

# Public Document Pack

**HAMBLETON**  
DISTRICT COUNCIL

## AGENDA

Committee Administrator: Jane Hindhaugh (01609 767016)

Wednesday, 26 February 2014

Dear Councillor,

### NOTICE OF MEETING

Meeting            **PLANNING COMMITTEE**

Date                **Thursday, 6 March 2014**

Time               **1.30 pm**

Venue              **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours faithfully,

Phillip Morton  
Chief Executive

**To:**

Councillors	Councillors
D A Webster (Chairman)	Mrs J A Griffiths
Mrs B S Fortune (Vice-Chairman)	K G Hardisty
D E Adamson	M J Prest
P Bardon	C Rooke
D M Blades	Mrs M Skilbeck
J Coulson	P G Sowray
S P Dickins	A Wake
G W Ellis	A W Wood

Other Members of the Council for information

## **AGENDA**

### **Page No**

1. MINUTES 1 - 4  
To confirm the minutes of the meeting held on 6 February 2014 (p.23 – P.24).
2. APOLOGIES FOR ABSENCE
3. MATTERS OF URGENCY
4. PLANNING APPLICATIONS 5 - 80  
Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

Report of the Director of Housing and Planning Services.

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

# Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30pm on Thursday, 6 February 2014 at the Civic Centre, Stone Cross, Northallerton

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## Present

Councillor D A Webster (In the Chair)

Councillor	D E Adamson	Councillor	Mrs J A Griffiths
	P Bardon		K G Hardisty
	D M Blades		M J Prest
	J Coulson		C R Rooke
	S P Dickins		Mrs M Skilbeck
	G W Ellis		A P Wake
	Mrs B S Fortune		A W Wood

## Also in Attendance

Councillor	Mrs C S Cookman	Councillor	M Rigby
	G W Dadd		M S Robson
	G J Key		D H Smith
	Mrs C Patmore		Mrs J Watson
	B Phillips		

(An apology for absence was received from Councillor P G Sowray.)

P.23

## **MINUTES**

### **THE DECISION:**

That the minutes of the meeting of the Committee held on 9 January 2014 (P.21 - P.22), previously circulated, be signed as a correct record.

P.24

## **PLANNING APPLICATIONS – DECISIONS**

The Committee considered reports of the Director of Housing and Planning Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

The abbreviated conditions and reasons shown in the report were to be set out in full on the notices of decision. It was noted that following consideration by the Committee, and without further reference to the Committee, the Director had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Director of Housing and Planning Services regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

**THE DECISION:**

That the applications be determined in accordance with the recommendation in the report of the Director of Housing and Planning Services, unless shown otherwise:-

- (1) 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.

PERMISSION GRANTED subject to completion of a planning obligation providing for a contribution to the Bedale Footpath and Cycleway.

- (2) 13/02179/OUT – Outline application for the construction of 48 dwellings at OS Field 3324, Stillington Road, Easingwold for Jomast Developments Limited.

PERMISSION GRANTED subject to completion of a planning obligation in respect of:

- (i) the provision of affordable housing:
- (ii) a financial contribution towards local education provision: and
- (iii) a financial contribution towards local open space, sport and recreation provision.

(The applicant's agent, Mr R Irving, spoke in support of the application.)

- (3) 13/02183/OUT Outline application for the construction of a food store, petrol filling station, health uses, public open space, car parking and means of access at York Road, Easingwold for Jomast Developments, Graeme Nigel Burn and Pamela Mary Bacon (Trustees of the Hebden Family Trust) and Redrow Homes Limited.

PERMISSION GRANTED

(The applicant's agent, Mr J Wallace, spoke in support of the application.)

- (4) 13/02340/FUL - Revised application for the demolition of existing dwelling and construction of 6 dwellings at the Bungalow, Hackforth for N C Wilson Ltd.

PERMISSION GRANTED subject to:

- (i) completion of a planning obligation to secure a contribution towards open space, sports and recreation facilities; and
- (ii) consideration of any further consultation responses.

(Mr G Copping spoke on behalf of Hackforth Parish Council expressing concerns about the application.)

- (5) 13/02559/FUL - Revised application for the construction of 4 dwellings at land adjacent 4 - 5 Brookside, Hackforth for Mr M Webster.

PERMISSION GRANTED subject to completion of a planning obligation to secure provision of open space and/or financial contributions towards open space, sports and recreation facilities.

(Mr I Thomas spoke objecting to the application.)

- (6) 13/02530/FUL - Extensions to dwelling-house at 26 Lees Lane, Romanby for Mr and Mrs Andrew Price.

PERMISSION GRANTED

- (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 for Agriwash (UK) Ltd.

PERMISSION GRANTED

The decision was contrary to the recommendation of the Director of Housing and Planning Services. The Committee was satisfied that the proposal met policies in the National Planning Policy Framework which support appropriate economic growth in rural areas.

(The applicant's agent, Mr R Smith, spoke in support of the application.)

- (8) 13/02544/FUL - Change of use of agricultural land 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 for Mr E Whatnell.

PERMISSION GRANTED

(The applicant, Mr E Whatnell, spoke in support of the application.)

(Ms L Stark spoke on behalf of Sutton on the Forest Parish Council objecting to the application.)

(Mr A England spoke objecting to the application.)

- (9) 13/02397/OUT - Outline application for residential development of up to 40 dwellings at land off St Marys Close, Thirsk Mr J R Barker & Mrs R Taylor.

PERMISSION GRANTED subject to completion of a planning obligation in respect of funding of public open space.

(The applicant's agent, Mr S Barker, spoke in support of the application.)

(Mr P Cotterill spoke objecting to the application.)

- (10) 13/01109/FUL - Siting of a wind turbine 46.0m high (to tip) at Seamer Grange Farm, Seamer for Mr Colin Bainbridge.

PERMISSION GRANTED

(The applicant, Mr C Bainbridge, spoke in support of the application.)

(Mr Patterson spoke on behalf of Seamer Parish Council objecting to the application.)

- (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 for Wagg Foods Ltd.

PERMISSION GRANTED

The meeting closed at 4.35pm.

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Chairman of the Committee

# 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 March 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> March 2014**

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>1</b>	13/02660/FUL Mr T Wood Aiskew  Page no. 3	Construction of a warehouse, mixing hall, dispatch area and associated works For: Cawingredients Ltd At: Caw House, Tutin Road, Leeming Bar Industrial Estate  <b>RECOMMENDATION: GRANTED</b>
<b>2</b>	14/00053/FUL Mr T Wood Aiskew  Page no. 13	Construction of warehouse and distribution building with associated landscaping For: Cawingredients Ltd At: Caw House, Tutin Road, Leeming Bar Industrial Estate  <b>RECOMMENDATION: GRANTED</b>
<b>3</b>	13/02560/REM Miss A Peel Dalton  Page no. 21	Reserved matters application for the construction of 36 dwellings including means of access For: Whitfield Homes Limited & West Park Estates Limited At: Land north of The Willows, Willow Bridge Lane, Dalton  <b>RECOMMENDATION: GRANTED</b>
<b>4</b>	13/02666/FUL Mrs J Low Hutton Rudby  Page no. 26	Construction of 16 no. affordable dwellings with associated infrastructure For: Broadacres Housing Association At: Land west of Apple Tree House, Garbutts Lane, Hutton Rudby  <b>RECOMMENDATION: GRANTED</b>
<b>5</b>	12/01200/FUL Mrs B Robinson Northallerton  Page no. 45	Flood alleviation measures involving widening of existing channel to increase storage area adjacent to culvert inlet For: The Environment Agency At: Turker Beck Flood Alleviation Area, Bullamoor Road, Northallerton  <b>RECOMMENDATION: GRANTED</b>
<b>6</b>	13/02427/REM Mr T Wood Sowerby  Page no. 57	Reserved matters application for the provision of 90 unit extra care facility and associated retail units, public realm works and highways works For: Galliford Try At: Land east of Topcliffe Road and south of Gravel Hole Lane, Sowerby  <b>RECOMMENDATION: GRANTED</b>
<b>7</b>	14/00083/FUL Mrs H M Laws Thormanby  Page no. 65	Conversion of existing detached garage to form an annexe and extension to side of dwelling  For: Mr Peter Gibson At: The Old Black Bull, Thormanby  <b>RECOMMENDATION: GRANTED</b>

<p style="text-align: center;"><b>8</b></p>	<p>13/02269/FUL Mrs B Robinson Whorlton</p> <p>Page no. 68</p>	<p>Change of use of buildings and land from general storage for building company to a mixed use of workshop/storage for plant hire and general storage for building company, and alterations to existing access</p> <p>For: Mr J Swales At: OS Field 5442, Swainby</p> <p><b>RECOMMENDATION: GRANTED</b></p>
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**Parish: Aiskew**  
**Ward: Leeming Bar**

Committee Date: 6 March 2014  
Officer dealing: Mr Tim Wood

Target Date: 14 April 2014

**1**

**14/00053/FUL**

Construction of warehouse and distribution building with associated landscaping  
At Cawingredients Limited Caw House Tutin Road Leeming Bar Industrial Estate  
For Cawingredients Ltd

## **1.0 SITE DESCRIPTION AND PROPOSAL**

1.1 The application site is part of the applicant's premises at the Leeming Bar Industrial Estate to the immediate east of the A1(M). To the south of the proposed building are the semi-detached and terraced two storey dwellings on Potlands, Bedale Road, Leeming Bar and the buildings and open space of the Braithwaite's Plant Nursery. To the north is the existing factory building of Cawingredients Ltd.

1.2 The site for the proposed building is mostly vacant ground, that was disturbed during the construction of the existing factory and lies within the complex of the applicants business. Parts of the land are in use for storage of pallets and turning space for heavy commercial vehicles (HCVs).

1.3 Cawingredients, established in February 2010, has development a technically advanced soft drinks production facility. The factory has a total floor area of about 14,500 square metres; 200 millions bottles of soft drinks passed through the existing warehouse area in 2013. The proposal seeks to increase the degree of automation in the movements of bottles through the factory.

1.4 The scheme seeks to provide new automated warehousing in order that space within the existing factory can be used to increase production capabilities. The expansion of the production facilities into the current warehousing space would give rise to 100 new skilled jobs leading to a total workforce of about 200 people. The automated warehousing would utilise robotic handling equipment to move crates of finished drinks into the warehouse and to prepare the crates or pallets of mixed drinks for loading to lorries.

1.5 The submitted details advise that if planning permission is granted in Spring 2014 the intention is to commence construction in Autumn 2014 and complete the works within a year and for the new production lines in the existing factory to be in operation by the end of 2015.

1.6 The proposed building is to be a continuation at the same form and scale as the existing factory. The proposed overall dimensions are to increase the length of the existing factory by 94.5 metres, with a width of 111.8metres. A link is to be formed into the existing factory. The total floor area of the proposals is 10,980 square metres. It will replace an existing 626 square metres used for the preparation of loads for dispatch. The gross floor area after development would be about 25,500 square metres.

1.7 The automated warehouse is to cover an area of 78.5 metres x 81.1 metres. Its floor level would be about 8 metres lower than the existing factory and between 2 and 8.5 metres lower than the existing ground levels. The roof line would be 14.3 metres above ground level, the same as the existing factory, creating an internal floor to ceiling space of about 23 metres.

1.8 A new dispatch building of 30.63 metres x 61.85 metres is proposed to attach to the west side of the automated warehouse. Seven loading docks are shown on the west side of

the dispatch building. Two new HCV 23 metre diameter turning circles are shown to serve the dispatch building.

1.9 The building is to be formed with a “mini micro rib” cladding system to match the existing factory with darker tones at ground level and lighter colours higher on the building. The less visible elevations would be clad in mid grey composite cladding.

1.9 The existing surface water lagoon at the southern low point of the site adjacent to the Wensleydale Railway Line is to be extended outwards in all directions to create a larger lagoon.

1.10 Access to the extended facilities is proposed to be via the recently approved link road to Conygarth Way (13/01613/FUL). The development and the associated increase in production capacity within the existing building would give rise to an increase use of the access. The Transport Assessment details the generation of 37 trips during the morning peak and 25 trips during the evening peak periods all via Conygarth Way and removing vehicles from Tutin Road and Portland Way.

1.11 Landscape proposals have been made for the land. The southern boundary of the site has been planted with ‘standard’ trees (8-10cm girth). The scheme proposed the formation of “an elevated area of land 8 metres in height, 15 x 50 metres in area, to be formed between the automated warehouse and the balancing pond upon which a large number of standard and whip tree (less than 6 cm girth) of up to 3.5m high” (extract from the Planning Statement) will be planted.

1.12 The proposed development includes a contribution to the footpath and cycleway along the Wensleydale Railway corridor between Bedale and Leeming Bar as sought by LDF Allocations Document Policy BC3.

1.13 The scheme proposes the use of grey water harvesting and rain water for wash down purposes. 10% of the energy load of the building is to be met by renewable energy sources, this requirement can be secured by a planning condition.

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

2.1 08/04438/FUL: Construction of a soft drinks manufacturing and bottling facility with associated warehousing, office space, car parking and landscaping as amended by plans received by 12 December 2008 (Granted on 20.01.2009).

2.2 10/02535/FUL: Construction of extension to existing factory for storage, warehousing and dispatch: Permission Granted March 2011.

2.3 11/02319/FUL: Construction of a storage building: Permission Granted 23 December 2011.

2.4 12/00508/FUL: Revised application for the construction of a storage building: Permission Granted 25 April 2012

2.5 12/01246/FUL: Construction of an extension to form switchgear building: Permission Granted 13 August 2012

2.6 12/02425/FUL: Formation of recycling compound area: Granted 20 December 2012

2.7 13/01613/FUL: Formation of a new vehicular access, car park (including associated road and landscaping) and construction of a cold store: Granted 21 October 2013

2.8 13/02324/FUL: Construction of a water treatment plant and associated access works. Granted 23 December 2013

### **3.0 RELEVANT PLANNING POLICIES**

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

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 CP11 - Distribution of new employment development  
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 DP2 - Securing developer contributions  
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 DP29 - Archaeology  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP34 - Sustainable energy  
Development Policies DP36 - Waste  
Allocations Document Policy BE1 - North West of Leeming Bar Industrial Estate, Leeming Bar - adopted 21 December 2010  
Allocations Document Policy BC1 - Safeguarded Route of the Bedale/Aiskew/Leeming Bar Relief Road - adopted 21 December 2010  
Allocations Document Policy BC3 - Footpath and Cycleway Along the Wensleydale Railway Corridor Between Bedale and Leeming Bar - adopted 21 December 2010

### **4.0 CONSULTATIONS**

4.1 Aiskew Parish Council – Advise that Councillors of the above Parish have no comments

4.2 NYCC Highways - The application is for extensions to the existing manufacturing processes on the site which will be contained in significant buildings. In contrast to the built impact the transport impact is modest as the increase is not proportionate to the increase in building footprints. In transport terms the site is well situated close to the strategic road network but relatively close to residential areas where employees may live.

The application is supported by a Transport Assessment which details the impact of the proposals on the surrounding transport network. This also builds on the existing Travel Plan for the Cawingredients site. Conditions are recommended relating to the provision of pedestrian and cycle access routes; access, parking and turning space; matters relating to the construction phase; control of external lighting, and reconsideration of the existing Travel Plan.

4.3 Highways Agency – Directs that conditions be attached to any approval in respect of the exterior of the new building to ensure that it does not present an undue distraction to drivers on the Strategic Road Network.

4.3 Environmental Health Officer – Advises that the noise assessment submitted as part of the application appears to show that the development will not cause a loss of amenity to the occupants of nearby residential property. It is recommended that a condition is attached to limit the noise permitted to be emitted.

4.4 Yorkshire Water - request the imposition of conditions relating to the submission of the details of the drainage scheme of foul and surface water drainage including outfall and interceptors from vehicle parking and hardstanding areas.

Foul water domestic waste should discharge to the 150mm sewer in Tutin Road. The local public sewer network does not have capacity to accept any discharge of surface water from the proposed site, however the Flood Risk Assessment confirms that the ground conditions allows the use of soakaways via infiltration and attenuation pond.

An agreement between Yorkshire Water and Cawingredients exists for the disposal of trade effluent.

4.5 HDC Economic Development – note that from an Economic Development perspective this is a positive application from Cawingredients who are looking to further develop an allocated employment site and create additional skilled employment and opportunities in the District.

As a result, the development of the business will continue to contribute to the economic prosperity of Hambleton. The application is highly supportive of the very strong food and drink sector that is part of the economic landscape at Leeming Bar

4.6 Neighbours – Businesses and residential property bounding the site have been consulted - No responses received.

## **5.0 OBSERVATIONS**

5.1 The site for the building is not allocated for any form of development but lies within the Development Limits of Leeming Bar. In such locations the LDF policies allows for new commercial development provided that they achieve the requirements of the Core Strategy (particularly CP11, which identifies Leeming Bar as an appropriate location for new employment development, and CP12) and Development Plan policies (particularly DP16). The NPPF similarly supports new commercial development provided that, to paraphrase, they do not result in significant harm.

5.2 An industrial estate location is preferred by LDF policies as the location for large scale job creation and for new buildings as they have the available infrastructure, are located close to centres of populations, have good access links and, amongst other things, large buildings will be more readily assimilated within the landscape.

5.3 Policy for Leeming Bar Industrial Estate has emphasised the development of the “food cluster”. The extension of the soft drinks business assists in concentrating the commercial development on this sector.

5.4 Therefore the main planning issues to be considered are:

- Whether the infrastructure exists or can be provided to support the demands of the business; and
- The design approach and the impact of the design and use upon the landscape and neighbours.

The economic, environmental and highway implications of the proposal are also assessed below.

## **Infrastructure**

5.5 The site is currently accessible via Tutin Road. Planning permission was granted in 2013 for a new access road from Conygarth Way to serve the site. This new access, which has not yet been built, is shown as the access route to the automated warehouse. The highway network and the new access are designed to standard to accommodate the needs of this development.

