

AGENDA

Committee Administrator: Democratic Services Officer (01609 767015)

Tuesday, 21 May 2019

Dear Councillor

NOTICE OF MEETING

Meeting	PLANNING COMMITTEE
Date	Thursday, 30 May 2019
Time	1.30 pm
Venue	Yorkshire Suite, Golden Lion Hotel, High Street, Northallerton

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To: All Members of Hambleton District Council

**PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00am REGARDING THE
DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT**

AGENDA

Page No

1. MINUTES

To confirm the minutes of the meetings held on 21 and 29 May 2019 (P.1 - P.2 and P.3 – P.4), to follow.

2. APOLOGIES FOR ABSENCE.

3. PLANNING APPLICATIONS

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Report of the Deputy Chief Executive.

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

4. MATTERS OF URGENCY

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.

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee in the Yorkshire Suite at the Golden Lion Hotel, High Street, Northallerton on Thursday 30 May 2019. The meeting will commence at 1.30pm.

Further information on possible timings can be obtained from the Democratic Services Officer, Louise Hancock, by telephoning Northallerton (01609) 767015 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. Documents are available to view at www.planning.hambleton.gov.uk. Background papers can include the application form with relevant certificates and plan, responses from statutory bodies, other interested parties and any other relevant documents. Any late submission relating to an application to be presented to the Committee may result in a deferral decision

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 Deputy Chief Executive 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
Deputy Chief Executive

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 sufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will normally be agreed prior to Planning Committee in consultation with the Chairman or Vice-Chairman of the Planning Committee. Additional site visits may be selected following consideration of a report by the Planning Committee.

PLANNING COMMITTEE

Thursday 30 May 2019

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	18/01132/FUL Miss C Cornforth Bagby Page 7	Demolition of intensive livestock units and partial demolition of bungalow to accommodate vehicular access and construction of five dwellings For: Mr T Robson At: Bagby Hall Farm, Bagby RECOMMENDATION: GRANT
2	19/00348/FUL Ms H Ledger Crakehall Page 23	Retrospective application for alterations, extension and change of use of barn, to include the installation of 3no roof lights to the South elevation and widening of the existing brick pavements to provide a dwellinghouse and the construction of a triple timber garage / garden store, associated parking and new access For: Mr & Mrs Lee Green At: Crakehall Ings, Ings Lane, Kirkbridge RECOMMENDATION: GRANT
3	19/00439/FUL Mrs H Ledger Easby Page 29	Change of use from a dwelling to a holiday cottage and alterations, (The Dairy) and change of use from holiday cottage to dwelling (Shepherds Rest) For: Mr J Foster And Ms A Taylor At: Grove Farm, Easby RECOMMENDATION: GRANT
4	19/00461/FUL Mr C Allison Exelby, Leeming and Londonderry Page 35	Change of use of former agricultural building to workshop. Regularisation of existing use to permit external storage of vehicles. The siting of two secure steel containers for the storage of tools and equipment For: Mr Mark Swales At: Poplars Far, Londonderry RECOMMENDATION: GRANT
5	18/02022/FUL Mr M Pearson Great Ayton Page 41	Proposed agricultural building for cattle, farm machinery and other equipment For: Mr Leonard At: Land adjacent to Angrove Plantation, Yarm Lane, Great Ayton RECOMMENDATION: GRANT
6	18/01565/FUL Miss Charlotte Cornforth Hutton Rudby Page 51	Construction of an all-weather non-illuminated equestrian paddock and fence & re-location of existing stock fence For: Mr R Readman At: Land south of South View, Hutton Rudby

