

Update Sheet

Page No

3. Planning Applications

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Report of the Deputy Chief Executive.

Please note that plans are available to view on the Council's website through the Public Access facility.

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PLANNING COMMITTEE
SUPPLEMENTARY INFORMATION
24th November 2022 - Update list

Agenda Item	Application number and Parish	Respondent	
3	22/01835/MRC Brompton	Ward Member Objection	<p>Cllr Atkin has objected to the application following the publication of the Officer's report with the following comments:</p> <p>"As a HDC Ward Member I wish to make the following comments with regard to the above planning application having very recently met with residents residing on Northallerton Road.</p> <p>I am somewhat perplexed as to why the application refers to Stokesley Road as the site in question is quite a distance from that location. I am extremely concerned, as are residents, at the repositioning of the entrance to the site which was originally to the north of the development.</p> <p>By relocating the entrance the natural hedge line buffer between the side and overlooking dwellings has been removed. In addition, the former proposed site entrance was set further back and as I will be mention below this was much more appropriate location on safety grounds. The new position means that the entrance opposite houses on the road is set much closer to the road with no buffer, for example in the form of verges in between. The pedestrian / cycling route located opposite the dwellings on Northallerton Road is extremely busy at school times both in the morning and in the afternoon and repositioning the entrance closer to the highway carriageway presents a distinct danger to pedestrians and in particular to schoolchildren at peak times of the day. I understand that the Police have stated that there is not an issue from their point of view, however I would question at what time they surveyed the pedestrian route along Northallerton Road as admittedly perhaps, for example on Sunday mornings, there may be a limited pedestrian traffic situation which is extremely different during the daytime when schools are in operation. At regular times the parking of vehicles including Transit size vans along Northallerton Road causes difficulties to drivers in obstructing their vision. This, together with considerable pedestrian movements along a narrow path without a verge edging adjacent to the</p>

		Additional Conditions	<p>highway could very well lead to serious confrontations between pedestrians and vehicles and may indeed result in a fatality. This can be easily be avoided by moving the location of the entrance to its original location. Motorists are often unable to see pedestrians along the stretch of road. The visibility is far better at the original location. Another crucial issue that needs to be conditioned in any planning consent granted is the closure by some sort of physical means of the entrance on an evening, preferably with a barrier. Problems of young motorists gaining access to such sites on an evening have over a long period on a regular basis been a problem around Northallerton and Brompton. Indeed B+M has recently placed a barrier on its car park for this very reason. Residents living on Northallerton Road do not want to have their lives interrupted by what may be antisocial behaviour caused by drivers accessing the car park on evenings. There is also the risk of the site being used for unacceptable adult purposes at night time which again would be to the detriment of those living by. This site most probably being of preference to those who engage in this sort of activity than the one they currently use. I find it quite remarkable that in paragraph 5.12 of the report in the ninth line it is quoted that “in the context of the urban environment...” - this is rather stretching the imagination as to what could be termed the urban environment as, to the contrary, the very location is distinctly rural. Whilst I am in no way seeking to recommend refusal of the planning application, I feel very strongly that a condition be imposed there-in that the entrance be restored to its original intended location for the reasons outlined above and that barriers be also provided to the site entrance.”</p> <p>An additional condition relating to discharge of surface water into the beck is now recommended as follows: “The final discharge rate into the beck shall be limited to 1.4l/s per ha. as required by the Swale & Ure Drainage Board.”</p> <p>A second additional condition is now recommended following the late submission of plan identifying improvement works to the footpath and bus stop adjacent to the access. The condition is as follows: “Prior to the proposed new access being brought into use, the works to improve the footpath adjacent, as outlined on drawing no. 01278 Rev. P01 received by Hambleton</p>
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			District Council on 22.11.2022, must be fully completed to the specification of the Local Highways Authority.” Reason: In the interest of the safety of pedestrians and general highway safety.
5	22/02194/FUL Nether Silton	Agent	<p>Responding to the neighbour comments with regard roosting bats:</p> <p>The applicants purchased the property in January 2019 and have no records of any form of bat survey nor correspondence relating to bats within their purchasers’ solicitor pack. Neither are the applicants aware of any form of bat survey been undertaken or questions raised with regard the presence of bats since they moved in. Having surveyed the property, including the attic, the agent did not see any evidence of bats [physical, droppings or food waste etc] and furthermore the applicants have not experienced bats in or around the property since they moved in. Nevertheless, the applicants value all animals and are fully aware of the legal protection afforded to bats and what is required of them should bats be experienced during any works to the roof. The applicants are also happy for the inclusion of a condition relating to the protection of bats to cover any uncertainties.</p>
6	22/01668/MRC Seamer	Agent	<p>Responding to the Committee Report and the recommendation for refusal:</p> <p>Following the recommendation by officers to refuse the application it is important that the Council considers the fall back position of the pigs being able to be reared and housed outside and within the field adjacent to the residential properties lawfully. It is clear to anyone that the housing of pigs adjacent to the village would generate significantly more harm than the proposal.</p> <p>It is clear that the fall-back of housing the pigs outdoors within the adjacent field represents a possibility and should enforcement action be pursued the fall-back would be probable. As such, the fall-back is a material consideration. The relocation of the pigs to the field immediately adjacent to the residential properties would represent significantly more harm to the amenity of residents in terms of smells, noises and presence of files, and would be open to the elements with a lower ability to control than if the pigs were housed within the building.</p>