5.6 The applicant has invested in power supply infrastructure and formed drainage, attenuation and waste treatment facilities within the site, to ensure that the development can be undertaken without causing harm to the environment or neighbours to the site. The response of Yorkshire Water as statutory undertaker is reported above and does not raise objection to the proposed development.

## **Design**

5.7 The design of the automated warehouse is a result of the constraints of the site, most notably:

- The proximity of the A1(M) and the need to avoid creating a distraction to drivers;
- The proximity of RAF Leeming to avoid creating an obstacle to radar or aircraft;
- The potential impact upon neighbours; and
- The potential impact upon the wider landscape.

5.8 Pre-application discussions were held with regard to an earlier version of the proposal with a significantly higher building. The higher building would have been very difficult to assimilate within the surrounding landscape and therefore an iconic, landmark or statement building was considered. This approach received in-principle support from the Regional Design Review Panel. However, the needs of the business have dictated that a building of lower height and restrained form should be used to continue the detailing of the existing building.

5.9 The landscape context is considered in a report prepared in support of this application, it considers the impact of the proposed development and measures that would be appropriate to mitigate those impacts. The overall assessment records the impact as a whole as "Slight Negligible Impact" explained as "The proposed scheme is appropriate in its context, it may be difficult to differentiate from its surroundings and would have no discernable impact on the character, fabric and quality of the landscape".

5.10 The landscape planting proposals are intended to reduce the impact from residential property from the south and in the longer term the impact of the building when viewed from the south will be reduced by the planting regime.

5.11 The internal engineering of the storage system within the building, whilst not a planning matter, drives the shape of the building to achieve the optimum proportions to maximise storage and accessibility to the stored products by the robotics.

5.12 The design of the building repeats much of the design detailing of the existing factory and so achieves a degree of conformity with the existing built environment. It does not cause harm through a loss of openness or harm the character of the settlement of Leeming Bar and thereby meets the requirements of LDF Policy CP16.

## **Amenity of neighbours**

5.13 The proposed automated warehouse is a large building with a relatively large number of vehicle movements that can be expected to have some impact upon neighbours. The submitted drawings show that changes to the landscape around the building would provide additional mounding and planting on the mounds between neighbours to the south and the

new building. This would create the context for the building that, whilst high and wide, could sit appropriately within the landscape and would not be out of scale with the existing buildings on and neighbouring industrial buildings. It is the neighbouring industrial building and engineering works around the upgraded A1(M) that provide the major context for most people who would see the building.

5.14 The use of the building itself is unlikely to create any significant levels of noise that could cause harm to the neighbours of the site. The use of Conygarth Way for vehicles accessing the site would reduce the impact of vehicles on the residents of Leases Road. The increased movement of HCV's would create noise but that is within the context of the noise from vehicles on the elevated section of the A1(M) and it is considered that the noise level from the use including HCV movements and reflected noise from the A1(M) will not be harmful or unduly intrusive, indeed the findings of the applicants consultants are that the noise from the development would be negligible.

### **Economic impact**

5.15 The Community's economic requirements are an important planning consideration and Policy CP1 commits the Council to taking them into account when considering development proposals. The proposal itself would have positive employment impact as it would allow a significant number of skilled jobs to be created by freeing space within the factory for greater production. This would lead to a doubling of the workforce to about 200.

### **Environmental impact**

5.16 Whilst the proposal would not generate significant quantities of foul or commercial waste water the scheme includes on-site treatment of waste water and drainage of foul waste to the public sewerage network. The scheme provides a Sustainable Drainage Scheme including re-use of water for cleaning purposes and on-site treatment of waste water.

### **Highway impact**

5.17 The proposal as noted above involves the use of the recently approved access from Conygarth Way. Pedestrian and cyclist access is to remain via shorter route to Leeming Bar via Tutin Road and Portland Way. Developments within the Bedale, Aiskew, Leeming Bar area are under the requirements of LDF Allocations Document BC3 to contribute to the cost of providing a sustainable transport link between the allocated sites in the three settlements. A contribution is therefore required from this development and the sum is under discussion.

5.18 The scheme involves significant volumes of earth movement to excavate the footprint of the automated warehouse. Some of this material can be used within the site the remainder will require transportation off-site. A transport management plan is required to ensure that the transport of this material does not cause harm to highway safety, a condition can be applied to this effect.

5.19 Access to the site via the approved road along the southern edge of the LDF Allocation BE1 would have no significant impact upon the use of that allocated land for business development. It is noted that the applicant for this proposal has also sought planning permission for commercial development of the BE1 land.

### **SUMMARY**

The development would create significant warehouse space to support the development of an existing business and give potential to generate significant numbers of additional jobs within Leeming Bar. Any impacts upon highway capacity, highway safety, residential amenity and local landscape are not significant and enable the proposal to comply with the requirements of the Local Development Framework.



## 6.0 RECOMMENDATION

Planning permission is **GRANTED** subject to:

- The satisfactory completion of a Planning Obligation to secure a contribution to the construction costs of the Aiskew Bedale footway and cycleway; and
  - The conditions set out below
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. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 14 February 2014 has been carried out. 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 development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
  5. 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.
  6. 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 5 above.
  7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.
  8. The existing access to the site from Tutin Way shall remain open to pedestrian and cycle traffic at all time during the construction and use of the proposed development.
  9. 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.

10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition 9 (i) have been constructed in accordance with the submitted drawing approved under condition 9. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
11. 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.
12. No external lighting equipment shall be used other than in accordance with details previously approved in writing by the Local Planning Authority.
13. 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.
14. Prior to the development being brought into use, the existing Travel Plan for the overall Cawingredients site shall have been revisited and rolled out to all new employees associated with the development. The monitoring and surveys in the Travel Plan shall be updated accordingly.
15. The rating level of the noise (LAeq), corrected for acoustic feature, emitted from the site shall not exceed 53 dB LAeq (1 hour) between 0700 hours and 2300 hours Monday to Friday, 0700 hours to 1400hrs Saturday and 42dB LAeq (5 minutes) at any other time as measured at the boundary of any nearby residential property. The measurements and assessment shall be made in accordance with BS4142:1997 Method for rating industrial noise affecting mixed residential and industrial areas.
16. The external appearance of the new building must feature a largely plain facade as shown on the drawings #latest drawing# The exterior of the building must not feature:  
Images projected on to any of the elevations  
Flashing lights  
Multi-coloured patterns  
Advertising hoardings or billboards  
Flagpoles

17. 10% of the energy load of the building is to be met by renewable energy sources or alternative equivalent energy saving measures that have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented and retained to achieve the minimum requirements of the approved scheme.

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 assist in the assimilation of the development in the landscape and reduce the visual impact of the development on the occupiers of neighbouring land in accordance with the LDF Policies CP1, CP16, DP30 and DP32.
4. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
7. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal to prevent pollution of the water environment or flooding in accordance with Hambleton LDF Policies CP1 and DP6.
8. To provide convenient pedestrian and cycle access to the site in accordance with LDF Policies CP1, CP2, DP3 and DP4.
9. In accordance with Policy CP1, CP2, DP3, DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
10. 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.
11. In accordance with Policy CP1, DP3, and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
12. In accordance with Policy CP1 and in the interests of highway safety and visual amenity.
13. In accordance with Policy CP1, DP3 and DP4 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.
14. In accordance with LDF Policies CP1, DP3 and DP4 and to establish measures to encourage more sustainable non-car modes of transport.
15. To protect the amenity of neighbours in accordance with LDF Policies CP1 and DP1.

16. To maximise the safety of the Strategic Highway Network by ensuring that the new building does not present an undue distraction to drivers and in accordance with the LDF Policy CP1.
17. In accordance with the objectives of the LDF Policy DP34.

*Attention is drawn to the following Informatives:-*

1. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.  
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

### 13/02660/FUL

**Construction of a warehouse, mixing hall, dispatch area and associated works as amended by plans received by Hambleton District Council on 12 February 2014 at Cawingredients Limited, Caw House, Tutin Road, Leeming Bar for Cawingredients Limited**

#### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is to the north of the applicant's existing factory at the Leeming Bar Industrial Estate to the immediate east of the A1(M). To the south of the proposed building is the site of the approved access to the Cawingredients site. To the north is the A1(M) to Leases Road link. East of the land is the existing Leeming Bar Industrial Estate.
- 1.2 The site for the proposed building is arable land allocated in the LDF for employment development under policy BE1. The application site also includes a spur alongside the road linking Leases Road with the A1(M) which lies beyond allocation BE1.
- 1.3 As described in the preceding report for the extension to the Cawingredients factory (13/02660/FUL), the business was established at Leeming Bar in February 2010 and has developed a technically advanced soft drinks production facility.

The Design & Access Statement describes the proposal to:-

- "Create new warehouse facilities to supplement the expanding manufacturing processes in the existing factory of Cawingredients Ltd; to free area and enable increased production within the existing building. The processes carried out on site will remain unchanged; being the production of soft drinks from raw materials imported to the site and stored in external storage silos. The soft drinks are bottled using bottles manufactured on site. The finished product will be stored within the facility and distributed by road."
- 1.4 The factory currently has 3 production lines, if storage is moved out of the factory the resulting space will allow the installation of two new production lines, with a projected increase of 100 jobs.
  - 1.5 The site has a high point close to the western boundary that is 5 metres higher than the low point close to the south-eastern corner. The proposed building is shown to span the changes in level by a cut and fill approach. The hedgerow to the eastern boundary is to be retained.
  - 1.6 The scheme is to create:-
    - Serviced industrial land with access road, turning areas, loading areas and car parking;
    - A warehouse of 4059 square metres, ground floor staff facilities of 343 square metres, first floor offices of 343 square metres; and
    - A gatehouse 26 square metres.

- 1.7 Security fencing (2.4 metres high) is shown to be erected around the boundary of the site and the existing stone on the western boundary with the A1(M) is to be extended.
- 1.8 The building is to be formed with silver cladding system to match the existing factory. It is to be 46m x 98.5m and 14.5m high.
- 1.9 New surface water balancing ponds are proposed at both the southern and northern ends of the site as part of a landscaping scheme that includes mixed shrub and tree planting as well as grassed areas.
- 1.10 Access to the site is proposed to be via the recently approved link road to Conygarth Way (13/01613/FUL).
- 1.11 The proposed development includes a contribution to the footpath and cycleway along the Wensleydale Railway corridor between Bedale and Leeming Bar as sought by LDF Allocations Document Policy BC3. The contribution proposed by the applicant relates to the floor area of the built development taking account of the B8 Use Class and the anticipated number of jobs created by this proposal. The proposed sum of £12,832 is made in respect of the proposed building. Negotiation continues in respect of a contribution in respect of the open land that is proposed to be used for purposes of storage and distribution.
- 1.13 The initial concepts of the scheme were included in the public consultation event on 28 November 2013 at which the automated warehouse proposal was also displayed.

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

- 2.1 No previous applications have been made for the development of the site. Applications relevant to the existing Cawingredients site are listed in the preceding report.

## **3.0 RELEVANT PLANNING POLICIES**

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

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 CP11 - Distribution of new employment development
- 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 DP2 - Securing developer contributions
- 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 DP29 - Archaeology
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- Development Policies DP33 - Landscaping
- Development Policies DP34 - Sustainable energy
- Development Policies DP36 - Waste

Allocations Document Policy BE1 - North West of Leeming Bar Industrial Estate, Leeming Bar - adopted 21 December 2010  
Allocations Document Policy BC1 - Safeguarded Route of the Bedale/Aiskew/Leeming Bar Relief Road - adopted 21 December 2010  
Allocations Document Policy BC3 - Footpath and Cycleway Along the Wensleydale Railway Corridor Between Bedale and Leeming Bar - adopted 21 December 2010

#### **4.0 CONSULTATIONS**

- 4.1 Aiskew Parish Council – No response received.
- 4.2 NYCC Highways – Recommend conditions relating to the provision of parking, turning and construction site management.
- 4.3 Highways Agency – Direct the imposition of a condition regarding the surface treatment of the building to ensure that it does not cause a distraction to drivers on the A1(M)
- 4.3 Environmental Health Officer – No objection
- 4.4 Yorkshire Water – No objections subject to drainage being achieved by means of infiltration, they would object to the use of the public sewer for the disposal of surface water. Conditions are recommended requiring approval of the drainage system.
- 4.5 HDC Economic Development – Supports the development. Notes that the development will create additional skilled employment and opportunities in Hambleton. The consultation exercise that was undertaken prior to the applications being submitted received positive feedback. The further development of the business will continue to contribute to the economic prosperity of Hambleton. The high standard of construction on previous developments by Cawingredients is carried through in this application and makes a significant contribution to the extremely positive image of food and drink businesses in the District.
- 4.6 Neighbours – Businesses and residential property bounding the site have been consulted -
- 4.7 HSE – No objection on safety grounds.
- 4.8 Environment Agency – Objection on the basis of the lack of a Flood Risk Assessment. (A Flood Risk Assessment has subsequently been prepared and supplied to the Agency and their further response is awaited.)
- 4.9 North Yorkshire Police Architectural Liaison Officer – Advises that the security measures undertaken for the existing site should be extended to the current site and highlights the need to provide security measures during the construction phase.
- 4.10 Ministry of Defence Safeguarding – No safeguarding objections.
- 4.11 Publicity – No responses as a consequence of neighbour notification or site notice.

#### **5.0 OBSERVATIONS**

- 5.1 The majority of the site is identified in the LDF Allocations Document BE1 for employment development. The allocation flows from the Core Strategy (particularly CP11 which identifies Leeming Bar as an appropriate location for new employment development, and CP12) and Development Plan policies (particularly DP16). The

NPPF similarly supports new commercial development provided that, to paraphrase, they do not result in significant harm.

- 5.2 Policy for Leeming Bar Industrial Estate has emphasised the development of the “food cluster”. The extension of the soft drinks business assists in concentrating the commercial development on this sector. Although this proposal is for a warehouse and distribution use it is made explicit within the supporting documentation that the warehouse is to be used on conjunction with the existing soft drinks factory. Developments which enhance the role of the "food cluster" are supported by the LDF policies.
- 5.3 The application does not specify an end-user for the serviced land to the north of the warehouse.
- 5.4 Therefore the main planning issues to be considered are the same as those in the application for the automated warehouse:
- Whether the infrastructure exists or can be provided to support the demands of the business; and
  - The design approach and the impact of the design and use upon the landscape and neighbours.

The economic, environmental and highway implications of the proposal are also assessed below.

### **Infrastructure and Environmental impact**

- 5.5 The site is shown to be accessed via the new road forming an extension to Conygarth Way that was granted planning permission in 2013. The new access, has not yet been built, is also shown as the access route to the automated warehouse and existing factory for all vehicular traffic. The highway network and the new access are designed to standard to accommodate the needs of this development.
- 5.6 Surface water attenuation is shown within the scheme and can access the existing foul sewers to accommodate 'domestic' flows from the site. No significant volumes of commercial waste are anticipated from a storage and distribution facility. Provided that the new drainage infrastructure is installed it is considered that the development can be undertaken without causing harm to the environment. The response of Yorkshire Water as statutory undertaker is reported above and does not raise objection to the proposed development. The reported objection from the Environment Agency is in respect of the lack of a Flood Risk Assessment (FRA) at the date that they assessed the scheme. It is anticipated that the objection will be withdrawn upon consideration of the submitted FRA.

### **Design**

- 5.7 The design of the warehouse is relatively unconstrained but needs to address:
- The proximity of the A1(M) and the need to avoid creating a distraction to drivers;
  - The proximity of RAF Leeming to avoid creating an obstacle to radar or aircraft; and
  - The potential impact upon the wider landscape including residential neighbours to the west of the site.
- 5.8 The landscape context is considered in a report prepared in support of this application, it considers the impact of the proposed development and measures that would be appropriate to mitigate those impacts.



- 5.9 The landscape planting proposals are intended to soften the impact from public vantage points to the north and west by introducing tree planting to the periphery of the site. The warehouse is a large structure and would not be hidden by the landscaping proposals but is proposed to be set within a mix of hard and soft landscape treatments on and close to the boundary of the site, which will serve to break up its appearance and provide a suitable setting for it.
- 5.10 The design of the building repeats much of the design detailing of the existing factory and so achieves a degree of conformity with the existing built environment. The construction of a large building on the site would result in a change to the currently agricultural land but as the site is adjacent to or allocated for employment development the majority of the impact is anticipated by that allocation and is not considered to be in conflict with the LDF generally or specifically Allocations Document Policy BE1.

### **Amenity of neighbours**

- 5.11 The nearest residential neighbours are on the west side of the A1(M) and whilst the building would appear within the landscape context the building or use would have no significant direct impacts upon the amenity of neighbours in terms of either visual impact or noise.

### **Economic impact**

- 5.12 The Community's economic requirements are an important planning consideration and Policy CP1 commits the Council to taking them into account when considering development proposals. The proposal itself would have positive employment impact as it would create about 10 jobs directly and assist in the growth of the business of Cawingredients and support the creation of about 100 new jobs in the factory building to the south.

### **Highway impact**

- 5.13 The proposal as noted above involves the use of the recently approved access from Conygarth Way. The application site is linked to the existing Cawingredients site and pedestrian and cyclist access can be provided via the existing access to Tutin Road and Portland Way to create a short route to Leeming Bar.
- 5.14 Developments within the Bedale, Aiskew, Leeming Bar area are under the requirements of LDF Allocations Document BC3 to contribute to the cost of providing a sustainable transport link between the allocated sites in the three settlements. Under the provisions of DP2 a contribution is therefore required from this development and the sum is under discussion.
- 5.15 The scheme involves significant volumes of earth movement to achieve a level site for the warehouse within a sloping site. Whilst some of the material can be used within the site by "cut and fill" techniques the remainder will require transportation off-site. A transport management plan is required to ensure that the transport of this material does not cause harm to highway safety, a condition can be applied to this effect.