		RECOMMENDATION: REFUSE
7	18/02676/FUL Miss R Hindmarch Knayton With Brawith Page 59	Construction of one dwelling and conversion of former agricultural buildings to form three dwellings For: Mr R Pearson and Mrs V Dickinson At: Southfield, Fanny Lane, Knayton RECOMMENDATION: GRANT
8	19/00087/FUL A O'Driscoll Northallerton Page 69	Proposed residential development comprising of 3 No. 2 bed, 2 storey terraced houses and 6 No. 3 bed, 2 storey semi-detached houses with associated parking, garaging and accessway For: Mr Lee Richardson Yorvik Homes At: Land East Of Ashlands House Bullamoor Road, Northallerton RECOMMENDATION: GRANT
9	18/01113/FUL Miss R Hindmarch Northallerton Page 77	Creation of 12 additional flats at first floor level, together with ground floor retail uses (Use Classes A1/A2/A3 only). Works include first floor extension to Regency Mews, together with the installation of shop fronts at ground floor level; two-storey extension to Romanby Court, together with the creation of 2no. new ground floor retail units (Use A1/A2/A3) following partial demolition and conversion of the existing building; For: Ark Grove Limited At: Romanby Court, High Street, Northallerton RECOMMENDATION: GRANT
10	19/00617/FUL Ms H Ledger Northallerton Page 87	Reconfiguration of existing Car Park, comprising of re-marking of parking spaces, repositioning of lamp posts and installation of new LED lighting and installation of electric vehicle charging facilities. For: Central Northallerton Development Company At: Crosby Road Car Park, Crosby Road, Northallerton RECOMMENDATION: GRANT
11	19/00502/FUL Miss C Cornforth Stillington Page 93	Construction of a dwelling For: Mr Alan Hetherington At: Field House, South Back Lane, Stillington RECOMMENDATION: GRANT
12	18/00916/FUL C Strudwick Sutton on the Forest Page 101	Construction of five dwellings including garage provision and associated landscaping and private gardens as per amended plans received by Hambleton District Council 20th February 2019 For: F R Myers & Sons At: Land to the south and east of Lynne House, Carr Lane, Sutton on the Forest RECOMMENDATION: GRANT

<p>13</p>	<p>19/00267/FUL Mrs H Laws Thrintoft</p> <p>Page 111</p>	<p>Construction of two steel portal frame buildings for the storage of agricultural machinery</p> <p>For: Mr John Adamson At: Weather Hill, Thrintoft</p> <p>RECOMMENDATION: GRANT</p>
<p>14</p>	<p>19/00229/REM Mr T Wood Tollerton</p> <p>Page 115</p>	<p>Application for the approval of reserved matters for access, appearance, materials, scale, landscaping and layout following outline approval of a doctors surgery and residential development (20 units) with associated infrastructure and landscaping as amended by details received on 21st March, and 4th, 5th and 12th April 2019.</p> <p>For: Mr D Gath At: Land off Forge Lane, Tollerton, North Yorkshire</p> <p>RECOMMENDATION: GRANT</p>

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Parish: Bagby
Ward: Bagby and Thorntons
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Committee date: 18 October 2018
Officer dealing: Miss Charlotte Cornforth
Target date: 27 August 2018

18/01132/FUL

Demolition of intensive livestock units and partial demolition of bungalow to accommodate vehicular access and construction of five dwellings

At: Bagby Hall Farm, Bagby
For: Mr T Robson

This application is referred to Planning Committee as the application is a departure from the Development Plan and the proportion of affordable housing is less than proposed at the time of the resolution for approval in October 2018 as set out in paragraphs 1.14 – 1.15.