		Officer's Response	In order for the Council to consider the fall-back position as a material consideration, it has to be demonstrated that that this is a real possibility and therefore the Council have requested information to justify this possibility and that the bed and breakfast business model would still be able to operate if animals are housed outdoors. The only information provided is that the land surrounding the building could accommodate up to 600 weaner pigs in a batch system in mobile huts and outdoor pens. However, no further information has been provided to date. It is considered that this is not a realistic possibility based on the present information provided.
7	21/02612/FUL Skipton-on-Swale	Officer additional points	<p>The Acoustic Report states that one of the mitigation measures is in relation to substituting the generators for a mains power supply. The installation of the mains supply would require a small substation and small transformer kiosk to be operational. This is reflected in the description of development.</p> <p>The proposed buildings would be sited between the building and the access track and are small green metal structures of approximately 2.4 metres in height. It is considered that these structures do not cause any harm to the character and appearance of the countryside. Although transformers can have low levels of sound output, this is no more than a hum. The hum would be contained by the buildings housing them. This noise was considered as part of the noise survey and the level of noise is considered acceptable.</p> <p>Furthermore, wording of the following conditions is proposed to be amended as follows: Condition one should read:</p> <p>The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered Existing Site Plan; Proposed Bund Elevations; Proposed Floor Plans; Proposed Site Plan; Proposed Elevations received by Hambleton District Council on the 1 November 2021; Site Location Plan received by Hambleton District Council on the 4 November 2021; Detail Plan of Exterior Units; Standard Distribution Substation Drawing; Block Plan Proposed received by Hambleton District Council on the 2 August 2022.</p>

			<p>This reflects the correct submitted plans</p> <p>Condition three should now read as follows:</p> <p>The fixed plant identified in drawing HDC/1330/05/ Revision A shall not be operated outside the hours of 06:30 to 19:00 Monday to Friday and 07:00 to 13:00 on Saturday and at no time on a Sunday or Bank Holidays. The fixed plant shall only operate outside these hours in the event of an emergency following prior written approval by the Local Planning Authority.</p> <p>Condition four should now read as follows:</p> <p>The fixed plant identified in the detail of exterior units received by Hambleton District Council on the 2 August 2022 shall not be operated unless a soil bund of no less than three meters in height is located as shown in the Proposed Bund Elevations as received by Hambleton District Council on the 1 November 2021.</p> <p>This reflects the correct submitted plans</p> <p>Condition eight should now read as follows:</p> <p>The two external generators shall cease to be operational within six months of the date of this permission. The generators shall only be used in the event of an emergency following prior written approval from the Local Planning Authority.</p>
8	22/00166/FUL Thirsk	Additional objection	<p>One further representation from the owner of 45 Olivette Crescent as follows: I will not be able to attend the Planning Committee Meeting on Thursday 24 November as I will be out of the country. I did speak at the Planning Committee Meeting on 4 August and I was grateful to the Planning Committee who agreed to defer the decision and proposed two options:--</p> <p>"Remove Plot 8 altogether. Or remove both Plots 8 and 9 and replace with semi-detached bungalows". I believed these options were fair and reasonable. Unfortunately,</p>