### **SUMMARY**

The development would create significant warehouse space to support the development of an existing business. Any impacts upon highway capacity, highway safety, residential amenity and local landscape are not significant and enable the proposal to comply with the requirements of the Local Development Framework.

### **6.0 RECOMMENDATION**

Planning permission is **GRANTED** subject to:

- The satisfactory completion of a Planning Obligation to secure a contribution to the construction costs of the Aiskew, Bedale and Leeming Bar footway and cycleway; and
- The conditions set out below
  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. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 13 February 2014 has been carried out. 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 development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
  5. 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.
  6. 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 5 above.
  7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.
  8. 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 drawing (Reference 7344-010-Rev B). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
  9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing

by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

10. No external lighting equipment shall be used other than in accordance with details previously approved in writing by the Local Planning Authority.

11. 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.

12. Prior to the development being brought into use, the existing Travel Plan for the overall Cawingredients site shall have been revisited and rolled out to all new employees associated with the development. The monitoring and surveys in the Travel Plan shall be updated accordingly.

13. The external appearance of the new building must feature a largely plain facade as shown on the drawings #latest drawing# The exterior of the building must not feature: Images projected on to any of the elevations  
Flashing lights Multi-coloured patterns Advertising hoardings or billboards  
Flagpoles

14. 10% of the energy load of the building is to be met by renewable energy sources or alternative equivalent energy saving measures that have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented and retained to achieve the minimum requirements of the approved scheme.

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 assist in the assimilation of the development in the landscape and reduce the visual impact of the development on the occupiers of neighbouring land in accordance with the LDF Policies CP1, CP16, DP30 and DP32.

4. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.

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

6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
7. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal to prevent pollution of the water environment or flooding in accordance with Hambleton LDF Policies CP1 and DP6.
8. In accordance with Policy CP1, CP2, DP3, DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
9. In accordance with Policy CP1, DP3, and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
10. In accordance with Policy CP1 and in the interests of highway safety and visual amenity.
11. In accordance with Policy CP1, DP3 and DP4 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.
12. In accordance with LDF Policies CP1, DP3 and DP4 and to establish measures to encourage more sustainable non-car modes of transport.
13. To maximise the safety of the Strategic Highway Network by ensuring that the new building does not present an undue distraction to drivers and in accordance with the LDF Policy CP1.

Dalton

Committee Date : 6 March 2014

Officer dealing : Miss A J Peel

**3**

Target Date: 14 March 2014

**13/02560/REM**

**Reserved matters application for the construction of 36 dwellings including means of access as amended by plans received by Hambleton District Council on 6th February 2014..**

**at Land To The North Of The Willows Willow Bridge Lane Dalton North Yorkshire for Whitfield Homes Limited & West Park Estates Limited.**

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

1.1 This application is for the approval of details relating to appearance, landscaping, layout and scale following the grant of an outline permission approved at appeal on 4th July 2013. The outline planning permission was granted for 36 dwellings, 14 of which were affordable units (38.8%). The proposed mix of affordable dwellings was agreed as appropriate to meet local needs with the Council's Housing Services Manager prior to the submission of the outline application.

1.2 The application site is on the edge of Dalton in North Yorkshire. The market town of Thirsk is approximately 5 miles to the north. The site is not within a Conservation Area. To the south of the site is a new housing development of 31 dwellings which are located on the former turkey factory site. To the north and west is open agricultural land and to the east is garden space belonging to No.12 The Willows.

1.3 The proposal comprises a mix of dwellings:

- o four 1-bedroom apartments,
- o ten 2-bedroom terrace dwellings,
- o thirteen 4-bedroom detached dwellings,
- o nine 5-bedroom detached dwellings.

1.4 Building heights are generally two-storey to fit within the local context. The vehicular access is proposed off Willow Bridge Lane, the road leading from Dalton north towards the A19.

### **2.0 RELEVANT PLANNING HISTORY**

2.1 10/01428/FUL - Construction of 31 dwellings, public open space, access and landscaping (Granted on 21.12.2010).

2.2 12/01346/OUT - Outline application for the construction of 36 dwellings including means of access (Refused on 28.11.12. Allowed on appeal 4.7.13).

### **3.0 RELEVANT PLANNING POLICIES:**

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

National Planning Policy Framework - published 27 March 2012

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy 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 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 DP2 - Securing developer contributions  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP6 - Utilities and infrastructure  
Development Policies DP8 - Development Limits  
Development Policies DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP34 - Sustainable energy  
Development Policies DP37 - Open space, sport and recreation  
Development Policies DP42 - Hazardous and environmentally sensitive operations

#### 4.0 **CONSULTATIONS**

- 4.1 Parish Council - No objections, received 16 January 2014.
- 4.2 NYCC Highways - No objections, conditions recommended, received 16 January 2014.
- 4.3 Education Services - As previously stipulated in the Section 106 Agreement a contribution is to be sought. The 36 dwellings generated a developer contribution of £122,364 this was identified in the Section 106 Agreement.
- 4.4 Swale & Ure Drainage Board - The site is adjacent to an ordinary watercourse within the drainage district. Therefore we have no byelaw powers only powers under s23 LDA 1991 to police mill dams, weirs or other like obstructions. Since drainage will be to an existing outfall, then I have no adverse comment, apart from control of discharge, which has been taken into account with the Hydrobrake, received 20 February 2014.
- 4.5 Yorkshire Water - Concerns regarding the drainage, more details required, received 14 January 2014.
- 4.6 Environment Agency - We have no objections to this application. As surface water will be discharged at a restricted rate into an ordinary watercourse within Swale and Ure's IDB area, they should be consulted for details of any conditions they would like to recommend, received 24 December 2013.
- 4.7 Network Rail - No response, expiry 10 January 2014.
- 4.8 Neighbourhood Policing Team - No significant objections raised, some comments made regarding crime prevention, received 24 December 2013.
- 4.9 Environmental Health - Additional site investigation works be carried out in order to characterise the nature and extent of any contamination on the development site and also to inform any proposed remediation that may be required. This work is a requirement of Condition 6 of the appeal decision. Development shall not commence until this has been carried out, received 21 January 2014.
- 4.10 Leisure Services Officer - No response, expiry 10 January 2014.
- 4.11 Neighbours consulted and site notice posted - Comments submitted from 4 nearby neighbours;

- a) Application turned down previously, should be refused again.
- b) No future applications should be accepted.
- c) There are no shops, schools or public transport facilities.
- d) Build some small industrial units.
- e) The Landscaping Plan shows trees are proposed along the border to our property where the Water Easement runs. Our understanding is that nothing can be planted within 6 meters from the centre of this easement.
- f) Impact on water pressure.
- g) Affect on broadband speed.
- h) Weight restriction or speed reduction measures put in place on Willow Bridge Lane.
- i) Height of the dwellings would impact upon daylight and views of the Hambleton Hills.
- j) Enough room in local schools and doctors surgery.
- k) This type of housing is not required.
- l) Maintenance of local highway network.
- m) Flooding.
- n) Pub owned by applicant - increased sales.

## 5.0 **OBSERVATIONS**

- 5.1 Outline consent is in place therefore issues relating to principle and location of the development, transport issues, flood risk, infrastructure and services, affordable housing, public open space and other developer contributions have already been considered and approved. Therefore, some of the issues raised by the neighbours and consultees cannot be considered at this stage. Hence, the main issues at the reserved matters stage relate to design, sustainable construction, highway safety, drainage, landscaping, land contamination and neighbour amenity.

### **Design and Neighbour Amenity**

- 5.2 Policy DP32 of the LDF requires that the design of all developments must be of the highest quality and 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. Paragraph 56 of the National Planning Policy Framework (NPPF) states "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".
- 5.3 The layout of the development reflects the design submitted at the outline stage with a single point of pedestrian and vehicular access from Willow Bridge Lane. There is a mixture of house types, with a variety of heights, designs, and orientations which is considered to be good design and appropriate to the village location. A local resident is concerned that the dwellings will impact on daylight to neighbouring properties and restrict views of the Hambleton Hills. The proposed layout achieves adequate levels of space about the proposed dwellings in order to provide sufficient amenity space and the necessary separation distances. The dwellings are not considered to be excessively high and prominent and will not therefore impact upon any important long distance views. There have been some minor changes to the design of some of the dwellings along Willow Bridge Lane and the addition of windows and changes to boundary treatments, having regard to the comments raised by the Police Architectural Liaison Officer. It is considered that the amendments have improved the appearance of the dwellings without impacting on neighbour amenity. The boundary treatments comprise of hawthorn hedges, open frontages, feature shrub planting and 1.8 metre high brick walls to exposed rear garden boundaries.
- 5.4 It is considered that the development is acceptable in terms of design and the proposal meets with the requirements of the NPPF and Policy DP32 of the Hambleton Local Development Framework.

### **Sustainable Construction**

- 5.5 Policy DP34 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.
- 5.6 The Applicant has confirmed that a detailed 'Energy Use Assessment' will be completed prior to the construction stage. The condition applied to the outline approval will secure a scheme for suitable design improvements and/or the installation of suitable renewable energy technologies. It is considered that the proposal is able to comply with the requirements of Policy DP34.

### **Highway Safety**

- 5.7 Policy DP3 requires there is a minimum level of car parking which is commensurate with road safety. Policy DP4 requires that development proposals must ensure safe and easy access is available to all potential users.
- 5.8 NYCC Highways have no objections to the proposal and have suggested conditions relating to details and construction of the road and footway layout, surface water facilities, formation of visibility splays, highway improvement work, on site facilities for construction traffic and closure of the existing access.
- 5.9 The majority of the parking is provided by double garages and forecourt parking. There are two parking courts, one to the north west corner and one to the south east corner of the site. The parking courts will provide discreet parking for the affordable units but have been designed so that they are visible from the nearby properties for security reasons. The level of provision is considered to be acceptable and is considered that the development will meet with the requirements of Policies DP3 and DP4.

### **Drainage**

- 5.10 Policy DP6 requires that proposals for new development 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 existing community.
- 5.11 Yorkshire Water raised some concerns regarding the surface water sewer within and adjacent to the site. The additional information has been supplied by the applicant and any landscaping, which was of concern, removed. The details are with Yorkshire Water for consideration. The Swale & Ure Drainage Board and Environment Agency have no objections. Subject to Yorkshire Water's approval it is considered that there will be no concerns with regards to drainage at the site and the development will comply with Policy DP6.

### **Landscaping**

- 5.12 Policy DP33 requires that landscaping of new development must be an integrated part of the overall design which complements and enhances development.
- 5.13 There are some existing trees along the north and east boundaries of the site but no soft landscaping within the site due to the previous use. An arboricultural report was not therefore considered necessary in this case. An indicative landscaping plan has been provided showing the retention of the existing landscaping, new tree, hedge and ornamental shrub planting and a detailed plan is expected in due course. Alternatively, the landscaping scheme can be controlled by condition. It is considered that the proposal is able to comply with Policy DP33.



## Land Contamination

- 5.14 Policy DP42 requires that the public, land uses and the environment will be protected from the actual or potential effects of hazardous or other activities likely to be detrimental to public health or amenity.
- 5.15 The geo-environmental report submitted in support of the outline application is over eight years old and therefore is considered out of date. The report was produced as part of a wider site investigation in 2005 prior to the demolition of the former turkey factory. The report identified contamination at numerous locations within the site and also recommended additional investigation post-demolition. Since the demolition and development on the southern part of the former turkey factory, the ground conditions may have changed and therefore the conclusions and recommendations contained in the 2005 report may not be valid. The applicant's have therefore submitted an up to date report which is being considered by the Environmental Health team. If additional information is required then this can be controlled by condition. It is considered that the land contamination matter can be resolved and the proposal will meet with the requirements of Policy DP42.
- 5.16 Taking all of the above into account; the application is recommended for approval.

## SUMMARY

Subject to outstanding consultation responses, it is considered that the development is acceptable and is in accordance with the National Planning Policy Framework and the Hambleton Local Development Framework.

## 6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within two years of the date of this permission.
2. No part of the development shall be brought into use until the existing accesses on to Willow Bridge Lane have been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.
3. No dwelling shall be occupied until the boundary walls, fences, hedgerows and other means of enclosure have been constructed in accordance with the details approved in accordance with drawing no. Y81:897.31A received by Hambleton District Council on 6 February 2014. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered:  
DWG No. Y81:897.22 DWG No. Y81:897.19 DWG No. Y81:897.18 DWG No. Y81:897.16  
DWG No. Y81:897.14 DWG 13T770-103 Rev T1 DWG 13T770 -  
102 Rev T1 DWG No. Y81:897.06 DWG. No. Y81: 897.30 DWG No.  
479/001 DWG No. Y81: 897.24 received by Hambleton

District Council on 10 December 2013. DWG No. Y81.897.03A  
DWG No. Y81:897.27 Rev A DWG No. Y81:897.26 Rev A DWG No.  
Y81:897.23 Rev A DWG No. Y81:897.21 Rev A DWG No. Y81:897.20  
Rev A DWG No. Y81:897.17 Rev A DWG No. Y81:897.15 Rev A DWG No.  
Y81:897.13 Rev A DWG No. Y81:897.12 Rev A DWG No. Y81:897.11  
Rev A DWG No. Y81:897.10 Rev A DWG No. Y81:897.09 Rev A DWG No.  
Y81:897.31 Rev A DWG No. Y81.897.07A DWG No. Y81:897.05  
Rev A DWG No. Y81:897.25 Rev A received by Hambleton District  
Council on 6 February 2014. DWG No. R/1554/1 received  
by Hambleton District Council on 21 February 2014.

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. In the interests of highway safety.
3. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with Policies CP1, DP1, CP17 and DP32 of the Hambleton Local Development Framework.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17 and DP32.

**Parish: Hutton Rudby**  
**Ward: Rudby**

Committee Date: 6 March 2014  
Officer dealing: Mrs Jill Low  
Target Date: 8 April 2014

## **4**

**13/02666/FUL**

### **Construction of 16 no. Affordable Dwellings with Associated Infrastructure at Land West of Apple Tree House, Garbutts Lane, Hutton Rudby for Broadacres**

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

- 1.1 Planning permission is sought for the construction of 16 affordable dwellings with associated infrastructure on a green field site located to the west of Apple Tree House at Garbutts Lane Hutton Rudby. The site is located to the west of Hutton Rudby and comprises partly a grassed paddock and partly land which is part of a larger agricultural field. There is currently a fence that divides the two areas and also a stable located in the south western corner of the paddock. On the opposite side of the road lies the Cricket Ground, the entrance to Embleton Farm, and a small residential close called "The Wickets." Next door to The Wickets there is land allocated for housing development (site SH5), in the LDF Allocations document, although this site has not yet come forward for development.
- 1.2 The site is bounded by a well maintained and trimmed hedge to the northern boundary with Apple Tree Cottage, and a field hedge containing some trees, with a wooden fence behind, to the northern, roadside boundary. To the south there is a bridleway path which runs alongside the mature hedge to the southern boundary. The bridleway path is proposed to be retained and separated from the new housing by a new low hedge and fencing.
- 1.3 The site is relatively flat, though with a slight gradient west to east and north to south. The vehicle access to the site would be directly from Garbutts Lane in the same position as the existing field gate access. To the east, a buffer strip approximately 10.2 metres wide (average) would be maintained between the development site and the adjacent dwelling Apple Tree House in order to accommodate a relocated septic tank. The proposals provide for 7 dwellings along the road frontage with Garbutts Lane, to the west of the proposed new vehicle entrance with the remainder of the dwellings set further back into the site. All would be served by a central access road and a footpath leading from the turning head is intended to link in with the existing bridleway. To the east of the new vehicle entrance an area of amenity space is proposed, giving that part of the site nearest the village a "green" frontage.
- 1.4 The development comprises nine 2-bedroomed houses, five 3-bedroomed houses and two 3-bedroomed bungalows. The two bungalows are proposed to be positioned closest to the neighbouring dwelling Apple Tree House.
- 1.5 In support of the application the applicant's agent has submitted a design and access statement, a statement of community involvement, a land contamination assessment, an ecological survey and draft heads of terms for a section 106 agreement.

#### **2.0 RELEVANT PLANNING HISTORY**

- 2.1 None Relevant

### **3.0 RELEVANT PLANNING POLICIES**

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

#### The National Planning Policy Framework – March 2012

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

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

CP1 - Sustainable development  
CP2 - Access  
CP3 - Community Assets  
CP4 - Settlement hierarchy  
CP5 - The scale of new housing  
CP5a - The scale of new housing by sub-area  
CP6 - Distribution of housing  
CP8 - Type, size and tenure of housing  
CP9A - Affordable housing  
CP16 - Protecting and enhancing natural and man-made assets  
CP17 - Promoting high quality design  
CP18 - Prudent use of natural resources  
CP19 - Recreational facilities and amenity open space  
CP20 - Design and reduction of crime  
CP21 - Safe response to natural and other sources

#### Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity  
DP2 - Securing developer contributions  
DP3 - Site accessibility  
DP4 - Access for all  
DP5 - Community facilities  
DP6 - Utilities and infrastructure  
DP8 - Development Limits  
DP9 - Development outside Development Limits  
DP13 - Achieving and maintaining the right mix of housing  
DP15 - Promoting and maintaining affordable housing  
DP30 - Protecting the character and appearance of the countryside  
DP31 - Protecting natural resources: biodiversity/nature conservation  
DP32 - General design  
DP33 - Landscaping  
DP34 - Sustainable energy  
DP36 - Waste  
DP37 - Open space, sport and recreation  
DP39 - Recreational links  
DP43 - Flooding and floodplains

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

SH5 – North of Garbutts Lane, Hutton Rudby – this site is on the opposite side of the road to the application site and is allocated for the development of approximately 30 dwellings of which 50% (15) should be affordable. The site has not yet come forward for development.

#### Other Relevant Documents

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

## **4.0 CONSULTATIONS**

### **Hutton Rudby Parish Council**

- 4.1 The Council recommends approval but requests that the 30 mph speed limit is moved further down Garbutts Lane towards Campion Lane as this development will increase the number of adults and children walking in this area.