The application was not determined after the Planning Committee resolution in October 2018 as the planning obligation under S106 to provide affordable housing had not been completed. The applicant wishes a reduced proportion of affordable housing to be considered.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located in the centre of the village of Bagby on the south side of the main road, close to the junction of Church Lane. Bagby is classified as a Secondary Village with the Settlement Hierarchy.
- 1.2 The application site is approximately 0.4 hectares in area, including an existing bungalow that fronts the main road to the north, the farm yard and buildings to the south, a long narrow paddock to the west of the farm buildings and a small area to the south where a static caravan is located. The farm is adjacent to the boundaries of residential properties, with the nearest being Manor House to the east and Bagby Hall to the west.
- 1.3 The land slopes downhill from the main road, in an approximately north to south direction with the farm buildings appearing “stepped”. The access road follows the eastern boundary where there are a number of mature trees. There is an established landscape belt to the northwest of the site that includes mature trees and hedgerow. This forms part of the curtilage of Bagby Hall. Bagby Hall is a Grade II listed building. The land to the south is open in nature.
- 1.4 The village of Bagby is principally a linear settlement, with dwellings fronting the main road. On the north side of the road there are a series of short estate roads serving residential property. To the south side there are no residential developments behind the road frontage, farm buildings extend southwards towards the countryside, in the case of the application site the developments are 1284 square metres of intensive livestock buildings.
- 1.5 The existing site is an intensive livestock unit that focusses on the rearing and fattening of pigs. The pigs are delivered at a weight of 35kg and fattened to a weight of 110kg before being taken for slaughter. The pigs are delivered in cycles and there can be up to 1000 pigs on site at any time. The pigs are accommodated in the two main farm buildings, which are steel framed structures clad in profiled metal and fibre cement sheeting.
- 1.6 The agent and applicant has described that the existing business operations generates a significant amount of traffic, with a range of vehicles that include weekly

HGVs for the delivery and collection of pigs, large vehicles for the delivery of feed, which include blower lorries delivering different combinations of feed up to three times a week, special vehicles for the collection of dead livestock, and traditional farm vehicles for the weekly delivery of bedding straw and the collection of “mucking-out” waste and slurry. There are also frequent pig welfare visits from vets.

1.7 The applicant provides the following details:

1. The proposal seeks to relocate the existing intensive livestock business to other land and buildings within his ownership out of the village.

2. That the existing business will not be lost and will simply be relocated. This will allow for the demolition of the existing buildings on the site.

3. The applicant is aware that many local residents are unhappy about the business and over many years has received numerous complaints about the noise and smell generated by the livestock, particularly during the summer months when people tend to have their windows open.

4. Complaints have also been received about the size and frequency of vehicles associated with the business travelling through the village.

1.8 The re-development of the site shows the construction of 5 dwellings that has been designed in a courtyard configuration where the existing farm buildings are currently located.

1.9 The dwellings proposed are:

- Units 1 and 2 – two storey 4 bedroom
- Unit 3 – two storey 3 bedroom
- Units 4 and 5 – single storey 3 bedroom

1.10 The agent has outlined that the design concept is to create a more traditional farm building grouping using a combination of quality traditional materials including clay brick, stone, pantile and slate, with oak window and door frames. It also incorporates different building widths and ridge heights in an attempt to create a strong traditional agricultural appearance.

1.11 Vehicular access will be from the existing access point, which will be widened to improve visibility. This requires the partial demolition of the existing road frontage bungalow, which results in the loss of one bedroom. This will ensure that it can still continue to function as a single storey dwelling.

1.12 Each unit will have 2 car parking spaces. Units 1, 2 and 5 also have a double garage and units 3 and 4 a single garage. The two parking spaces associated with the existing road frontage bungalow are to be relocated to the front with direct access onto the main road.

1.13 Drainage is proposed to be achieved by use of soakaways for the disposal of surface water and that foul sewage will be disposed of by septic tank.

1.14 This proposal was brought before Members in October 2018, discussions. At that time the agent confirmed that the two, 3 bedroom single storey units were to be provided as affordable housing.

1.15 Since October 2018, further discussions have taken place with the agent about the affordable housing offer and viability assessment work has been undertaken by

specialists acting for the applicant. The affordable housing offer now stands at one, 3 bedroom single storey unit. The agent has advised that the unit will be affordable rent for a local person who cannot access the open market who the applicant knows. The applicant will rent out the dwelling himself and a tenancy agreement and S106 agreement will be in place to ensure that the dwelling is let out to a local person and remains in perpetuity as an affordable rent property for a local person.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 91/0421/OUT - Outline application for the construction of an agricultural workers dwelling; planning permission refused (10.01.1991) and appeal dismissed (03.09.1992).