			<p>the minutes did not include these two proposals and the applicant submitted further plans which totally ignored these two options. Following a face to face meeting between the Acting Head of Planning and Addison Planning, we now have further revised plans which include semi-detached dormer bungalows which have reduced the height, but sadly have moved closer to the boundary of my bungalow and 46 Olivette Crescent. The preferred course of action for 45 and 46 Olivette Crescent is to remove Plot 8 altogether as originally proposed at the last Planning Committee Meeting. Whilst I appreciate the applicant's sole objective is to make as much money as possible, there is considerably more at stake for me. However, if permission is to be granted for the building of dormer bungalows (which are higher than normal bungalows) then please move these bungalows further away from my boundary. Move the dormer bungalows to the western boundary of the new development please. All other properties on Olivette Crescent have an interface distance of 23.5m – the interface distance between my bungalow and Plot 8 is 6.9m. How is this fair? This is the honourable course of action and I sincerely hope the Planning Committee will do the right thing.</p>
9	21/02959/FUL Thirsk	<p>Officer Report – Correction</p> <p>Additional Representations</p>	<p>The Officer Report (para.1.4) states that, “The residential bungalow of Brookdene is included within the north-west of the application site and is proposed to be demolished and replaced as part of the proposals.” This is a factual error within the report as Brookdene is not within the ‘land-edged-red’ of the application.</p> <p>The following representation (as summarised) has been received from a local resident, objecting to the proposals:</p> <ul style="list-style-type: none"> • Different species of wildlife noticed within the site, including owls, bats and foxes. A development of this size will impact the wildlife dramatically. • The number of houses is excessive and is another housing estate that the town does not need. • Thirsk is losing its identity as a market town. • The town does not have the infrastructure to another housing development. • Understands that the abandoned site is an eyesore and has been subject to anti-social behaviour, however the solution is not this number of houses.

		<p>Additional Representations (Thirsk Town Council)</p> <p>Additional Representation (Yorkshire Water Services)</p> <p>Representations (Foss Internal Drainage Board)</p> <p>Additional Representations (Designing Out Crime Officer)</p>	<ul style="list-style-type: none"> • A scheme that covers the floor plans of the current buildings would be acceptable. <p>The following representation (as summarised) has been received from a local resident, supporting the proposals:</p> <ul style="list-style-type: none"> • For the past twenty years the farm buildings have been the site for anti-social and criminal activity; infested by rodents; an eyesore. • The development may result in a 30mph speed limit being extended closer to South Kilvington, which would slow the traffic down sooner. There should be a slower speed limit along the Thirsk-South Kilvington road. • The housing development would help towards solving the severe housing shortage and would bring work into the area. <p><i>“No change to previous observations, i.e. the Town Council does not support this application as the site is not included in the Local Plan.”</i></p> <p>The latest site layout drawings still, Y81:1184.04 (rev I), shows new tree planting within 5 metres of the public sewer network. Yorkshire Water therefore maintain their objection.</p> <p>Have confirmed that the site sits outside of the IDB’s drainage district.</p> <p>No further comments to make regarding the proposal.</p>
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		<p>Comments from the Council's Planning Policy Manager</p>	<p>The following comments (as summarised) have been provided regarding the reasons behind the relevant housing policies and overall development strategy within the Local Plan, and the potential implications for approving development contrary to these policies and strategy:</p> <ul style="list-style-type: none"> • The 'key issue' for deciding not to include sites adjacent to the built form for Market Towns (i.e. villages only) within the wording of Policy HG5 (Windfall Housing Development) was the potential impact this would have on the overall development strategy, with an objective being to support the development of greenfield and brownfield sites within the built form of the District's towns, rather than on greenfield sites on the edge of town. It is expected that sites within the built form of the towns are more likely to be available than within the District's villages. • One of the purposes of Policy HG5 (in supporting development adjacent to the built form of defined villages) is to support rural settlements/areas in terms of their services and housing needs. The District's towns do not require this kind of support, particularly as they have allocated sites within the Local Plan. Thirsk will therefore continue to see a relatively large amount of development and this proposal would represent a sizeable development when compared to the amount of housing development allocated for the Town within the Local Plan • Approving the development would undermine/impact the Local Plan's development strategy and would encourage similar applications on the relatively large number of 'adjacent' sites in Thirsk and the District's other Market Towns. • There is no requirement for this development in terms of housing numbers as the Council currently has a very good housing land supply.
		<p>Comments from the Council's Housing Development Officer</p>	<p>"Further to my response dated 8/2/22, note that the applicant is now proposing that four First Homes are provided, at a discount of 50% of market value, rather than shared ownership to meet the requirement for intermediate affordable homes. As the Government's transitional arrangements for First Homes apply to the Council, meaning that such authorities are not expected to implement First Homes until such time that the Government announces an implementation date at some point in the future, the Council has yet to adopt a First Homes policy and charging regime. It is therefore recommended</p>