### **NYCC Highways**

- 4.2 Final comments are still awaited from the Highway Authority but it has indicated verbally that it is satisfied with the visibility at the site entrance subject to a regular maintenance regime of the existing hedgerows. The Authority is however concerned about pedestrian safety and wishes to see the provision of a new footway for 120m along the frontage of the application site and the adjacent property Apple Tree House. The footway would be 2m wide, but reducing to 1.2m in width at the narrowest points and with two street lighting columns. An existing drainage ditch would need to be culverted underneath the footpath.
- 4.3 The applicant is still assessing the viability of the scheme in relation to the provision of the footpath as they estimate that this will add approximately an extra £70,000 cost to the scheme. Discussions are continuing at the time of writing this report regarding viability but an amended plan showing a footpath along the site frontage has been submitted. The plan provides for the provision of the footpath along the site frontage with Garbutts Lane and some sections of footpath within the application site have been removed and replaced with service strips. The plan also provides for the removal of the hedge along the road frontage. An update of the Highway Authority's comments on the amended plan will be given prior to the Committee meeting.

### **Northumbrian Water**

- 4.5 NWL has provided the developer with a pre-development enquiry response dated 22<sup>nd</sup> January 2014. In this response, we stated that a flow of 1 l/sec can discharge into the combined sewer at manhole 2101. No surface water will be allowed to discharge into our network. I can confirm that NWL would have no objection to the proposed development providing the development is approved and carried out in accordance with our pre-development enquiry response.

**For information only -** We can inform you that a trunk main crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the

commencement of the development. We will be contacting the developer/agent directly in this matter, however, for planning purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.

#### **NYCC Education**

- 4.6 Based on the current proposal no developer contribution would be sought at this current time against this proposal. However, should the density of the site change we would need to reassess.

#### **Health and Safety Executive**

- 4.7 The HSE is a statutory consultee for certain developments within the Consultation Distance of Major Hazard sites/Pipelines. As the proposed development is within the Consultation Distance of a major hazard pipeline, you should consider contacting the pipeline operator before deciding the case

#### **SABIC UK Petrochemicals (Pipeline Operator)**

- 4.8 The proposed development would fall at approximately 200m – boundary closest to the TPEP (Trans-Pennine Ethylene Pipeline) and is located on the edge of the outside zone of the above Major Accident Hazard Pipeline as defined by the HSE development control guidelines.
- 4.9 In terms of the safety and engineering integrity of the pipeline I would advise you that SABIC is consulted should any work within 50m be carried out as this would need approval before any work is commenced.

#### **Police Architectural Liaison Officer**

Recommends the following –

- a) That the rear garden walls to plots 10 to 16 have sections with viewing panels through the walls so that occupants can have good surveillance of their vehicles.
- b) That where vehicles are parked at the side of houses there should be a ground floor window in the gable end which allows the resident to be able to view their vehicle.
- c) That the bridleway be lit from the rear of this estate to where it emerges onto Garbutts Lane, as a safe route from this estate to the school.
- d) That the houses attain Secured by Design and not just conform to the principles – Secured By Design status reduces burglary by over 70%.
- e) Adequate security must be in place during the construction phase.

#### **The Ramblers Association**

- 4.11 Response awaited.

#### **NYCC Rights of Way Officer**

- 4.12 Response awaited.

#### **Environment Agency**

- 4.13 Response awaited

#### **HDC Senior Engineer**

- 4.14 The applicant has not provided information relating to their flooding or drainage strategy or design with their application, other than stating on the application form

that it is proposed that foul effluent is discharged to the public sewer and surface water is discharged to watercourse.

- 4.15 The proposed development site is located in Flood Zone 1; this is land with the lowest risk of flooding as estimated by the Environment Agency. All land in England is categorised in Flood zones, 1, 2 or 3 (highest risk).
- 4.16 The Environment Agency now provides information estimating the susceptibility of land to surface water flooding. The maps for the proposed development site indicate that approximately half of the site is at risk in a low probability event (1 in 200 year) of shallow surface water flooding (less than 300mm deep), a small area of deep flooding (excess of 900mm deep) is indicated for this return period. The maps also indicate that approximately a third of the site is susceptible in a high probability event (1 in 30 year) to shallow surface water flooding less than 300mm deep.
- 4.17 The estimated surface water flooding does not prevent development; it is indicative of where surface water run-off will accumulate during rainfall events, particularly when the ground becomes saturated. The identified risks need to be taken into account by the applicant during the design of the surface water sewerage system.
- 4.18 The applicant has stated that surface water is to discharge to the watercourse that runs adjacent to and which is piped under the proposed development site. The applicant should prepare a drainage strategy that uses the Sustainable Urban Drainage System (SUDS) principles by first considering managing surface water at source by means of infiltration. If infiltration techniques are inappropriate, then the next option is to design a system based on discharge to watercourse as they have proposed.
- 4.19 There are no indicative standards of design stated in the planning application documents for the surface water system. The design principles should be to not increase flood risk elsewhere, not to flood the development itself and seek to reduce flood risk overall. The indicative surface water design standards for new development on greenfield sites are:
- Manage the 1 in 30 year storm event within the surface water system with no flooding above ground.
  - The 1 in 100 year storm event to managed on-site with no property flooding on or off-site.
  - Design of the development should take into account 'exceedance' events or extreme storm events that exceed the design capacity of the on-site surface water system.
- 4.20 The surface water discharge rate to the Hundale Gill should be minimised, the usually applied rate is 1.4 litres/second/hectare. The practical minimum discharge rate will be around 5 litres/second/hectare as this is the minimum that can be achieved without flow control devices becoming blocked.
- 4.21 There are two responses to the planning application which state that surface water flooding occurs on Garbutts Lane, a public highway and to the area in front of the proposed development site. My understanding is that the flooding occurs because surface water accumulates in a localised low-lying area due to it being unable to drain away to the Hundale Gill watercourse, due to possible blockages in the watercourse or local piped surface water system.
- 4.22 The applicant needs to ensure that there is a suitable means of disposal for the surface water from the proposed development. This may require the applicant to work with the riparian owners (watercourse owners i.e. landowners adjacent the watercourse), the Local Lead Flood Authority (North Yorkshire County Council) and Local Highway Authority (NYCC) to ensure that the highway drainage system and

watercourse is in appropriate condition to accept the surface water flows from the development.

- 4.23 The current localised surface water flooding to the front of the development could restrict access to the development for residents, visitors and emergency services, so there should be investigation and management of the issue, this will contribute to the principle of seeking to reduce flood risk overall.
- 4.24 After talking to North Yorkshire County Council (Local Lead Flood Authority) the discharge of conditions will be up to Hambleton Council in respect of the surface water discharge and design of surface water system, though Northumbrian Water are likely to adopt some of the sewer system.
- 4.25 The site is not undevelopable due to the estimated surface water flood risk and the identified flooding, but the applicant will have to demonstrate that surface water from the proposed development and the flood risks can be managed. I would like to have a strategy and a design sorted before permission but if not can we have a strategy document for approval before permission that can be subject to planning conditions.

#### **HDC Sustainability Officer**

- 4.26 Response awaited.

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

- 4.27 No objections subject to conditions requiring an assessment to be made of the risks posed by contamination and detailing appropriate remediation measures.

#### **HDC Housing Manager**

- 4.28 The proposed 16 homes scheme will provide much needed affordable housing for local people in Hutton Rudby, Rudby, Potto and Crathorne and has been brought forward following work undertaken by the Council's Rural Housing Enabler and Broadacres. Its delivery is critical in terms of contributing to one of the Council's key priorities, the delivery of more rural affordable housing.
- 4.29 This scheme has come about following many months of close working with the local community. Finding a suitable available site within the village has been challenging and this site has been progressed with the full support of the local community following extensive public consultation. It is in the ownership of a willing landowner who put the site forward following negative feedback from the community regarding an alternative site at Langhbaugh Road. The scheme has been fully supported by the Parish Council who recognise the important role it will play in sustaining existing services and facilities (local shop, post office, school, doctor's surgery, church/chapel, meeting venues etc). It will enable local people to remain in the village where they have grown up and where they have the support of family and extended networks.
- 4.30 The homes have been developed through partnership working with the Council, Hutton Rudby Parish Council, Broadacres and DKS Architects, to meet the housing needs of local people. The Housing Needs Survey indicates a high level of need (49 people to date).
- 4.31 Broadacres have listened to the views of local residents who provided feedback on style, type and size through a range of community consultations and taken these comments on board when designing the scheme. Therefore the scheme reflects what the community wants to see on the proposed site. It comprises well designed, high quality affordable homes that are sympathetic to the existing characteristic and vernacular of the village and provide much needed housing for a wide range of local



people including the elderly. The design seeks to enhance and complement existing streetscape characteristics, with traditional frontages, mix of exterior finishes and an open space feel.

- 4.32 The 16 home scheme includes two bungalows and 14 houses (2 and 3 bedrooms) and is being supported by £481,040 grant funding from the Homes and Community Agency's (HCA) 2011 – 15 Affordable Homes Programme. The HCA applies strict conditions to its grant allocations. To meet these conditions the scheme needs to receive planning permission and start on site by the end of March 2014, as the homes must be completed by end of March 2015.
- 4.33 Broadacres has taken into consideration concerns regarding flooding issues and traffic and has spoken to many older residents to get a better understanding of the history of these problems.
- 4.34 Broadacres advise that to mitigate flood risks surface water will be retained in storage tanks under the site until such time as it can be released in a controlled manner. Foul water will be connected to the current system and installed in accordance to Yorkshire Water and the Environment Agency instructions.
- 4.35 Compromising high quality build standards is not an option if this scheme is to be successful in terms of complementing the existing streetscape, respecting the village form and providing a good sustainable living environment for future occupants. At the time of writing Housing is concerned that there is still an outstanding Highway matter that needs to be resolved at a cost that will not render the scheme unviable. Housing has been in discussions with Broadacres and NYCC to speedily agree a solution to this issue so as not to threaten delivery of this important scheme. Failure to deliver would have a detrimental impact on the local community and would also result in the grant funding being lost to Hambleton.

### **Publicity**

- 4.36 The application was advertised by site notices and directly to the neighbouring residents. The period for replies expired on 6<sup>th</sup> February 2014 although this has been extended to 8 March regarding recently received amended plans providing a new footpath to the frontage of the application site (this is reflected in the recommendation below). Four objections have been received which are summarised as follows:
- a) The site is outside the development limits of Hutton Rudby - elongation of the village – the intention of the development limits is to “appropriately constrain the growth of the settlement as per Policy DP8.”
  - b) Dense development abutting the rural edge of the village
  - c) The site is at a high risk of surface water flooding
  - d) The existing public footpath south of the proposed development ends at the edge of the garage car park compound therefore making it unsuitable for the amount of extra use. The garage forecourt leads to two private access roads which service seven properties. The exit from the public footpath is not visible from the two service roads. The path is poorly maintained and unsuitable for use in the dark. The footpath does not have right of way across the garage forecourt. Visibility of the exit of the footpath is obscured and cars often need to take avoidance action to avoid pedestrians. Nos 40 & 42 Garbutts Lane have a blind entrance onto this lane and are unable to see anyone coming out of the footpath. Increased risk of cars and pedestrians colliding. The development should not rely on this footpath which is not DDA compliant. A proper pedestrian access along the highway needs to be provided.
  - e) At the draft design consultation we were told that there were two other potential sites within the village considered as part of the housing allocation assessment carried out by Hambleton Council who concluded that this proposed site was

- not suitable for development. Affordable housing should be integrated into the village and not placed at the furthest point from the village centre.
- f) Should look at vacant houses within the village that could be brought back into use to help deliver the required homes.
  - g) One of the reasons the site was rejected in the 2008 LDF Assessment was that “the site is prominently located at the entrance to the village whereon development would create a significant adverse visual impact.”
  - h) Is it the intention that there will be further building to the south and west along Garbutts Lane – a natural assumption from the two hammerheads proposed?
  - i) Should be Local Occupancy conditions for the affordable housing
  - j) There is a requirement for traffic calming measures at this end of Garbutts Lane, as is evidenced by the speeding vehicles and near misses which are a frequent event. The addition of another entrance onto Garbutts lane will only increase the frequency of near misses and accidents. Even though the speed limit is 30mph, the majority of cars travel at 40mph. Street lighting should be provided.
  - k) How will the required visibility splays be achieved? Will require removing the hedge – a valuable ecological corridor. Should be a full Transport Assessment.
  - l) A car accident occurred recently at the junction of Levendale and Garbutts Lane which was most likely caused by someone travelling too fast into the village.
  - m) The Environment Agency Website lists this particular site as being at high risk of surface water flooding .It has been just over a year since the Site and Garbutts Lane was flooded which gives grounds for concern for any housing proposed or existing in this area especially that any potential mitigation measures will impact adjacent properties. The fields frequently become waterlogged and Garbutts Lane floods preventing access to the village. A full drainage assessment should be provided prior to this application being determined.
  - n) The 2007 Stokesley Area Consultation, and the 2008 Hambleton District LDF Housing Land Assessment mentioned the 8” Asbestos Pumping main crossing the site, there has been no attempt to establish its route or address its impact.
  - o) Northumberland County Council uses a 350m Thermal Hazard Exclusion Zone in their consultations regarding the Sabic Ethylene pipeline which passes through that County. The United Kingdom Onshore Pipeline Operators Association pipeline risk assessment codes indicate that ,as part of the planning application ,a Quantified Risk Assessment in accordance with PD 8010 part 3 is required .This QRA taking into account the cumulative effect of all housing adjacent to the pipeline not just the additional housing. This QRA would assess the requirement for mitigation measures such as pipeline protection.
  - p) Noise from construction period. No information about impacts and method of construction for the site. Should be information on number of lorry movements. No lorries serving the site should come through the village and they should not be allowed to use the road from via Trenholme Bar to the A19 in the interests of safety for villagers.
  - q) What criteria are required to part own/rent the properties and who would be responsible for their upkeep and maintenance?
  - r) Street lighting stops well short of the development.
  - s) As there is no CIL payment all infrastructure improvements need to be included in the planning application otherwise there will not be any money to pay for them.
  - t) No mention of any improvement to recreation facilities in their application. The site is a significant distance from the younger children’s play area at the village hall and the main village play area opposite Linden Close is a significant distance from the proposed site, meaning the children would not be able to travel to these sites safely.
  - u) The community consultation event was not made readily available for those residents in the village who due to work commitments were unable to attend

the exhibition. The comments I submitted were not included in the statement of community consultation.

- v) There should have been assistance offered to Hutton Rudby to prepare a Neighbourhood Plan where through a collaborative process, suitable provision for affordable housing could have been made that addressed the needs of people locally whilst encouraging Localism in the planning process.
- w) Those people in need of affordable housing should be provided with good quality well designed and well sited, safe access to homes which anyone else would expect.

4.37 In addition, a letter has been received from Hutton Rudby Cricket Club, stating that they have no objections to the proposals but raising the following concerns –

- a) Advise that the roadway outside of the club entrance and the field to which the application refers has flooded in the not too distant past.  
The Club ground has also suffered flooding, caused when water backed up into our land drains which effectively acted as a storage reservoir until it could drain into the watercourse. Hope that surface water drainage will be suitably addressed in the application and that any SUDS requirements will be met.
- b) Suggest the 30m.p.h. signs should be located further towards Crathorne side of the village. This would help safety and aid egress from the development, the Club and also The Wickets.

## **5.0 OBSERVATIONS**

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

- a) The Principle of affordable housing, on an unallocated site outside the development limits
- b) Affordable housing tenure
- c) Landscape impact
- c) Design and layout
- d) Highways issues
- e) Developer contributions to public open space and education
- f) Drainage and flood risk matters
- g) Sustainable construction
- h) Trees and ecology
- i) Impact upon residential amenity
- j) Proximity to pipeline

### **The Principle of the Development**

5.2 This site is a Greenfield site outside the “Development Limits” of Hutton Rudby which is identified as a Service Village within the Settlement Hierarchy (Policy CP4). Policies CP4, DP8 and DP9 identify criteria for assessing development outside Development Limits. Policy CP9A relates specifically to rural exceptions sites.

5.3 Policy DP9 states that permission will only be granted outside Development Limits in exceptional circumstances having regards to the provisions of Policy CP4. CP4 supports development within the Development Limits of the settlements in the hierarchy where that development is of a *scale and nature appropriate to secure the sustainability* of each settlement. Furthermore, Policy CP4 stipulates that development in other locations will only be supported when an exceptional case can be made for the proposal in terms of policies CP1 and CP2, *and where...iii* it provides affordable housing which meets an identified local need...which cannot be met in a settlement within the hierarchy.

5.4 Policy CP9A supports small scale development, outside but adjacent to development limits of Service Villages, where 100% affordable housing is provided to meet an

identified local need that cannot be met in a settlement within the settlement hierarchy. Proposals should not conflict with the environmental protection and nature conservation policies of the LDF and should provide any necessary mitigating or compensatory measures to address harmful implications.