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP9A – Affordable housing exceptions
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP8 - Development Limits
Development Policy DP9 - Development outside Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policy DP33 - Landscaping
Development Policy DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
Size, Type and Tenure of New Homes SPD - adopted September 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – wish to see the application refused.

Councillors do not consider it to be a natural infill, they felt the proposed application was over development of the site, and a courtyard development is totally out of character in terms of its appearance compared with existing development in the vicinity, and the proposed developments will set a precedence for all land owners on the south/eastern side to build behind properties.

They would also like to see affordable housing.

- 4.2 Highway Authority – no objection, subject to conditions regarding the discharge of surface water, private access and verge crossings, details of access, turning and parking, precautions to prevent mud on the highway and on-site parking, on site storage and construction traffic during development.
- 4.3 Yorkshire Water – no response received to date.

- 4.4 Environmental Health (Contaminated Land) – I have assessed the Preliminary Assessment of Land Contamination (PALC) form submitted in support of the above development. The applicant/agent has not identified any potential sources of contamination however given the nature and scale of the proposed residential development the applicant is required to submit a Phase 1 Preliminary Risk Assessment, ideally prior to determination, to demonstrate the land is suitable for use in accordance with the NPPF. Further site investigations and remediation may also be required depending on the results of the Phase 1 investigation.

However, further details could be secured by planning condition.

- 4.5 Environmental Health – no comments received to date.
- 4.6 Public comments – 5 letters of support have been received and 2 letters of objection to the proposal.

A summary of the letters of support are:

- Vast improvement on the present intensive pig farm in the middle of a residential area. This is in terms of the noise, odour and large vehicle movements that are required for such operation
- Welcome a well-constructed small development in keeping with several similar developments in the village
- Bagby and Balk PC voted this as the preferred location for new housing within the village
- The location of the proposed development is in the geographical centre of the village where the road is wide and visibility good and further houses/ residents in this location can only improve this very residential area.
- Being the occupiers of Manor House, Bagby, the property adjoining the eastern boundary of the proposed access route into the development, we are directly affected by the application. Our view is that the demolition of the agricultural buildings will remove the noise and smell generated by the pigs which currently spoil our enjoyment of our garden, particularly during the summer months and for this reason we support the change of use from agriculture.
- The implication of visual intrusion from the houses would appear to have been addressed by the design of the proposed houses being single storey at the north and north eastern side, and we would accept the plans as presented, as long as no further application is made to alter the design to increase the height of dwellings, with further windows overlooking our property, should the application be granted.
- With regard to the increased traffic and visual intrusion into our property alongside the access route into the development, an additional panel/timber fence to extend at least 1 metre above the current wall height from the applicant's side of the wall should be imposed.
- The use of single storey dwellings at the front of the development will ensure that the replacement form is not obtrusive.

A summary of the letters of objection are:

- The development appears to suggest its main driver is the removal of the animal housing from a residential area. The development extends significantly beyond the boundaries of the existing buildings which are not redundant but remain in use. Any acceptance of this as criteria would require a significant reduction in the footprint of the site which extends to green belt land behind a listed building.
- A smaller application on a lesser area of land was refused by the District Council and such refusal upheld by the Planning inspectorate ref T/APP/G2713/A/92/207181/P2 essentially as not respecting the form and character of the village the south side retaining its strong linear character a feature which should be protected. "*Without*

special justification the grant of planning permission here would give rise to pressure for extensive backland development behind both frontages of the village street, leading to the destruction of its special character." (This proposal was for the construction of an agricultural workers dwelling)