		Updated Recommendation (Additional Reason for Refusal)	<p>that the four intermediate homes are designated as Discount Market Sale with a discount of 50% of market value. This will ensure no loss of value to the applicant.”</p> <p>Having taken into consideration Yorkshire Water Services’ reconsultation response and their objection to the proposals, an additional reason for refusal is recommended (as explained within para.5.31 of the Officer Report):</p> <p>Reason 2 – “Yorkshire Water Services (YWS) have confirmed that their Statutory Sewer Map shows a 225mm diameter public sewer recorded as crossing through the application site. Despite the submission of an amended layout plan, Yorkshire Water maintain their objection to the application as they consider that the proposed landscaping scheme could seriously jeopardise their ability as a statutory undertaker to maintain the public sewerage network due to the proximity of new landscape planting (as shown in the submitted proposed plans) to the centre line of the public sewer. Failure to adequately demonstrate that the layout and landscaping of the scheme can be achieved without jeopardising Yorkshire Water’s ability (as a statutory undertaker) to adequately maintain the public sewerage network is contrary to the requirements of Policy E2 (Amenity) of the Hambleton Local Plan.”</p>
10	22/01474/OUT Topcliffe	Additional Representations (Local Residents)	<p>A total of five additional representations (as summarised) has been received from a local residents since the publication of the agenda, objecting to the proposals:</p> <ul style="list-style-type: none"> • HGVs are already causing issues (i.e. nuisance, noise, lighting, pollution and safety concerns) for the residents of the villages of Topcliffe, Asenby and Dalton as well as damage to the local roads and thus will create further issues, over and above those already experienced... There is scant (if any) recognition in these proposals of the potential effect on the surrounding villages and their residents. • The potential for serious accidents is ever present, and the increase in traffic resulting from the development will increase this risk. • Concern about the consultation/advertising process. • Although in favour of development that creates opportunities for local employment, these should not be to the detriment of local residents, and the

Asenby Parish
Council
Representations

development should not go ahead until/unless traffic (HGV) restrictions are in place on the roads of Topcliffe, Asenby and Dalton and are properly regulated/monitored.

- The proposal would move jobs to a rural community with little or no public transport provision, and the scheme would not be compatible with carbon emission targets.
- Although supportive of businesses that create local jobs, questions regarding how it will be secured that these jobs are for local people, and how the issues with HGV movements would be tackled. Planning permission should not be approved until these matters are dealt with.
- Dismayed at the lack of comment (in the Local highway Authority's representation) regarding HGV impact on surrounding villages and their residents.
- HGV camera monitoring and the quality and quantity of signage should be improved.
- No issue with the despite to increase employment in the area, especially of the 'rest of the site' is already development and the main road links are in place.
- They feel that they cannot support this application without the most stringent HGV management conditions being attached.