- 5.5 This proposal is outside but immediately adjacent to Development Limits. The scheme is for 16 dwellings which is considered to be suitably small scale in relation to the scale of the existing settlement.
- 5.6 The Housing Needs Survey indicates a high level of need (49 people to date), with a number of people putting their names forward as a result of the public consultation exercise carried out during the search for available sites. Whilst there is an allocated site available within Hutton Rudby (SH5, North of Garbutts Lane), this site has not yet come forward for development and in any event the scheme is only likely to provide 15 affordable dwellings which will not fully satisfy the current level of need. It is considered that there is clear evidence to indicate that there is a local need for affordable housing and that this proposal would help to meet that identified local need. Consequently, the proposal is considered to be in line with the requirement of CP9A in terms of meeting an identified need, and associated guidance within the Affordable Housing SPD.
- 5.7 The Housing Manager has noted that finding a suitable site within the village that is also available for development has been challenging. This site has been progressed with the support of the local community following public consultation. It is in the ownership of a willing landowner who put the site forward following negative feedback from the community regarding an alternative site at Langbaugh Road. Although some local objectors have commented that other sites within the village should be considered, this site is currently available and can be brought forward quickly to meet local housing needs.
- 5.8 In this case the proposal presents an *exceptional case* for development outside Development Limits on the basis of meeting an identified *local* need which could not be met within the Development Limits of Hutton Rudby. The development is therefore in accordance with this element of Policies CP9A and CP4iii.
- 5.9 With regards to the provisions within Policy CP1 and CP2, it is considered that the proposed scheme would help to reduce social inequalities and disadvantages within the community by developing much needed affordable homes for local people, and would also help to enhance the vitality of the village in accordance with criterion vii.
- 5.10 In terms of reducing the need to travel, there is a good range of facilities within Hutton Rudby, including a convenience store, pubs and community facilities as well as a primary school which are all within walking distance. There is also a bus service that would enable travel to and from work at standard times.
- 5.11 No evidence had been submitted to suggest that there is insufficient capacity in the local infrastructure or that the development would generate an adverse traffic impact. In light of the above considerations, the proposed development is considered to comply with Policies CP1, CP2 and CP4.

### **Affordable Housing Tenure**

- 5.12 The development provides for 2 x 3 bedroomed bungalows and 14 houses (9 x 2 bedrooms and 5 x 3 bedrooms) in order to meet the needs of the elderly as well as young families. It is intended that all of the properties would be for affordable rent but the applicant would, in consultation with the Council, like the ability to change up to 25% to low cost or intermediate rented housing if demand for this arises. It is considered that the scheme as submitted meets the requirements of Policy CP8 which states that proposals must take account of local needs in terms of size, type

and tenure. Policy DP13 specifically requires consideration to be given to an appropriate mix of housing, which contributes to the creation of a sustainable and inclusive community, taking into account, amongst other things, the Council's Housing Needs Study. In this instance the applicant has worked closely with the Council and the local community to achieve a scheme that will meet local needs, by providing affordable homes that will enable local people either to remain in or move back to the village and also providing some smaller properties that give people the opportunity to down size.

### **Landscape Impact**

- 5.13 The site comprises a grassed paddock and part of an agricultural field and would extend the built form of the village along Garbutts Lane. Inevitably there would be some visual impact on the landscape in the vicinity. However, it be seen against the context of the existing built development at The Wickets and the Cricket Pavilion on the opposite side of the road. The development would be screened to the south by the existing mature hedgerow and the hedge and trees to the west of the proposed new access road are to be retained, albeit that the hedge would need to be trimmed to meet highway visibility requirements. Although a section of hedgerow to the east of the new access road may need to be removed, it is proposed to be replaced with a new section of hedgerow behind the visibility splay. The site has been designed with an area of amenity open space along the frontage nearest to existing dwellings and some new trees are proposed to be planted within the site.
- 5.14 The development would be most visible along the approach road to Hutton Rudby from the west. It is considered that a new hedgerow along the western boundary would help to screen the site from this direction and this should be required by condition.

### **Design and Layout**

- 5.15 To ease the transition from lower density housing at the edge of the village to higher density housing to the west, the bungalows would be located adjacent to the existing dwelling to the east, (Apple Tree House). At this point the bungalows would be set towards the rear of the site with an area of amenity open space to the front. On the opposite side of the new vehicle entrance the site widens out and there would be a row of staggered terraced housing facing the road with another row of semi-detached properties behind. This approach was encouraged by officers at pre-application stage, to ensure that there would be no frontage car parking onto Garbutts Lane. The parking to the terraced houses is located at the end of their rear gardens and is interspersed with landscaping.
- 5.16 The houses have been designed to replicate some of the design features of existing houses in the village and they would be constructed of a mixture of brick and render. The applicant has have paid attention to CABI's Building for Life Standards and out of 20 criteria the applicant considers that they have scored 17, which is a good score. The overall design and layout is considered in keeping with the character of the village and accords with Policies CP17 (Promoting High Quality Design) and DP32 (General Design). The dwellings would be accessible to all potential users regardless of age, disability or gender and will therefore comply with Policy DP4 (Access for all).
- 5.17 The Architectural Liaison Officer has raised concerns about the safety of parked cars within the development. For the dwellings fronting Garbutts Lane, with parking to the rear, he has suggested that within the rear boundary treatment there should be some visibility of the car parking spaces included. This issue can be covered by the condition requiring submission of boundary treatments. The properties that would have parking to the side of them already have a window that looks out onto the parking area, as suggested. Finally, although it has been suggested that the bridleway should be surfaced and lit, the cost of this would be likely to make the

current scheme unviable and the route is not being put forward as the primary route for children to walk to school (see paragraphs 5.18 – 5.19 below).

### **Highways Issues**

- 5.18 At the time of writing this report, comments are still awaited from the Highway Authority, which has been concerned to ensure that adequate provision is made for pedestrians to walk to and from the village. The applicant originally intended that pedestrians from the application site would cross the road and use the footpath opposite to walk into the village, but the Authority has concerns about the speed of traffic in relation to pedestrian safety and also that this footpath requires maintenance, due to the roots of a large tree breaking up the surface of the path and therefore they considered this solution inappropriate. Also although there is an existing bridleway to the rear of the application site which exits onto the forecourt of the former garage site, this is not suitable as a safe route to school due to the fact that it is an unsurfaced muddy track, very narrow in places and unlit.
- 5.19 Discussions are still being held between the applicant and County Highways Officers regarding the provision of a new section of footpath to the front of the site, as far as the forecourt of the former Garage premises to the east and an amended plan has been submitted which shows this. This would add the sum of £70,000(approx.) onto the cost of the scheme, with inevitable repercussions for contributions to Public Open Space (see paragraph 5.21 below). The footpath needs to be provided however, to meet the Highway Authority's concerns about pedestrian safety. The amended plan as well as detailing the proposed new footpath, shows the removal of some sections of footpath within the application site and their replacement with grassed service strips in order to reduce the overall costs of the scheme.
- 5.20 The Highway Authority is satisfied with the position of the entrance into the application site and that appropriate visibility can be achieved. The amended plan shows the hedgerow to the east of the access to be removed and a landscaping plan has been submitted showing a replacement hedgerow to be planted behind the visibility splay. An update will be provided on the Highway Authority's views regarding the amended plan prior to the Committee meeting.

### **Developer Contributions to Public Open Space and Education**

- 5.21 Policy DP2 requires contributions from developers towards additional children's services where existing services in the area have insufficient capacity to cater for the potential increase in the number of children (criterion v). The Education Authority has confirmed that there is no requirement for a contribution towards additional primary school places at this time.
- 5.22 With regard to Public Open Space provision, in accordance with Policy DP 37 regarding open space sport and recreation, the applicant is providing an area of amenity open space within the application site to the front of the proposed bungalows and this would be maintained by the Housing Association. This would be covered by a Section 106 Agreement to ensure that the site is maintained in the future. A contribution of £36,719 would normally be required towards the provision of off - site children's play facilities etc. The applicant was concerned about the viability of the scheme and had agreed to pay the sum of £16,000 as a contribution towards off-site facilities. However, the costs associated with providing the public footpath mean that the applicant would be unlikely to be able to make any contribution towards off-site public open space facilities (see paragraph 5.18 above). An update on this issue will be provided to Members at the meeting.

## **Drainage and Flood Risk**

- 5.23 The site is not categorised as Flood Zone 2 or 3 but there have been some issues with surface water flooding causing problems particularly along Garbutts Lane, as noted in some of the representations made about the application. As the site is only Flood Zone 1 the applicant has not submitted a Flood Risk Assessment. In order to comply with Policy DP43, regarding Flooding issues, the applicant has submitted details of an initial drainage strategy which can then be controlled by condition.
- 5.24 The applicant's Consultant Engineers note the following –
- 1) The original ditch across the field has been culverted and therefore does not accept surface water as readily within the field.
  - 2) The local downstream sections of the water course have a number of restrictions which are resulting in a retained level of water within the system.
  - 3) The existing highway drain is full of water due to its condition and an overflow has been provided into the culverted water course, which only operates when the pipe is full.

Therefore prior to development considerations in this area a lack of maintenance of both the water course and the highway drain result in the occurrence of localised flooding. The County Council has been advised that maintenance of the existing drainage network is required.

- 5.25 The proposed drainage design philosophy for the new development is to divert the existing culverted watercourse to a location adjacent to the boundary with Apple tree House. The storm water drainage from the proposed development would be attenuated to retain all storm events up to 1 in 100 year plus climate change and would then be discharged to the diverted water course at 5 litres / sec. Only the highway drainage from the turning head would be discharged directly to the original culverted water course located in the verge. Whilst this strategy deals with drainage matters relating to the application site, it may not necessarily prevent flooding of the highway in the future due to the need for off-site maintenance of the system.
- 5.26 The Council's Senior Drainage Engineer is satisfied that the drainage can be controlled by condition and an update on suggested drainage conditions will be made prior to the meeting.
- 5.27 One local resident has raised concern about an asbestos pumping main that crosses the site. As part of the applicant's drainage strategy this pipe is to be replaced and diverted.

## **Sustainable Construction**

- 5.28 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.
- 5.29 The applicant has confirmed their intention that the scheme would incorporate sufficient sustainable attributes to meet Code for Sustainable Homes Level 3, ideally by a fabric first approach. It is recommended that a suitably worded condition be applied in order to secure a suitable scheme with regard to sustainable construction.

## **Trees and Ecology**

- 5.30 Paragraphs 109 to 125 of the NPPF are concerned with the conservation and protection of the natural environment. In particular, paragraph 118 relates to ecology and biodiversity considerations when determining planning applications.
- 5.31 Policy DP31 of the LDF states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation value...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'.
- 5.32 The proposed development site does not lie close to any Site of Special Scientific Interest (SSSI), Local Nature Reserve (LNR) or other statutory nature conservation site. The applicant has carried out a field survey comprising a habitat survey and a protected species walkover survey. The conclusions are that the retention of the trees and hedgerows as proposed by the scheme (apart from the section of hedgerow to the east of the proposed new access road, which would be replaced if removed) will minimise impacts and the planting of native species trees and shrubs would have a minor positive effect by providing shelter and nesting opportunities for birds.
- 5.33 Loss of the arable field could potentially result in the loss of some foraging habitat for brown hare and hedgehog but loss of this habitat is unlikely to be significant. Only a minor negative impact is expected on ground nesting farmland birds. If any trees are to be removed then bat surveys should be carried out. A lighting strategy will be required to minimise the impact on foraging and commuting bats. Habitat enhancement should be included to increase roosting opportunities for bats, through the use of soffit bat boxes.
- 5.34 It is concluded that the development will have a minimal impact upon existing trees and wildlife habitats subject to some additional planting, a suitable lighting scheme and potentially the provision of increased roosting opportunities for bats.

## **Impact upon Residential Amenity**

- 5.35 The new housing development would be separated from the nearest adjacent property, Apple Tree House, by a strip of land approximately 10.2 metres wide (average). Also the nearest dwelling would be a bungalow, which again reduces the impact upon the neighbour. The residents opposite at the Wickets should not be unduly affected as there will be two bungalows and one house opposite and these are set back behind the area of public amenity space. The site was chosen, in consultation with the local community, because it would have less impact on neighbouring residents than some other sites which were considered during the search for a suitable site for an affordable housing scheme.
- 5.36 Concerns have been raised by residents about possible disruption that would arise during the construction period, particularly with regard to noise and delivery vehicles. It is considered that some disruption will be inevitable but the effects could be minimised by a condition requiring a construction management plan to be in place.
- 5.37 Concerns have also been expressed regarding the existing bridleway which currently exits onto the former Garage forecourt and two private access roads. Residents fear that this will be used as the main route to school by children from the new development. It has however, been agreed that there would be a new section of footpath along the application site frontage with Garbutts Lane. It is more likely that children would use this new footpath as the bridleway is narrow and unsurfaced. This does not entirely solve the problem for residents of the two private access roads but the situation is an on-going one that has existed for a long time. With the creation of a



new footway along Garbutts Lane, the situation should arguably, not be made significantly worse by the new development.

### **Proximity to Pipeline**

- 5.38 The application site is within the consultation distance of the Trans-Pennine Ethylene Pipeline which is classified as a major hazard pipeline. The pipeline operator, SABIC UK Petrochemicals has advised that the boundary of the site is approximately 200m away from the pipeline. SABIC would only wish to be consulted should any work take place within 50m of the pipeline and none of the development site is within 50m.

## **6.0 SUMMARY**

- 6.1 The proposed development presents an exceptional case for development outside Development Limits on the basis of meeting an identified local need for affordable housing which could not be met within the Development Limits of Hutton Rudby. The development is therefore in accordance with this element of Policies CP9A and CP4iii.
- 6.2 The proposed scheme would help to reduce social inequalities and disadvantages within the community by developing much needed affordable homes for local people, and would enhance the vitality of the village in accordance with criterion vii of Policy CP1.
- 6.3 Subject to the required amendments, the proposed development is considered to be of good design in accordance with the principles of the LDF and the NPPF. The proposed dwellings reflect the more traditional characteristics of Hutton Rudby yet meet modern aspirations whilst sufficient car parking and private amenity space would be provided.
- 6.4 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## **7.0 RECOMMENDATION**

Subject to the expiry of the additional neighbour notification period and the consideration of any further representations or consultation responses received during that period, the Director of Housing and Planning is authorised to **GRANT** planning permission subject to:

- (a) The satisfactory completion of a planning obligation under section 106 of the Town and Country Planning Act 1990 requiring the homes to remain as affordable housing; and
- (b) The conditions set out below.

In the event that the highways requirements and the POS contribution have not been resolved in advance of the meeting, Committee will be asked to authorise the Director of Housing & Planning to grant permission on the same terms once those matters have been resolved.

1. **Commencement**

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

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

2. **Approved Plans**

The permission hereby granted shall not be undertaken other than in complete accordance with ..... (*to be completed*) 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. **Materials**

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

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

4. **Boundary Treatments**

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

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

5. **Boundary Treatment Construction**

No dwelling shall be occupied until its associated boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences, hedgerows and other means of enclosure shall be retained and no part thereof shall be removed without the prior written consent of the Local Planning Authority.

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

6. **Landscaping Scheme**

Prior to the commencement of work above foundation level, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species,

numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The details shall provide for retention and maintenance of the existing hedgerows along the boundaries of the site and also include the provision of a new hedgerow to the western boundary of the site. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.

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

7. **Levels**

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

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

8. **Construction Management Plan**

Prior to commencement of work a Construction Management Plan including details of hours of operation and delivery times, methods of controlling noise and dust, details of lorry routes to and from the site and site security measures during the construction period, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details.

**Reason:** To protect the amenity of adjacent residents and to accord with Policies CP1 and DP1 of the Hambleton Local Development Framework.

9. **Contaminated Land**

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 in writing 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.

**Reason:**

10. **External Lighting**

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.

**Reason:** In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Policy DP32 of the adopted Hambleton Local Development Framework.

11 **Sustainable Construction**

Prior to the development commencing, a detailed scheme to incorporate energy efficiency and/or renewable energy measures within the design build, which meet 10% of the dwellings' energy demand shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details.

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

12 **Secured By Design**

Prior to commencement of work above foundation level, details that show how "Secured by Design" principles, with particular reference to lighting, landscaping, bin storage and street furniture, have been incorporated into the scheme shall be submitted for the written approval of the Planning Authority and once approved the development shall be implemented in accordance with the approved "Secured by Design" details prior to first occupation or use of any dwelling hereby approved.

**Reason:** In the interests 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.

13 **Highways**

To be added.

14. **Drainage**

To be added.

**Informative**

The applicant is encouraged to carry out appropriate habitat enhancement of the site, one method of which could be the provision of soffit bat boxes to the new dwellings which would provide increased roosting opportunities for bats.

## 5

Application Ref No 12/01200/FUL

**Flood alleviation measures involving widening of existing channel to increase storage area adjacent to culvert inlet as per amended plans received by Hambleton District Council on 6th August 2012 & 21 January 2014  
At Turker Beck Flood Alleviation Area Bullamoor Road Northallerton  
For The Environment Agency**

### 1.0 BACKGROUND, SITE DESCRIPTION AND PROPOSAL

1.1 Planning Committee previously resolved to grant planning permission for this development subject to the consideration of an archaeological statement. Whilst that has been dealt with the Environment Agency took the opportunity to revise the proposal.

1.2 The application is brought back to the Committee at the request of a Ward Member.

1.3 The site is a field edge abutting back gardens to dwellings at 83 -103 (odds) Turker Lane, and 1-7 (odds) Thorntree Road on the north east edge of Northallerton. A beck crosses the land from east to west and at a point approximately 10 metres from the field edge, enters a screened culvert. The culvert base lies approximately 2.5 metres below general ground level and is protected by post and rail fencing with informal steps for access down the bank.

1.4 A public right of way follows the beck, and is accessed by a paved path between 87 and 89 Turker Lane.

1.5 The proposal is to amend the previously considered scheme for flood alleviation measures consisting of a flood storage area by re-grading the land to the north and south of the existing culvert and eastwards along the beck, in an approximate trefoil form. A copy of the previous report is attached, but without the recommended conditions which are now dealt with in this report.

1.6 The amendment is to retain the line of the footpath through the storage area. The effect is that the footpath would follow an embankment dividing the re-graded area, with three 500mm pipes linking the areas to allow water to flow through.

1.7 The effect of the proposed scheme is to make a wider base and a larger water surface area when in use. Cross sections show the depth would be similar to the approved scheme.

1.8 The overall site development area remains the same.

### 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 This application was previously considered by the Planning Committee on 16 August 2012. The Committee resolved that planning permission should be granted.

2.2 Since that time, archaeological survey work has been undertaken and a report produced. The report indicated areas of potential paleo-environmental interest. A written scheme of Investigation has been produced to allow for further investigation as the ground is removed.