- The development will have a significant impact as above on the amenity and privacy of the Listed Building overlooking two of the boundaries with not a single property but a number with a minimum of 3 bedrooms very close to both boundaries.
- The argument that the pigs or other animals housed in the buildings is not something that has ever caused nuisance to my family in the 21 year period the Hall has been in our ownership being part of what one expects in the countryside.
- The streetscape will be adversely affected with the insertion of a wider road to afford entrance to the development virtually opposite Church Lane with the removal of part of the existing bungalow to facilitate that. Further amenity will be lost in the removal of the grassed area between the bungalow and road to afford parking for two vehicles at the roadside and further dropped curbs as set out in the application.
- The village does not have the requisite infrastructure to support the development which requires off mains sewage with the need for large vehicles to service emptying (with attendant odour) in addition to the requirement for delivery of fuel, oil or gas, there being no mains service at that point in the village. Those large vehicles together with the traffic movements for 5 houses of minimum 3 bedrooms will be close, if not more vehicle movement than for the farm buildings.
- The Hall in particular would suffer significant impact from this development which would detract from its Grade II listed building. Bagby is a rural village with farming its main land use, both historically and in present day. This would mean yet more loss of agricultural land for housing that is not really needed
- This development would alter the structure of the village and allow others to presume they could backfill behind the street line, thus altering the nature of the village. It is appropriate at this time to bring to your attention the inspectors report in 1992 where he clearly states that any development going behind the street line would be out of keeping with the strong linear character of Bagby. He goes on to say that it is a feature which should be protected, especially as the granting of planning permission would give rise to pressure for extensive back land development leading to destruction of its special character.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the surrounding area, including the character and appearance of the village and design; (iii) heritage assets (iv) residential amenity, including loss of the intensive pig business from the site; (v) highway safety; (vi) drainage issues; (vii) affordable housing and (viii) the planning balance.

The principle of development

- 5.2 The site falls outside the Development Limits of Bagby. Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that development will only be granted for development in exceptional circumstances. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would in part be a departure from the Development Plan. The proposal as amended does however propose 40% affordable housing to be provided on-site and subject to meeting the policy tests of the LDF is a matter that is 'in principle' acceptable on land outside of the Development Limits of a secondary village.
- 5.3 Core Policy CP4 sets out the exceptional cases where development will be considered outside Development Limits. In this case criterion ii is considered to be

relevant. Criterion ii. states that development may be supported where *“it is necessary to secure a significant improvement to the environment”*.

- 5.4 In this case the question is two-fold in terms of the impact of the current use of the land and the impact of the buildings associated with it.
- 5.5 In this case, the buildings are of an agricultural nature, of a type often found within village environments, and are not readily visible from public spaces in the village. Their scale does not result in a form that dominates or harms the character of the village or the setting of nearby heritage assets. However, the existing use as an intensive pig unit has the potential to result in a loss of amenity to neighbouring occupiers. As such the proposed development is considered to “secure a significant improvement to the environment” and thereby gain support from Core Policy CP4 in addition to the support relating to the provision of affordable housing.
- 5.6 It is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.7 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG includes an updated Settlement Hierarchy.
- 5.8 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.9 In the settlement hierarchy contained within the IPG, Bagby is defined as a Secondary Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.
- 5.10 The proposal provides a mixture of dwellings in terms of sizes, types and number of bedrooms, complying with the adopted Supplementary Planning Document. These include two single storey 3 bedroom units of accommodation and three 3 bedroom units.

The character of the village

- 5.11 With regard to criterion 2 of the IPG, development must be small in scale and reflect the existing built form and character of the village. The proposal is for five dwellings

and it is therefore considered small in scale as the IPG refers to small scale comprises up to five dwellings.

