In the interests of the appearance of the site and to accord with Policy DP30 of the Hambleton Local Development Framework.

# 11

## 13/02595/FUL

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

### 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This revised application seeks planning consent for the construction of a warehouse and office/mess building with associated access, parking and a drainage attenuation pond at land to the east of Eldmire Lane and to the north-west of Wetherby Stone at Dalton Old Airfield Industrial Estate, Dalton. This application follows a previous scheme 13/01147/FUL which was withdrawn on 10 September 2013 to allow the applicant to alter the building's design and layout of the site.

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

1.3 The applicant's current premises at Dalton have reached capacity and therefore 3-4,000 pallets are stored off site. Bringing this storage to Dalton would achieve a reduction in food miles in the order of 30 to 40 lorry loads per week at present capacities. The proposed storage area would provide capacity for 15,000 pallets.

1.4 The site extends to 4 hectares in size and the warehouse area would extend to 9,406 square metres with the building measuring approximately 135m (length) by 84m (width), with a total height of approximately 16m. The building would be formed in an 'L' shape. The warehouse would have racking internally to store products, with loading and unloading bays positioned to the eastern gable of the proposed building. Ancillary accommodation is provided comprising offices, sanitary accommodation and a canteen at ground floor totalling 232 square metres. It is intended to provide a load-bearing mezzanine floor above the ancillary office and mess accommodation to house mezzanine storage in the short term and possible additional office space at some future date.

1.5 Materials for the proposed office and warehouse building would comprise coloured cladding to the roof and walls to match with adjacent industrial buildings. The access roads would be formed of asphalt, the heavy goods vehicle yards formed of a concrete surface, and the parking areas finished in a bitumen macadam material.

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

1.7 A Flood Risk Assessment has been submitted in support of this application concluding

that the flood risk to the site is low and as it is located in Flood Zone 1. The report has considered the other potential sources of flooding to the site, including rivers, groundwater, land, existing sewers and other artificial sources and shows that the flood risk is low and considered to be acceptable.

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

1.9 Access to the development is proposed from Eldmire Lane using the existing infrastructure associated with Dalton Airfield Industrial Estate. The applicant also indicates that the site can be accessed by a track which runs to the west of the existing Wagg Foods production facility. The relocated employees are already present at the site and hence would not be new to the highway network. The development would provide some 64 car parking spaces. The level of car parking proposed would accommodate those office staff relocating to the new facility and also provide for the new employees and visitors to park. Parking provision for service vehicles would be provided on site, which is in accordance with the expected number of daily deliveries to the proposed facility. 20 covered cycle parking spaces are also proposed.

1.10 The applicant advises that there is the potential for future expansion at the facility to the east of the B8 warehouse use. However this element of the development would be subject to a separate planning application.

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

1.12 An Ecological Appraisal of the site has been submitted in support of the previous application (and is still applicable) concluding:

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

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

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

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

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

## 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 13/01147/FUL - Construction of a warehouse and office/mess building with associated access, parking and drainage attenuation pond; Withdrawn 2013.

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

## 3.0 RELEVANT PLANNING POLICIES:



3.1 The relevant Local Policies within the Development Plan and National Policies are as follows;

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP3 - Community assets  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP10 - The scale and distribution of new employment development  
Core Strategy Policy CP10A - The scale of new employment development by sub-area  
Core Strategy Policy CP11 - Distribution of new employment development  
Core Strategy Policy CP12 - Priorities for employment development  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP18 - Prudent use of natural resources  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP6 - Utilities and infrastructure  
Development Policies DP16 - Specific measures to assist the economy and employment  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP34 - Sustainable energy  
Development Policies DP36 - Waste  
Development Policies DP43 - Flooding and floodplains  
National Planning Policy Framework - published 27 March 2012

#### 4.0 **CONSULTATIONS**

4.1 Dalton Parish Council - No objections.

4.2 Topcliffe Parish Council - Response awaited.

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

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

4.5 Yorkshire Water - Conditions recommended to protect the local aquatic environment and Yorkshire Water infrastructure.

4.6 NYCC Highways - Conditions recommended regarding: Precautions to Prevent Mud on the Highway, Provision of Approved Access, Turning and Parking Areas, On-site Parking, on-site Storage and construction traffic during Development.

4.7 Swale and Ure Drainage Board - Response awaited.

4.8 Neighbours notified and site notice posted; expired 04.02.2014 – No responses received.

4.9 Press Advert; Published: 10.01.2014; Expires: 03.02.14 – No responses received.

## 5.0 OBSERVATIONS

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

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

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

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

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

5.6 Having taken the above into account it is considered that the proposed development would accord with the policies of the Hambleton Local Development Framework. Hence this application is recommended for approval, subject to the outstanding consultation responses.

## SUMMARY

The scheme accords with the policies of the Hambleton Local Development Framework as it

will help to secure the future of an existing major business on the Dalton Old Airfield Industrial Estate without causing significant impact upon the landscape and subject to control by planning conditions will not harm the amenity of neighbours or adversely impact highway safety.

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

6.0 RECOMMENDATION: **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered A938.PL01, A938.PL02, A938.PL03, A938.PL04 and A938.PL05 received by Hambleton District Council on 17 December 2013 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to development commencing the colour scheme for the external surfaces of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented and retained in accordance with the approved details.
4. No part of the development hereby approved shall be used after the end of the first planting and seeding seasons unless the approved landscaping scheme submitted to Hambleton District Council on drawing number A938.PL02 received on 17 December 2013 has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
6. No external materials or products shall be stored so that any part is higher than 6 metres above the adjacent ground level.
7. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority. All lighting to entrance doors shall be directed into the site only and shall be designed so as to minimise light spillage and pollution.
8. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of

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

9. No part of the development shall be brought into use until the approved vehicle access, parking (including cycle parking), manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference A938.PL02). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway (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.

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

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

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

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

15. Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

16. Prior to development commencing details of the satisfactory outfall for surface water from the application site shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented and retained thereafter.

17. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP1, CP16, CP17, DP1, DP30 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework policies CP16, DP30 and DP31.
5. To prevent the increased risk of flooding, both on and off site.
6. In the interests of the amenity of the local population and in accordance with Hambleton Local Development Framework policies CP1 and DP1.
7. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Hambleton Local Development Framework policies CP1 and DP1.
8. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
10. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
11. In the interests of minimising energy demand, improving energy efficiency and promoting renewable energy generation in accordance with policy DP34 of the Hambleton Local Development Framework.
12. In order to reduce the environmental impact of the development during construction and use in accordance with Local Development Framework Policies CP18 and DP36.
13. To ensure that the development meets the needs of an existing business at Dalton Airfield, as required by policy CP11 of the Core Strategy of the Hambleton Local Development Framework.
14. In order to verify the details of job creation in accordance with the monitoring requirements of Local Development Framework Policies CP12 and DP16.
15. To ensure that no foul water discharges take place until proper provision has

been made for its disposal.

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

17. In the interest of satisfactory drainage.