### **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  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP28 - Conservation  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP43 - Flooding and floodplains

3.2 Paragraph 100 of the National Planning Policy Framework, published March 2012, encourages Local Planning Authorities to use the opportunities offered by new development to reduce the causes and impacts of flooding.

### **4.0 CONSULTATIONS**

4.1 Parish Council - Requests 3<sup>rd</sup> party validation of the technical aspects of the scheme.

4.2 Neighbour letters and site notice - objections received:

- i. The scheme is not cost effective and will not resolve town flooding problems which are the result of inadequate sewers. Will give further opportunity for problems with drug abuse and trail bikes, which policing is currently unable to contain. Object to living in proximity to hole in the ground, or a reservoir.
- ii. Not the correct engineering solution. Town centre flooding is the result of existing sewerage system unable to cope and pressure should be applied to Yorkshire water to fulfil their obligations to provide a system that meets the required design standard.
- iii. Locals have been keeping the grid clear for years. Turker beck is not the source of flooding in the town, when flooding has occurred, Turker Beck has been dry. Previous proposals have not gone forward after local submissions. EA acknowledge that flooding will not prevent flooding in Northallerton. Local knowledge is that beasts with anthrax were buried in the area.
- iv. Town Councillor Jack Dobson notes on behalf of local residents that the model on which the EA have based the works is flawed and should be remodelled. Comment that flooding in the town is result of inadequate sewerage system and this scheme will not help. As a result of construction works to build 87 - 105 Turker Lane the watercourse was diverted and numbers 83 and 85 were subject to heave and subsidence and required expensive works to rectify. Residents are concerned that the proposed works will alter the ground water table again and cause further heave and subsidence. The scheme should be subject to third party validation because it is not the correct engineering solution.

4.3 Public support for the intentions of the Environment Agency has also been expressed on the grounds that doing nothing is not an option, flooding will occur again if the grille blocks and if a further land slip occurs the water will be over the top within the hour.

4.4 Yorkshire Water - No further comments.

4.5 NYCC Highways - Conditions requested

4.6 The Ramblers Association - Welcomes the amendment which removes the need for a public right of way diversion.

4.7 Police Architectural Liaison Officer - If the footpath continues in its present location, the previous report expressing concern is withdrawn. No further comment to make.

4.8 NYCC Historic Environment – The amended plans do not change the previous advice regarding the need for a palaeo-environmental survey to be undertaken (in line with scheme currently underway).

## 5.0 OBSERVATIONS

5.1 The Committee has previously approved this scheme in principle, and the required conditions to manage spoil removal and highway issues are ready in place. The necessary archaeological investigations are in hand. The current footpath line would be retained, and potential concerns regarding the diversion along the garden boundaries are not now relevant.

5.2 Issues remaining for consideration at this stage therefore are whether the design now proposed is acceptable within the landscape (CP16 DP30) and whether there would be any new effects on the amenity of neighbouring occupiers (CP1 and DP1).

5.2 The scheme would result in two grassy hollows in the landscape and their overall effect in the landscape would be similar to the previously approved scheme, and therefore would not harm the open character of the rural surroundings. There would not be any significant effect on outlook from neighbouring houses.

5.3 Observations from interested parties query the need for the scheme and note that it will not affect town centre flooding. However, the technical design and justification for the scheme is the responsibility of the Environment Agency, accountable to the Department of Environment Food & Rural Affairs (DEFRA), and the principle of the scheme has been assessed in the attached report and is therefore not considered again in this report. The Environment Agency has confirmed that it does not consider 3rd party validation of the scheme to be necessary because it is satisfied that the scheme is technically valid, being reliant on a technical review carried out following the November 2012 flood event.

5.4 With regard to the potential for anthrax to be present, in the absence of any other than anecdotal evidence for the burial of animals affected in the locality, it is appropriate to make the developer aware of the potential issue.

## SUMMARY

The amendments to the approved scheme will not have significant harmful effects on the wider landscape or the amenities of neighbours and would have positive benefits in retaining the line of the footpath, and the scheme remains able to comply with the above policies.

The technical specification for the scheme is a matter for the applicant as the lead local flood authority, accountable to the public via DEFRA, and does not constitute a reason for withholding planning permission.

## 6.0 RECOMMENDATION

Permission is **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 B1756400/DE10/R/02a/0001 Rev 1; B1756400/DE10/R/02a/0003 rev 2; B1756400/DE10/R/02a/0004 rev 1; B1756400/DE10/R/02a/0005 Rev 0; received by Hambleton District Council on 21 January 2014 unless otherwise agreed in writing by the Local Planning Authority.
3. The existing Public Right of Way shall be protected and kept clear of any obstruction until such time as any temporary alternative route has been provided.
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. Notwithstanding the submitted details included in the application there shall be full location and construction details of the proposed access submitted to the Local Planning Authority. Such details shall be approved in consultation with the Highway Authority and shall be implemented in accordance with the approved details before any work commences on the proposed flood alleviation scheme. Once the construction phase of the project has been completed the access shall be returned to its original condition unless otherwise agreed with the Local Planning Authority in conjunction with the Highway Authority.
6. 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 in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme
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 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.
8. During construction works construction traffic will not be permitted to arrive, depart, be loaded or unloaded through Northallerton during the hours of 8.30am-9.15am and 2.30pm-4.00pm to avoid school traffic peak times.
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Highway Condition Survey shall be undertaken to include Bullamoor Road from the junction with the A19 to the junction with the A684 Brompton Road. Details shall be submitted to the Local



Planning Authority in consultation with the Highway Authority to ensure that any damage that is caused by the vehicles associated with the project is rectified at the expense of the developer within a reasonable timescale prescribed by the Highway Authority. Once the details are agreed they shall be adhered to during the construction phase of the project.

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

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

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

11. 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 in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

12. Prior to the development being brought into use, a Traffic Management 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 type of vehicles associated with the use of the site;
- ii The number of the trips generated by each vehicle type;
- iii The routes to be used by traffic to and from the site;
- iv The times of the vehicle movements;
- v Details of measures to protect the highway network and other highway uses;
- vi A programme for the implementation of such measures and any proposed physical works; and
- vii Continual appraisal of travel patterns.

The approved traffic Management Plan shall be implemented including all appropriate measures and the development shall thereafter be carried out and operated in accordance with the plan.

13. No development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

- 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/organisation to undertake the works

set out within the Written Scheme of Investigation.

The development shall not take place other than in accordance with the approved Written Scheme of Investigation and provision shall thereafter be made for the analysis, publication and dissemination of results.

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 DP32.
3. To maintain the public right of way.
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 DP32.
5. In accordance with policy number CP2, DP4 and in the interests of vehicle safety and the visual amenity of the area.
6. In accordance with policy number CP2, DP4 and in the interests of highway safety.
7. In accordance with policy number CP2, DP4 to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. In accordance with policy number CP2, DP4 , to avoid conflict with vulnerable road users.
9. In accordance with policy number CP2, DP4, in the interests of highway safety and the general amenity of the area.
10. In accordance with policy number CP2, DP4, 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 accordance with policy number CP2, DP4, in the interests of highway safety and the general amenity of the area.
12. In the interests of highway safety and the general amenity of the area.
13. To ensure appropriate assessment and evaluation of remains in accordance with Local Development Framework Policy CP16 and DP29 and NPPF Section 12.

Attention is drawn to the following Informatives:

1. Condition 6 - These works may include replacing carriageway, kerbs, footways, cycleways and verges to the proper line and level. 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 local office of the Highway Authority will also be pleased to provide the detailed construction specification referred to in this condition.
2. Condition 12 - For all outbound laden heavy goods vehicles access to the A19 along Bullamoor Road is not permitted. 50% of haulage operations shall use the A684

towards Stokesley to access the A19 with the other 50% using the A168 towards Thirsk to access the A19. Refer to HC-20 for time restrictions. Inbound un-laden heavy goods vehicles shall access the site along Bullamoor Road from the A19.

3. Condition 5 - Landscaping plan submitted is expected to be based on plan ref Environmental report Indicative Landscape plan B1756400\_LM\_001.
4. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time a temporary alternative route has been provided. 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.
5. Your attention is drawn to the possibility that the land may have been used for the burial of animals with anthrax, and that if any evidence of animal burial is found you should immediately seek appropriate advice as how to proceed.

**Previous report to the Planning Committee**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The site is a field edge abutting back gardens to dwellings at 83 -103 (odds) Turker Lane, and 1-7 (odds) Thorntree Road on the north east edge of Northallerton. A beck crosses the land from east to west and at a point approximately 10 metres from the field edge, enters a screened culvert. The culvert base lies approximately 2.5 metres below general ground level and is protected by post and rail fencing with informal steps for access down the bank.
- 1.2 A public right of way follows the beck, and is accessed by a paved path between nos 87 and 89 Turker Lane. The overall access width is 3.5 metres, with half the width occupied by mature shrub planting. The gardens to neighbouring dwellings are bounded with a mixture of hedges and fencing of various types.
- 1.3 The proposal is to form a flood storage area by means of re-grading the land to north and south of the existing culvert, and eastwards along the beck, in an approximate trefoil shape. Overall extension North to South is about 200 metres. The overall extension eastwards is about 125 metres. The sections provided show excavation graded mainly at 1 in 3, and 1 in 10 along the northwards extent, where the steeper slope is on the west side. The maximum depth is shown as 2.3 metres, for a 1 in 200 storm event. There is a small rise in the neighbouring ground level on the west boundary (to provide a freeboard 'wash' barrier). The flood storage area is intended to be grassed and seeded with wild flowers mix. New landscape planting is indicated alongside the beck and to the rear of houses.
- 1.3 The public footpath which runs east - west from Turker Lane towards Harrogate House is diverted around the south edge of the flood storage area, bounded by 'birdsmouth' fencing on each side.
- 1.4 Construction access is proposed via a new track northwards from Bullamoor Road, alongside an existing farm track which is also a Public Right of Way. There is a storage compound to the east of the proposed works, on the south side of the beck.
- 1.5 As amended the access tracks from Bullamoor is to be removed on completion of the development and a permanent access for maintenance will be provided along the route of the existing footpath from Turker Lane. The access would have a removable bollard and a locked vehicular gate with provision for pedestrian access. Details have been requested of the design of the gate, position of the bollard and the surfacing of the access which currently is partly tarmac and partly shrub planting.

**2.0 RELEVANT PLANNING HISTORY**

- 2.1 05/01036/CCC Construction of a flood storage area. Granted 28 September 2005.
- 2.2 Together with the associated scheme at Sun Beck, ref 12/001201/FUL, the proposal follows consideration of a range of options to alleviate flooding in Northallerton, that have been the subject of public consultations.
- 2.3 Connected improvements are also proposed to trash screens in Bullamoor Park, which are not the subject of a planning application.
- 2.4 Together the works are intended to " protect 259 residential properties, 32 commercial properties and a hospital against flooding during a flood event with a return period of 200 years (i.e. an event with a 0.5% chance of occurring in any given year)" (Environmental report accompanying this application).

## RELEVANT PLANNING POLICIES:

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

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP29 - Archaeology  
Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP43 - Flooding and floodplains  
National Planning Policy Framework - published 27 March 2012

## 4.0 CONSULTATIONS

- 4.1 Parish Council - (expiry 10.7.2012) - no response received.
- 4.2 Ramblers - No objections, including the footpath diversion.
- 4.3 Yorkshire Water - (expiry 10.7.2012) - no response received
- 4.4 Environment Agency - applicant but consultation response is "No objection"
- 4.5 NYCC Highways - (expiry 10.7.2012) - reply on details of the amended access arrangements are expected to be received before the Committee meeting.  
Response received 17.9.2013

## CONSTRUCTION PHASE

The information included as part of the application indicates that the construction period is likely to be 72 days. The information included in the application indicates that there will be approximately 112 heavy good vehicle visits a day as well as setting up and removal of the site compound.

Access to the site is via Bullamoor Road, the normal requirement for a visibility on a road with a 60mph speed limit is 2.4 metres by 215 metres there is currently a shortfall of the visibility requirement and this section. In the interests of Highway Safety, due to the inability to achieve the required visibility splays for the construction phase access, temporary traffic lights shall be utilised at the site access. Details of which are to be submitted in accordance with Var-26 Travel Management Plan.

Any works to ensure the route is in a suitable condition shall be carried out before the development begins. There shall be measures to ensure that any defects or damage that is caused by the machinery / traffic / plant associated with the project is rectified at the expense of the developer.  
Conditions requested.

- 4.6 NYCC Archaeology - moderate potential for archaeological remains. Geophysical surveys 2004 and 2005 in vicinity of Turker Beck identified medieval and post-medieval agriculture, including ridge and furrow, ditched boundaries and double ditched trackway. Therefore the NYCC Archaeology section support the proposal of Environment Agency that an archaeological evaluation should be undertaken to clarify extent of any surviving archaeological remains (pre determination).  
30.8.2013

Trial trenching reveal peat deposits indicative of human activity 11,330-11,142 BC ie very earliest possible human activity in NY. Palaeoenvironmental specialist indicates

this is of the highest significance. Further archaeological evaluation is required to assess impact, pre determination of application. Written Scheme of Investigation WSI should be submitted to LPA.

4.7 NYCC Police Architectural Liaison -

Comments that good visibility exists across the field for footpath users, giving a certain amount of protection to rear gardens.

Concludes that: "the proposed footpath gives only a marginal increase in crime risk over that of the existing footpath, with both giving easy access to the rear gardens".

If thought necessary additional security could be provided by means of: close boarded fencing, removing the works further into the field (thus increasing the distance between the rear gardens and the footpath diversion. Also providing full fencing along the line of the footpath; a survey of neighbours could establish whether this fencing would be considered desirable. The location of the access is relatively obscure which is helpful for security and too much publicity to potential for crime could be counterproductive.

4.7 Neighbours and site notice (scheme as submitted)

1. Comment - The scheme should not cause the existing water table to be raised.

Area behind 89 to 103 is often under water. Standing water in flower beds after heavy rain. Footpath diversion should be landscaped to avoid nuisance from users - eg fencing, small bushes and a dog waste bin (away from houses).

2. Query raised by business in the town regarding the impact on premises affected by flooding from Willowbeck - impact of the proposal on these areas (Homebase/Halfords and Finkills Way).

3. Comment - Recent high rainfall has not resulted in water beyond the lip of existing culvert suggesting current run-off from agricultural land can be managed in the existing infrastructure. Suggest that reservoir/pond not needed in this location and funding would be better uses improving substandard pipe work or culverts elsewhere in the town to permit faster drainage. Trees felled earlier this year which could have been left, and would have helped utilised water levels available in the catchment.

4. Strongly object - blot on an otherwise peaceful location and devaluation of properties. Wrong area, as will be pointed out later (difficulty making comments online).

5. Support for flood risk to be taken seriously but this is the wrong location, too close to property. Site would be a magnet to children. Fencing will be breached and there is potential for vandalism and anti social behaviour. It will be a major attraction for vermin. As a scar on the landscape it will devalue the properties in the area and will campaign to reduce council tax.

6. Query - how will people be kept to the path. What facilities for dog walkers. Why does footpath have to come towards the Bullamoor road end, rather than the other way. Concern about vandalism to fences. Increase in noise and possible vandalism - will there be a reduction in community charge. Flood defences are important to the town but feel that investment in the towns drains and cleaning on a regular basis would stop any problems happening.

4.8 Any revised/additional comments following amendments will be provided on an update list.

5.0 **OBSERVATIONS**

5.1 In accordance with Local Development Framework Policy CP21 and DP43 the principle of mitigation and flood relief measures to reduce the risk of flooding of existing development is acceptable, subject to other relevant policies of the local plan.

- 5.2 Issues to be considered therefore will be landscape impact (CP16 DP30), and amenity of neighbouring occupiers (CP1 and DP1), historic environment and archaeology (CP16 DP28) wildlife impact (CP16 DP31) together with any security, safety and highway safety concerns.

### **Landscape**

- 5.3 The main works to create the flood storage area will create a broad depression in the field. Whilst it is an artificial feature, it is mitigated by mainly gentle grading, and once grassed and seeded, the storage area itself will be a green hollow within the cropped field (as applicable) and will not be obvious in the wider landscape and from more distant viewpoints. The indicative landscape works include fresh planting of trees (sycamore, willow, silver birch, mountain ash and cherry are suggested) along the beck, retention and reinstatement of hedges as required and a block of shrub planting between houses and storage area (including thorny shrubs alongside footpath to deter antisocial behaviour). Overall therefore there will not be significant harm to the existing character of the countryside surroundings.

### **Heritage**

- 5.4 Previous desk based and geophysical surveys are reported in the Environmental Survey submitted with the application and the applicants have expressed the intention of undertaking further geophysical survey of the working area prior to decision making (planned for when the field is harvested this year) and will inform a decision as to whether the development can be accepted in its present form and identifying and mitigation options for minimising avoiding damage to and/or recording any archaeological remains.

### **Wildlife**

- 5.5 The applicants refer to pre-existing surveys updated September 2011, showing no evidence of water vole or otters and no scope for bats at Turker Beck. On this basis there does not appear to be harm to protected species or nature conservation overall.

### **Footpath Access**

- 5.6 The proposed diverted footpath will follow the land form round the edge of the resulting depression and will be a natural, and safe, route in the resulting landscape.

### **Highway safety**

- 5.7 There is a substantial area within the field for off road parking and storage during construction. The environmental survey submitted identifies 50 lorry movements (ie 25 vehicles visiting the site) each day for 72 days, to remove excavated material, in addition to 15 staff or other vehicles. Mitigation measures are planned such as lorry routing, installation of traffic warning signs and provision of passing places. The views of the Highway Authority are awaited however if acceptable, condition requiring details of this or a similar scheme will help control traffic to and from the site during the construction period.