The following response (as summarised) has been received from Asenby Parish Council:

- Although the Parish Council does not wish to hamper efforts to increase employment in the area, but there must be significant efforts to safeguard the villages of Topcliffe and Asenby from the increase in heavy goods vehicle (HGV) traffic.
- There are already existing issues with HGVs using Topcliffe and Asenby as a route to the Dalton former Airfield Industrial Estate, contrary to weight limit restrictions, which poses a risk to residents (including children) The Parish Council are concerned that this situation would deteriorate further should this application be granted and note that the highway report (submitted with the application) does not take into account the impact of the increase in traffic.

		<p>Topcliffe Parish Council (Additional/Revised) Representations</p>	<ul style="list-style-type: none"> • The Parish Council would be able to support the application if appropriate traffic management measures are implemented, i.e. clear signage and active traffic monitoring. • Concern about the consultation/advertising process. <p>An additional/revised representation has been received from Topcliffe Parish Council (as summarised below):</p> <p>Since their 8th November representation, Topcliffe Parish Council acknowledge that there have been various discussions between the applicant and the Local Highway Authority, with the applicant agreeing to make a fixed sum contribution for the provision of a camera (monitoring) system, and they are aware that the Local Highway Authority and the applicant have prepared a new signage scheme for the A168 and the local roads which is what the Parish Council believe is required. Both of these actions would be in accordance with the suggested conditions (recommended by the Parish council in their earlier response) and therefore Topcliffe Parish Council feel they can now fully support the application.</p> <p>It remains for NYCC to agree the specifications, siting and timescales for the aforementioned cameras and signage and for NYCC to enforce the local Weight Restrictions. Although the Parish Council recognise that these matters are not the responsibility of the District Council, they would welcome the help and support to ensure that these issues are resolved.</p>
		<p>Additional Agent Comments</p>	<p>Since the publication of the agenda, the agent has provided additional comments in relation to the recommendation within the Officer report (specifically para. 6.36 and Section 7) regarding the provision of a HGV camera monitoring system. The agent has sought to clarify that it is still the case that the applicant would be willing to fund the initial outlay for the installation a HGV camera monitoring system in order to help monitor and enforce any breaches of the agreed HGV routes as part of its 'corporate social responsibility objectives'. However, the agent has questioned the recommendation within the aforementioned parts of the report that recommends that (subject to the 'in principle'</p>