### **Security issues**

- 5.8 The scheme provides for strategic planting that will help channel potential trespassers away from the rear boundaries of adjacent properties. Particularly noting that thorny species are intended to protect entry to potentially vulnerable areas, this is likely to help minimise risk to security. Removing the storage zone (and therefore the potential footpath diversion) further into the field would increase the distance from vulnerable areas but is noted (verbally) by the applicants to be unlikely to be feasible due to the added depth necessary to achieve the required falls. A note on this point has been requested. Taking into account that overall the police guidance security risks from the scheme are little more than at present, to require an amendment on this basis would not be justified.

### **Neighbour comments**

- 5.9 Comments have expressed concerned about the positioning of the footpath closer to residential property.  
The proposal intends planting to help channel foot traffic away from property and along the line of the proposed footpath, including thorny species as required. The submitted details indicate that detailed choices will be made in conjunction with residents. Taking into account that footpath is likely to continue to benefit from casual monitoring through good visibility and regular use, it is not considered that harm will result from the repositioning of the footpath route.
- 5.10 The Environment Agency have set out that they consider the proposal beneficial to reducing the incidence of flooding in the town, and in addition to attenuating the flow of water from land to the east that necessary repairs/maintenance to culverts will be undertaken. Additional tree planting is proposed that will help take up water.
- 5.11 The impact on the landscape is limited to the immediate surroundings, and as discussed above will be mitigated by grading. There will be limited view from adjacent properties of the development when complete, particularly when planned planting is in place.
- 5.12 The scheme alters the alignment of the existing footpath from Turker Lane no change is made to the footpath from Bullamoor Road.

### **Conclusion**

The development provides for flood protection and mitigation without significant harm to the open character of the rural surroundings or the amenities of neighbouring occupiers and is able to comply with the above policies. Approval is therefore recommended, subject to outstanding consultations, and the completion of the proposed geophysical survey of the land.

### **6.0 RECOMMENDATION:**

**GRANTED** subject to the following condition(s) (See current report)



**6**

Target Date: 17 March 2014

**13/02427/REM**

**Reserved matters application for the provision of 90 unit extra care facility and associated retail units, public realm works and highways works.  
at Land East Of Topcliffe Road And South Of Gravel Hole Lane Topcliffe Road Sowerby North Yorkshire  
for Galliford Try.**

**1.0 SITE DESCRIPTION AND PROPOSAL**

1.1 The proposal is a reserved matters submission that follows the outline approval for the mixed use scheme 10/02373/OUT, which related to some 21 hectares of land at South West Thirsk, allocated under LDF proposal TM2 and also known as Sowerby Gateway. The land included in the submission fronts Topcliffe Road with vehicle access to the retail units from the southern-most roundabout on Topcliffe Road. The residential development extends to and takes vehicular access from Gravel Hole Lane. The land is currently in agricultural use. Hedgerows to the Topcliffe Road frontage have been removed to enable road construction and drainage works to be undertaken.

1.2 The development is the first phase of the proposed neighbourhood centre at South West Thirsk and has 3 component parts:

- A 3-storey 64 unit extra care apartment block with retail and café/communal lounge facilities;
- 26 semi-detached extra care bungalows; and
- A landscaped "Town Square".

1.3 The three storey "L" shaped apartment block faces Topcliffe Road and the "Town Square" but has main elevations facing towards private garden and parking space for the extra care apartments.

1.4 The apartments comprise:

- Ground floor – 16 units (13 x 2 bedroom and 3 x 1 bedroom units)
- First floor - 24 units (20 x 2 bedroom and 4 x 1 bedroom units)
- Second floor – 24 units (20 x 2 bedroom and 4 x 1 bedroom units)

Overall the scheme would provide 64 apartments of which:

- Ground floor 3 x 2 bedroom units for sale
- Ground floor 3 x 2 bedroom and 1 x 1 bedroom units for shared ownership
- Ground floor 7 x 2 bedroom and 2 x 1 bedroom units for affordable rent
- First floor 8 x 2 bedroom units for sale
- First floor 3 x 2 bedroom for and 1 x 1 bedroom units for shared ownership
- First floor 9 x 2 bedroom for and 3 x 1 bedroom units for affordable rent
- Second floor 7 x 2 bedroom units for sale
- Second floor 4 x 2 bedroom and 2 x 1 bedroom units for shared ownership
- Second floor 9 x 2 bedroom and 2 x 1 bedroom units for affordable rent

The shared ownership and affordable rent units are all “affordable units” and provide a total of 46 affordable units (51% of the total) comprising 14 shared ownership and 32 affordable rent and 18 market sales.

Also on the ground floor are the following facilities:

- Café/bistro for residents but also open to the public, with Commercial kitchen with kitchen staff welfare facilities; a garden room with tea preparation area, visitors overnight room, care base, staff welfare room, buggy store, bin store, and residents toilets, plant room, office. Base of an 8 person and 13 person lift shaft to access first and second floors.

Also on the first floor are the following facilities:

- Residents’ lounge with tea preparation area;
- The apartment block provides boundary of hedge and estate railings in common with the layout of the phase 1 housing scheme on the opposite side of Topcliffe Road. Within the landscape space 32 car parking spaces are shown to serve the extra-care development; and
- Four retail units (485 square metres) with pedestrian only access on to the “Town Square” served from the south eastern end of the “Town Square” each with staff toilet and kitchen area. An external bin store for the retail units is proposed at the south-east end of the units.

1.5 The scheme shows extra-care bungalows facing Gravel Hole Lane and either side of the access road in to the site. The scheme shows 13 semi-detached providing 26 x 2 bedroom units of identical design each with private garden space and in-curtilage parking. It is proposed that 14 units be offered for sale and 12 units to be occupied under shared ownership.

1.6 The site of the “Town Square” public space provides a link between the approved residential development on the north west side of Topcliffe Road (that is under-construction) and other uses identified in the master-plan for leisure uses, school retail and other developments on the south east side of Topcliffe Road. The “Town Square” would also provide a pedestrian and cycle link to and from the development site and Gravel Hole Lane and Thirsk.

1.7 No detailed masterplan has been prepared for the school land, the siting or layout of a public house or other retail developments that may occupy land to the south west of the ‘neighbourhood centre’ though all these forms of development were identified in the outline planning application. However, an indicative masterplan exists for this development and the nearby public house and retail developments to show how they would combine to form the core of the neighbourhood centre.

1.8 Master-planning work of the “Sowerby Sports Village” has been funded through the Section 106 contribution arising from the outline planning application and a masterplan has been prepared. The masterplan has not been finalised and it is anticipated that changes will occur nonetheless the work undertaken so far suggests that the areas of development with highest footfall would occur close to the Topcliffe Road and Gravel Hole Lane ends of the site and relatively close to the site of the extra-care housing, retail and “Town Square” proposals.

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

2.1 10/02373/OUT - Outline application for a mixed use development comprising 925 dwellings (C3), employment (B1, B2 & B8) , neighbourhood centre, comprising: shops (A1), financial and professional services (A2), restaurant(s) and cafe(s) (A3), drinking establishment(s) (A4), hot food takeaway(s) (A5), hotel (C1), extra-care facility (C2) and medical centre and other non-residential institutions (D1), primary school (D1), community

uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access). Phase I residential 107 dwellings & Phase I commercial (B1c) all details to be considered. Granted 21 August 2012.

2.2 The outline planning permission is the subject of conditions and a Section 106 Agreement.

2.3 The imposed conditions (some of which referred to just the first phase of residential development on the northwest side of Topcliffe Road) allow for approval of details on a phased basis. The application provides details to address many but not all of the details required and if approval is given to this application subsequent approval will also be sought to enable lawful development of the site.

2.4 The Section 106 Agreement of the outline permission covers a wide range of issues, notably affordable housing, sustainable transport and travel planning, community facilities, education, open space provision and management. The proposal is the subject of some but not all aspects of the Section 106 Agreement.

2.5 The agent acting for the landowner intends to make a proposal, in tandem with this application, to seek a Deed of Variation to the S106 Agreement to exclude the extra care development from the requirement for education funding and to remove houses built in this scheme from the trigger for payment of the £1.48M funding towards the Sowerby Sports Village. The trigger for the payment of the contribution in Schedule 3 states that the development is: "Not to allow or permit the Occupation of more than 120 Dwellings until:- the Community Facilities Contribution [£1.48M] has been paid the District Council". The Deed of Variation, if agreed, would seek to require the contribution upon the occupation of the 120<sup>th</sup> dwelling as originally set out but would exclude the extra-care apartments and bungalows from the count of dwellings. The sum that will be paid would not change.

2.6 The Deed of Variation also seeks to alter the alignment of the boundary between the 'Community Facilities' land and the land to be used for the neighbourhood centre including the extra-care facility but leaves the total areas in each respective use unchanged.

2.7 There is no enforcement history.

### **3.0 RELEVANT PLANNING POLICIES:**

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

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP7 - Phasing of housing
- Core Strategy Policy CP8 - Type, size and tenure of housing
- 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 CP18 - Prudent use of natural resources
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP5 - Community facilities
- Development Policies DP13 - Achieving and maintaining the right mix of housing
- Development Policies DP24 - Other retail (and non-retail commercial) issues
- 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 DP37 - Open space, sport and recreation  
Development Policies DP39 - Recreational links  
Affordable Housing - Supplementary Planning Guidance - June 2008  
Allocations Document Policy TM2C - South West Thisk Area, West of Topcliffe Road, Sowerby - adopted 21 December 2010  
Allocations Document Policy TM2E - South West Thirsk Area, Gravel Hole Lane, Sowerby - adopted 21 December 2010

The National Planning Policy Framework - published 27 March 2012 although not part of the Development Plan is relevant to the determination of this application.

#### **4.0 CONSULTATIONS**

4.1 Sowerby Parish Council - Wish to see approved

4.2 NYCC Highways -

4.3 Yorkshire Water - Drainage details have not been supplied but the conditions of the outline permission apply. YW wish to comment on foul and surface water details. A150mm water main is available.

4.4 NYCC Health and Adult Services - fully supportive

4.5 NYCC Archaeology - Refer to the outline approval's requirements for geophysical survey evaluation and trial trenching as appropriate.

4.6 North Yorkshire Police Architectural Liaison Officer - Comments received encouraging the submission of applications for Secured by Design status for the apartment and bungalows separately. Advises on the need for security measures during the construction phase.

4.7 Housing Manager – Supports the proposed development. Notes as follows:

The applicant has provided floor and layout plans indicating the degree of pepper-potting (the distribution of affordable units) within the site.

The applicant has stated that with the exception of those to be sold outright, which are not classed as affordable, the properties will be owned and managed by Tristar Homes, a housing association which is part of the Vela Group.

#### Mix and Type

The proposal to include a mixture of apartments and two bedroom bungalows is welcomed. This will contribute towards meeting the housing needs and aspirations of older people in the area, offer greater housing choice than apartments alone and help older people to better plan their future housing and support needs. Colleagues at NYCC have confirmed that there is a high demand for this type of provision.

The offer of a mix of 53 two bedroom apartments, 12 two bedroom bungalows and 11 one bedroom apartments is supported. The predominance of two bedroom accommodation would appear to reflect the needs of our ageing population - notably the increasing number of older couples.

### Percentage of affordable housing

There is a target of 40% affordable housing for this scheme which equates to 45 homes. The applicant states that this offer is for 64% affordable housing provision. This figure is well in excess of the 40% required and is therefore supported.

### Affordable Housing Tenure

The Affordable Housing Statement offers 58 affordable homes of which 13 (22%) would be for Affordable Home Ownership and 45 (78%) for Affordable Rent. Within the statement the applicant has not indicated that the scheme will be seeking grant funding in the 2015/18 Affordable Homes Programme which would require the rented units to be 'Affordable rent' rather than 'social' rent. (Affordable rent is up to 80% of Open Market Rent). If the scheme is not using grant and therefore a S106 site, the Council would seek the rented element to be for 'social' rent. The applicant could probably provide this by reducing the proposed level of affordable housing to 40% or would need to evidence why this is not viable.

### Pepper-potting

Whilst the proposed level of 'pepper-potting' within the site and within floors within the Extra Care facility is welcomed and supported. However the range of tenures should include three or four bungalows as well as apartments. Indeed, the applicant could swap some of the affordable rented bungalows for Affordable Home Ownership. I would also prefer the two affordable units immediately above the retail units to be offered for Affordable Home Ownership.

### Service and Management Charges

The applicant states that all the units, bar those sold outright, will be owned and managed by Tristar Homes, a housing association. This should keep service and management charges affordable for residents in the future.

### Transfer Price

To accord with policy the applicant must agree to transfer the affordable homes to the housing association at the Council's agreed Transfer Prices- 1 bed unit £50,200 and 2 bed unit £65,200.

### **Summary**

The proposed percentage and mix of affordable housing is supported, alongside the level of pepper-potting. The applicant needs to provide assurance that the affordable homes will be transferred to the housing association at the Council's agreed Transfer Prices.

#### 4.8 HDC Sustainability officer – Provides comments:

Noting that the CHP for the apartments is supported and should meet the 10% energy saving requirement of Policy DP34 and the conditional requirements of the Outline Planning approval.

Concern that the orientation of the building will result in poor solar gain for apartments with north facing windows. Similarly that the south elevation would benefit from shading from tree planting. Flat roof parties

Parts of the roof are to be flat - I urge a form of green roof be installed to minimise run-off from this large impermeable surface, to minimise flood risk of the building & surrounding areas

Ensure hard landscaped car parks, paths accessing buildings & in gardens, the Town Square and as much roadway as possible is permeable paving so water can infiltrate, (which could be a decorative feature in the garden area). I would therefore encourage for garden landscaping, that as much ground area as possible is covered with trees, shrubs & all-year round ground-cover plants with good root structure to aid water infiltration, not just grass or bare flower beds.

Sustainable transport: Good to see that parking provision is in line with other similarly run facilities as car ownership is unlikely to be high. It would be good to see some provision for cycle parking to encourage such means of transport to local destinations, and for visitors.

Waste and recycling: Recommend that space is allowed inside the apartments and bungalows for sorting waste into different recyclables, so that this is the path of least resistance to encourage greater recycling, as well as providing bins outside.

Water - waste & surface: I note from Yorkshire Water's response that drainage arrangements have yet to be agreed - all surface treatments and sustainable urban drainage solutions must meet their requirements for minimising surface water run-off from the site.

## **5.0 OBSERVATIONS**

5.1 The principle of development of land at the Topcliffe Road – Gravel Hole Lane was established in the approval of the application 10/02373/OUT on 21<sup>st</sup> August 2012. As noted above this permission includes a wide range of uses. The conditions established a masterplan for the area of the permission and includes both extra care and retailing provisions within the central area of the site and on the southwest side of Topcliffe Road.

### **Housing need**

5.2 The principle of extra-care housing has been established. The scheme seeks to gain approval for the details that were not approved at the outline stage, these are: access, the number of units, all design issues including the layout of the land, pedestrian access through the sites and external appearance of the buildings and surrounding spaces including landscaping works.

5.3 The provision of retailing, community and communal facilities as part of an extra-care housing scheme is promoted as good practice by NYCC Health and Adult Services. The provision of an apartment block and bungalows creates a mix of types of properties, the proposal includes 3 different tenures to increase choice to future residents.

5.4 The amount of affordable housing exceeds the LDF requirements. There is no reason why a developer cannot propose a higher proportion and in this case no harm would be caused by increasing the proportion of affordable housing and there has been no objection from consultees to the proposed proportion of affordable housing. The affordable housing proposals comply with the requirements of CP9 and Allocation Policy TM2.

### **Retail and “Town Square”**

5.5 Retail units facing on to a public space the “Town Square” is the first element of a neighbourhood centre to have been proposed. It is understood that there has been indication of interest from businesses wishing to occupy the units that would support the daily needs of future residents. The submitted drawings show a notional location of a public house on the opposite side of the “Town Square” but no application or enquiries have been received for this. However, an indicative masterplan for the neighbourhood centre shows how the various elements would fit together and this application would not prejudice the achievement of the remainder of the neighbourhood centre facilities and would allow a satisfactory public realm to be created.

5.6 The management arrangements for the “Town Square” are proposed to be vested in the landlord of the extra-care housing scheme. The management of the public outdoor spaces around the neighbourhood centre are not detailed in the existing Section 106 Agreement. It approved, conditions could be imposed to deal with the management/maintenance of the spaces. The guidance of the North Yorkshire Police ALO has been sought and guidance offered that a local management arrangement that protects residents' interests and that is immediately available in the adjoining building is appropriate.

## **Design**

5.7 The three storey residential apartment and retail units would be the largest and highest building in the vicinity. The design detailing has sought to break-up the building and to introduce breaks in to the alignments of walls and roofs to avoid the building being overbearing. It is considered that the detailing achieves the objective of reducing the visual impact of the building, creating an appropriate streetscene to Topcliffe Road and a high quality residential environment for residents.

5.8 The semi-detached bungalows that are to wrap around the north and east sides of the proposed apartment block are shown set 15 to 20 metres from Topcliffe Road and Gravel Hole Lane and would create an appropriately low height and low impact development on this prominent corner.

## **Access**

5.9 The proposed access to the residential units is from Gravel Hole Lane with a simple priority junction. The retail uses would be accessed from a new service road from the southern roundabout on Topcliffe Road. There would be no vehicular through-route between the proposed accesses on Topcliffe Road and Gravel Hole Lane.

5.10 Pedestrian and cycle access routes would be created as envisaged in the approved scheme. The routes would link the residential areas to the "Sports Village" and school land, passing through the "Town Square" in the neighbourhood centre. The aim of the connections is to reduce the use of the car and is an important component in making the development a sustainable place not just in terms of movement but also the viability of the uses.

5.11 The proposed access routes seek to segregate different types of traffic, aiming to keep residential traffic away from commercial traffic and to provide traffic free routes for pedestrian and cyclists. The highway safety and amenity of existing and new highway users is considered to be safeguarded by the layout.

5.12 The design of the "Town Square" is of a simple open space with changes in surfacing and the provision of trees within planters. It is a hard-surfaced area. Details of lighting and street furniture, lighting, seating, barriers or railings, secure cycle parking are matters that can be addressed by the imposition of planning conditions to require appropriate provision and prevent inappropriate features.

5.13 The outline planning permission included conditions covering a wide range of issues. One of those relates to archaeology. A geo-physical assessment and trial trenching has been undertaken. The report notes the presence of archaeological interest in the southern part of the site but that there is a notable lack of artefacts in the northern part of the site.

5.14 Details will be required to be submitted by the applicant/development to meet the requirements of the conditions of the outline planning application and planning obligation. These are to be considered outside the scope of this reserved matters proposal.

## **SUMMARY**

The application seeks approval to form new residential and commercial units on land allocated and approved for these purposes and subject to conditions can contribute to the formation of a sustainable development that will help to meet the needs of the ageing population as well as the new and existing neighbouring populations.

## **7.0 RECOMMENDATION**

6.1 That subject to any outstanding consultations the application be Granted subject to the following conditions:-

1. The development hereby permitted shall be begun within two years of the date of this permission.
2. No catering kitchen shall be operated until details have been submitted to and approved in writing by the Local Planning Authority of the extraction/refrigeration equipment to be used in accordance with Annex B of the document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' DEFRA (2005) all the works which form a part of any scheme to protect adjacent dwellings from noise shall be completed prior to the approved use commencing.
3. Barriers shall at all times be provided to prevent vehicles passing through the site from Gravel Hole Lane to Topcliffe Road and vice versa.

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. To protect adjacent dwellings and other premises from the adverse effects of noise and odours arising from the use of the building, in accordance with the Local Development Framework Policies CP1 and DP1.
3. To ensure that the traffic management arrangements are not compromised by the layout of the access routes through the application site.

*Attention is drawn to the following Informatives:-*

1. The planning conditions applied to the outline planning permission granted under reference 10/02373/OUT apply to this scheme together with the provisions of the Section 106 Agreement of 17 August 2012.



## **7**

**14/00083/FUL**

### **Conversion of existing detached garage to form an annexe and single storey extension to side of dwelling**

**At The Old Black Bull Thormanby North Yorkshire YO61 4NN**  
**For Mr Peter Gibson**

#### **1.0 PROPOSAL & SITE DESCRIPTION**

1.1 The Old Black Bull, formerly a public house but now a private dwelling, lies on the eastern side of the A19 within the main village street in Thormanby. The dwelling is a three storey property, with the second floor accommodation within the roof space, attached to its neighbour at The Old Rectory.

1.2 Access to the property is via a driveway at the northern edge of the plot, which gains access into a courtyard area at the side of the house. A detached garage lies within the courtyard.

1.3 It is proposed to alter the garage to create an annexe and to provide a lounge, kitchen, bedroom and bathroom within the existing space. External alterations include the replacement of garage doors with windows/French doors and the installation of two roof lights in the northern elevation. The doors and windows are proposed as timber.

1.4 It is also proposed to construct a single storey extension to the side (northern) elevation of the dwelling. The extension would be constructed immediately to the rear of the existing front boundary wall, which is set back approximately 12m from the edge of the highway. The footprint of the extension would be 6.5m x 4.95m with a ridge height of 4.7m. The extension would be finished in brickwork and clay pantiles to match the existing dwelling. Glazing is proposed in the side elevation to either side of a central brick section to the rear of the proposed chimney. French windows and three roof lights are proposed in the rear elevation.

1.5 The applicant is related to a Member of the Council.

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

2.1 2/99/154/0007F - Change of use of public house to private dwelling. Permission granted 23 September 1999.

2.2 2/02/154/0007G - Alterations and extensions to existing dwelling and construction of a domestic treble garage with store. Permission granted 10 May 2002.

2.3 2/05/154/0007H - Single storey extension to existing dwelling to form ancillary accommodation. Permission granted 20 June 2005.

#### **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 CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP32 - General design

#### **4.0 CONSULTATIONS**

4.1 Thormanby Parish Council - no objections

4.2 Site notice/local residents - no comments received (expiry date for representations 12 February 2014)

#### **5.0 OBSERVATIONS**

5.1 The issues to be considered include the impact of the development on the character and appearance of the existing dwelling and on the wider street scene and whether there would be any adverse effect on the amenity of neighbouring residents.

5.2 The scale and proportions of the proposed single storey extension reflect the scale and proportions of the existing dwelling and it would appear as a subservient element. The use of brick and clay pantiles is in keeping with the existing dwelling and the proposed glazing, although introducing a new feature, is a small element of the proposal and would not overwhelm the structure. The proposed alterations to the garage include the use of timber framed windows and doors and would mainly re-use existing openings. The alterations would not detract from the appearance of the existing building. The design of the extension and the alterations to the garage accord with LDF Policies CP17 and DP32.

5.3 The proposed extension is set back from the street frontage by approximately 12m and built up from the existing boundary wall; the visual impact of the extension on the street scene therefore would be limited.

5.4 The extension is set centrally within the plot, approximately 8m from the boundary with the nearest property to the north. The proposed extension would not have an overbearing impact on that property nor would it result in overlooking or overshadowing. The proposed roof lights in the rear elevation of the proposed annexe face northwards and therefore towards the adjacent property. The openings are proposed to allow light into the kitchen and bathroom and would not result in overlooking. The proposal would not have an impact on residential amenity and is in accordance with LDF Policy DP1.

5.5 The proposed accommodation within the garage is to be occupied ancillary to the main dwelling. The proposal is not to use the accommodation independently and a condition is recommended to ensure it is retained as part of the main dwellinghouse, so that the house and the ancillary accommodation are occupied as a single planning unit. Any separate occupation of this part of the dwelling would require further planning permission.

5.6 The proposed development is acceptable and approval of the application is recommended.

#### **SUMMARY**

The proposed extension and alterations would not harm the character and appearance of the existing dwelling and surrounding street scene and would not adversely affect the amenity of adjacent residents in accordance with LDF Policies CP1, CP17, DP1 and DP32.

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 representations that 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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The annexe hereby approved shall not be occupied as a separate independent dwelling and shall remain ancillary to the use of the main dwelling known as The Old Black Bull; it shall form and shall remain part of the curtilage of the main dwelling as a single planning unit; and it shall only be used as living accommodation in association with the main dwelling.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 01B, 02B, 03, 04 and Proposed elevations and plan received by Hambleton District Council on 14 January 2014 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 Policy CP17.
3. The Local Planning Authority would wish to carefully examine any independent use of the building to assess whether the development would be acceptable in terms of policy, access and amenity in accordance with LDF Policies CP1, CP2 and CP4.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP1, CP17, DP1 and DP32.

**Parish: Whorlton**  
**Ward: Swainby**

Committee Date: 6 March 2014  
Officer dealing: Mrs B Robinson

Target Date: 27 December 2013

**8**

**Application Ref No 13/02269/FUL**

**Change of use of buildings and land from general storage for building company to a mixed use of workshop/storage for plant hire and general storage for building company, and alterations to existing access, as amended by amended plans received by Hambleton District Council on 10 December 2013**

At OS Field 5442 Swainby North Yorkshire  
For Mr J Swales

## **1.0 SITE DESCRIPTION AND PROPOSAL**

1.1 The site is a plot, overall dimensions 75 x 12 metres, located on the north side of A172 immediately opposite the village of Swainby. The site includes a building 16 x 8.5 metres, with blockwork lower walls and timber upper parts. The building is set back approximately 13 metres from the highway. The ground within the site is surfaced with hardcore. The site is set down from the road, with a short sloping access road, which is partly shared with the adjacent field entrance. There is a footpath along the road frontage.

1.2 There is a similar building immediately to the east of the application site, with a 2 metre high wall dividing the properties at the front, between the buildings and the roadside boundary.

1.3 The site is opposite the village of Swainby and is close to the boundary of the North York Moors National Park.

1.4 The proposal is to change the use of the site and building to introduce storage and repair in connection with a plant hire business. Amended details have been submitted to provide for widening the access. The use has commenced.

1.5 The business has relocated from a site in Stockton on Tees, which is now allocated for housing and not available for business use. The business includes excavators and gritter vehicles which are permanently on hire, and stored at the sites concerned (examples given include airports and car parks). One small gritter vehicle is stored at the site on standby (as a contractual obligation), together with spare buckets for the machines. Two transporter vehicles are also kept on site. Estimated HGV traffic movements are two per week (two in and two out). There is a mechanic associated with the business who will visit the site to collect parts in order to carry out (mainly) off-site repairs. Some repair work may take place on site.

1.6 As amended, the proposal includes the widening of the access by approximately 2 metres at the site entrance and cutting back the hedge on the north side of the entrance by approximately 3 metres.

1.7 In supporting information the applicant confirms that the proposal is a response to an under-use of the building arising from the down turn in the building trade, and that efforts to market the building since January 2013 yielded only one expression of interest which did not proceed. The present user is resident in Swainby.

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

2.1 04/01297/FUL: Change of use of existing agricultural building to a builders store and workshop. Granted 09.09.2004.

2.1 07/01383/FUL: Construction of a storage building. Granted 09.07.2007.

2.3 The 2004 permission related to the application premises and also the adjacent unit, which were in combined use, including shared in/out access arrangements to and from the A172. The 2007 permission included access from the A172 via the adjacent site.

2.4 13/00245/CAT3: Unauthorised Engineering Works - storage of road salt. This investigation resulted in the submission of the current application. The storage of rock salt is considered below.

## **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  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Core Strategy Policy CP15 - Rural Regeneration  
Development Policies DP25 - Rural employment  
National Planning Policy Framework, published 27 March 2012

## **4.0 CONSULTATIONS**

4.1 Whorlton Parish Council - wish to see refused. The application is for industrial activity too close to the village. The vehicular access will result in dangerous vehicle manoeuvres and there will be a danger from pollution to the land and nearby beck. There is also concern regarding the existing salt pile damaging a protected hedgerow.

4.2 Neighbours and site notice - observations received.

- i. The field is vandalised by laying of hardcore. Inappropriate to agricultural surroundings, and proximity to Swainby and the National Park. Should be removed and land reinstated. Entrance to A172 is inadequate to cope with the size of vehicles that will use it.
- ii. If allowed, it will lead to road accidents. Articulated lorries have been seen reversing into the site across both carriageways, and also collecting plant at the side of the road, causing an obstruction. Large vehicles will have to exit slowly, due to the uphill slope. The area is notoriously dangerous, hence local street lighting. The field has been replaced by hardcore, and large excavators low loaders and gritting lorries are now on site. The plant is incongruous and out of keeping with the area. Concern about gritters on site and 30 tons of road salt near the hedge. Concerns that the hedge will die as a consequence, and may leach to the beck nearby. General pollution also an issue, such as spillage of fuel oil grease, degreasant etc. is inevitable. Surely the place for this is an industrial estate not the middle of unspoilt countryside. Precedent for other owners to develop first, and ask later.
- iii. (With regard to amended plans showing widening of access to road), this will facilitate entrance and exit but would also represent further commercialisation of

what is at present a rural location, near the North York Moors National Park. This is even more unacceptable. The application should be refused and the owner required to reinstate the property.

- iv. Doubt is cast on the anticipated vehicle movements - 3 or 4 HGVs are regularly seen entering and leaving the site some days. A near miss has been experienced by a family member, as a lorry pulled out of the access. It will be impossible to maintain turning space for HGVs when excavators are on site. A field of excavators and lorries cannot be considered to be in keeping with the rural surroundings.

4.3 NYCC Highways - Comment that actual turning manoeuvre inside site has been viewed on site. Conditions are recommended.

4.4 North York Moors National Park Authority – (informal response) Do not object to the principle of the development, subject to a condition to prevent the external storage of equipment in the front parking area. (Officers are in discussion with the Authority on this and an update will be provided to the meeting.)

## **5.0 OBSERVATIONS**

### **Policy**

5.1 The proposal is outside of the development limits of a sustainable settlement and development is only eligible for consideration as an exception to CP1 and CP2 if it is in accordance with one or more criteria of CP4 and any other relevant policies of the Local Development Framework including rural employment (CP15, DP25), landscape impact (CP16, DP30), including any harm to the North York Moors National Park, amenity of nearby occupiers (CP1, DP1), and highway safety issues.

5.2 The development reuses the existing building. It would support the existing mixed use of the rural economy in this area and is therefore in broad accordance with criterion iv of CP4, which allows for exceptions to the strict control of development in the countryside.

5.3 Policy DP25 requires that development complies with all the criteria laid out within that policy and the proposal is able to comply with the criteria in relation to (i) scale, (ii) conversion/small extension to an existing building, and (v) no adverse impact on the economy of the Service Centres. In terms of support to the local economy (iv), the proposed business will facilitate the continuing employment use of the site and will help maintain an established business, the owner of which lives in the village.

5.4 It has not been demonstrated that the business cannot be located within a sustainable settlement, as required by criterion (iii), and no information has been supplied of the availability of suitable alternative sites. The proposal is thus not in accordance with this criterion of policy DP25.

5.5 With the exception of the issue of the availability of alternative sites, the proposal is otherwise in accordance with the policy principles. The NPPF is explicit that the aim should be to 'support the sustainable growth and expansion of all types of business and enterprise in rural areas'. This is a significant policy consideration that introduces a change from the LDF position. Taking this into account, the proposal considered acceptable in principle.

### **Landscape and amenity impact**

5.6 The operational development already carried out is limited to laying of hardcore and has had a limited effect on the rural surroundings, particularly taking into account the previous commercial use of the building. The parked vehicles benefit from established screening, which even in the winter months is effective in softening any visual impact from the road. The length of hedge to be removed to widen the access is not great in the context

of the general hedgeline along the road, and whilst a sweep of verge would be removed to the back of the footpath, the general effect in conjunction with the existing entrances, along this stretch of road will not be harmful to the rural surroundings.

5.7 With regard to landscape impact (CP16, DP30), the main impact is the presence of articulated HGVs on site most of the time and the presence of hire vehicles occasionally. The site benefits from established hedge screening on the south west and north east boundaries of the site, and also along the roadside on approach from the south west. Together with the relatively low ground level compared with the road, these factors mean that the vehicles are not unduly obtrusive, particularly when the setting of existing nearby sheds is considered. The site is located on the north side of the A172, which provides a well defined separation from the North York Moors National Park. The Park Authority has indicated that it does not object to the proposal, subject to a condition to prevent outside storage of equipment at the front of the site.

5.8 The altered access would be viewed in the context of the slightly urbanised character of the road frontage, which includes other entrances, a roadside footpath, kerbs and street lighting and the relatively modest widening would not have an unacceptably harmful impact.

5.9 The site is a minimum of 80 metres from the nearest house to the south (in Swainby) and is 100 metres from the nearest house on the Gold Loop Road (to the north-east) and particularly taking into account the scope for the approved use in connection with the existing builders business, which might be expected to include vehicle movements and materials delivery and collection, the proposal is not considered to have an unacceptable effect on the amenities of nearby occupiers.

5.10 With regard to the salt stored on the site at present, the applicant has indicated that they do not wish to retain it long term and they anticipate it will be removed this month. This matter can be monitored as required, and there is scope to take any necessary action to have it removed, if necessary. The salt has been inspected by an officer of the Environment Agency and it has been confirmed that it has protective sheeting below and over the surface and will not affect water courses and the risk to vegetation is minimal, particularly as a short term measure. Should the hedge die in the near future, appropriate replanting can be secured by means of a landscaping condition if permission is granted.

### **Highway safety**

5.11 Manoeuvring of HGVs within the site has been demonstrated to be feasible, and a plan has been submitted showing that there remains scope to park some plant on the site when necessary. As noted in paragraph 2.3, the site shared access to and from the highway with the adjacent premises in the past but this has been closed off by the erection of a boundary wall. There are no planning records for this, so the exact date on which the units became independent in access terms is not known.

5.12 The widening of the access for this unit to a standard acceptable to the Highway Authority is a practical solution to the problem and overall the proposal would not have a harmful effect on road safety. Records of movements which have been submitted indicate relatively low traffic generation and where they occur they are typically one or other of the HGVs making one movement in and out.

### **SUMMARY**

The proposed development would not have an unacceptable effect on the rural character of the surroundings, road safety, and the amenities of local residents and is able to comply with the above policies, with the exception of one criterion of DP25 but this is justified by reference to the NPPF.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted)

and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## 6.0 RECOMMENDATION

Planning permission is **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 1208/3A, 1208/2A, received by Hambleton District Council on 16th December 2013, 17 January 2014 unless otherwise approved in writing by the Local Planning Authority.
3. No part of the existing boundary hedge along the north-east, south-west and road frontage boundaries of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 2 metres in the case of the north-east and south-west boundaries and 1.5 metres in the case of the road frontage boundary, other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority. Any parts of the hedge which die, are removed, or become seriously damaged or diseased or die within five years of the date of this permission shall be replaced with others of an appropriate size and species.
4. The use hereby approved shall not be operated from the site unless within 3 months of the date of this permission the existing access has been improved by constructing the wider access as detailed on the submitted drawing (no 1208/3A) and in accordance with construction details previously approved in writing by the Local Planning Authority in consultation with the Highway Authority. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
5. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on the submitted drawing (no. 1208/2) for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
6. There shall be no more than 2 low loader type vehicles that are associated with the delivery and collection of plant and/or machinery on the site at any one time.
7. All vehicles associated with the site shall access and exit the site in a forward gear.
8. There shall be no retail plant hire operated from the site.

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 Policies CP17, DP32.
3. In the interests of the amenities of the surroundings in accordance with Local Development Framework Policy CP16 and DP30.



4. In accordance with policy number CP2 DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
5. In accordance with policy number CP2 DP4 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
6. In the interests of highway safety and the general amenity of the development and in accordance with Local Development Framework policy number CP2 DP4.
7. In the interests of highway safety.
8. To enable the Local Planning Authority to assess the impact of any such use in accordance with the policies of the Local Plan.

*Attention is drawn to the following Informative:*

1. 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 condition 4.

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