		<p>Additional Local Highway Authority Comments</p>	<p>agreement for future maintenance and funding by the Local Highway Authority) that the camera monitoring system is secured via a Section 106 agreement. He has reiterated the point made in para. 6.36 of the Officer report that the camera monitoring system is not considered to be necessary to make the development acceptable and that any means to help remedy current HGV traffic movement issues are unrelated to the proposed development. The issue of funding has been discussed with (Topcliffe) Parish Council outside of the planning process.</p> <p>The Local Highway Authority have provided an additional response (dated 22.11.2022) in relation to the highway-related Section 106 matters recommended within Section 7 ('Recommendation') of the Officer's Report, as summarised below:</p> <p>Travel Plan and Monitoring: In terms of the Travel Plan Monitoring fee, and based on the proposed floor area, there is anticipated fee of £1,400 for the proposed development.</p> <p>Traffic Monitoring Camera System: The Local Highway Authority is not aware of any available camera system that can provide for this (i.e. a traffic camera system within Topcliffe Parish to monitor HGV compliance with relevant road restrictions).</p> <p>Routing Plan/HGV Management Plan: No comments made.</p> <p>Highway Signage: The proposals for the improved signage as part of the adjacent hybrid permission (21/00331/HYB) are considered appropriate, and a sum of £45,000 is required (as part of the hybrid Section 106 agreement). No additional signage is required for this application. If the hybrid permission were not to go ahead then the cost of that signage should apply to this application.</p> <p>Bus Service Contribution: The terms of the Section 106 for the hybrid permission deals with the issue and no additional amount would be required in relation to the current application. If the hybrid permission were not to go ahead then the Local Highway</p>
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		Updated Recommendation	<p>Authority do not consider that it would be appropriate to pursue any changes to the bus service for this application.</p> <p>The Local Highway Authority's recommendations are considered to be appropriate, and Section 7.1.(A) ("Recommended Section 106 Matters") of the Officer report is updated accordingly (see below)</p> <p>Based on the comments from the agent and the recommendations of the Local Highway Authority (see above), Section 7.1.(A) ("Recommended Section 106 Matters") is amended as follows:</p> <p>7.1(A) Recommended Section 106 Matters:-</p> <ol style="list-style-type: none"> 1. Travel Plan and Monitoring A fee of £1,400 payable to NYCC to monitor the introduction/Implementation of the Travel Plan. The fee is to be agreed with the NYCC. The Section 106/Travel Plan shall include details of a Car Share Scheme. <p style="padding-left: 40px;">Routing Plan/HGV Management Plan</p> <ol style="list-style-type: none"> 2. The applicant and any successors to the land shall agree to a routing/HGV management plan for all Goods vehicles accessing the site. The routing/management plan shall include the following: <ul style="list-style-type: none"> • Compliance with existing weight restrictions on the local road network, at the A167, Long Street and Dalton Lane with Goods vehicles arriving and leaving via the A168 and not travelling through Asenby, Topcliffe and Dalton villages,
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			<p>unless the origin or destination of the trip is from within the areas where the weight limits in place for these villages cover</p> <ul style="list-style-type: none">• A requirement to compel all end users (occupying the premises) of the site to sign up to the above routing arrangements for Goods vehicles.• A Drivers Code of Conduct allowing the land owner and/or site operators to enforce the agreed routing arrangements and to provide procedures relating to monitoring, recording breaches and sanctions.• A mechanism to inform off-site regular deliveries of the requirements.• The routing plan shall also include a map of routes/ restricted routes/ weight restrictions / TRO's etc. and shall include information in relation to recommended routes to petrol stations, rest stops, holding areas suitable for HGVs avoiding Asenby, Topcliffe and Dalton which shall be made available for all staff and regular visitors. <p>Signage</p> <p>3. Unless all necessary signage has already been secured and/or implemented as part of the adjacent hybrid planning permission, the agreed fee (£45,000) is to be provided to NYCC to facilitate the procurement, installation, and maintenance of the approved signage in accordance with an agreed timetable. Agreement of any required signage scheme including design/specification, programme/ timescale, safety audit etc for upgrade of highway direction and weight limit signage.</p>
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7 Tanton Close

Seamer

Middlesbrough

Cleveland

TS95NP

23/11/2022

To Whom it may concern

We write to you to voice our concerns and strong objection to the planning outlined regarding the uplift of the current claws on the building enabling the housing of livestock at Tanton Road, Seamer. Since the application for the housing of livestock, mainly pigs was refused and turned down Mr Nichols has repeatedly housed pigs within the shed ignoring planning restrictions and clearly housing and rearing these livestock regardless. As this has been repeatedly done we therefore have already experienced the negatives around this situation. We have endured, smells, noise , extra traffic along with on one occasion the piglets escaping from the building causing chaos on the main road . We understand Mr Nichols request and this is not personal towards him in any way but we feel strongly that rules cannot just be broken for Own personal gain . We are living in our forever home and feel that the negatives which we have experienced over the past months will only become worse over the years due to continuous climate change. Mr Nichols has provided evidence to support his planning however we feel although this is scientifically produced this cannot be an accurate account as it did not equate to what we have experienced. Wind directions, smells, Flies and traffic congestion etc. After following the planning on the NYCC planning website and reading the objections and supportive feedback we both felt that the supportive feedback was full of the same factors, wording and content indicating there had been somewhat influential guidance. Whilst we understand farmers need to make a living , we must stress that lives , homes , stress , mental health and anxiety are all factors which are occurring to neighbouring residents if this housing of these animals continue .

Thank you for taking our views into consideration

Regards

Richard Thompson and Kay Sanderson