- 5.12 The piece of land that is the subject of this application comprises of 5 units and is considered small in scale.
- 5.13 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural environment and built form. This is consistent with other policies in the Local Development Framework.
- 5.14 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.15 In terms of design, Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.16 As noted above, Bagby is a linear village characterised by traditional road frontage development set back from the main road by varying depths of front gardens. There are some exceptions to the linear character to the northern side of the village, with more in depth development. Some farms also remain, occupying the land to the rear of the frontage properties. Bagby Hall Farm is one such example, with a significant coverage of modern farm buildings (1,284 square metres), which extend the built form of the village in a southward direction.
- 5.17 The Design and Access Statement sets out the logic behind the proposed layout of the site and states that: *"This proposal involves the construction of 5 new dwellings in the location of these existing farm buildings, which will be designed in a traditional courtyard configuration, occupying a footprint of some 400 square metres. This together with the sloping nature of the land and the use of single storey development on the higher parts of the site will reduce the overall bulk, massing and appearance of the development when compared to the existing farm buildings, which means the development will not appear intrusive from the street, which will help preserve the form and character of the settlement."*
- 5.18 It is considered that the proposed layout achieves a traditional courtyard by providing the basis for a development of different sizes and heights, generating a form of development that would be appropriate to the site location and the character and form of the village. The depth of the proposed development is not in keeping with the prevailing pattern and character of development, where housing generally follows a strong linear form along the main village street. However, in this case, the scale and extent of current built form needs to be taken into consideration. The existing structures cover 1,284 square metres), which extend the built form of the village in a southward direction. It is noted that this proposal also includes a small paddock area to the west; to the rear of Bagby Hall and the impact upon this Grade II listed building needs to be carefully considered (this will be considered in section 5.21 of the report)
- 5.19 The majority of the site comprises built development in the form of farm buildings and hard standings. There is some landscaping along the eastern boundary in the form of intermittent mature trees, and a mature wooded belt on the western boundary with Bagby Hall. The southern boundary with adjoining open countryside is open. However, it is considered that with additional planting along the southern boundary, in conjunction with a new development that is smaller in scale to the farm buildings

will soften the built-up edge of the settlement. It is considered that this scheme will not be detrimental to the open character and appearance of the surrounding countryside.

- 5.20 The partial demolition of the existing road frontage bungalow, which results in the loss of one bedroom will not harm the character and appearance of the village by virtue of the existing form and character of the bungalow that will be retained. The access point will be widened by approximately 2 metres. It is acknowledged that there will be loss of grass to accommodate this and the 2 car parking spaces for the existing bungalow. However, the majority of the grass to the front of the bungalow will be retained and will still contribute towards the rural character of the village and street scene.

Heritage assets

- 5.21 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.22 Bagby Hall is a Grade II listed building located to the north of the application site. It could be argued that the existing scale and mass of the existing farm building, alongside their design and materials currently detract from the setting of Bagby Hall. However, this is currently mitigated by the sloping nature of the land towards the south and the boundary treatment of a mature woodland belt that shields views to and from the site to Bagby Hall. The impact of the use of the intensive livestock buildings on the Listed Building is not considered to be significantly harmful.
- 5.23 The proposed development has been designed to create a traditional farm courtyard by virtue of its scale, form, detailed design and use of materials. The visual relationship between Bagby Hall and the proposed development is separated by the mature woodland along the boundary. It is considered that if this vegetation were to be removed, the traditional farm courtyard of the development would be more in keeping with the character and appearance of Bagby Hall as a Grade II listed building. The use of the land for residential development would extend the existing built form.
- 5.24 On assessment of the application it is considered that it would not lead to harm to the setting or significance of the Grade II listed building.

Residential amenity

- 5.25 Consideration should be given to the loss of the intensive pig farm that is currently run from the site and is proposed to be relocated to the applicant's farm at New Manor Farm, which stands to the south east of the village of Carlton Husthwaite.
- 5.26 It is acknowledged that an intensive livestock unit generates nuisance, usually in the form of noise and odour pollution, and associated transport movements. Originally, the farm belonged to Bagby Hall. However, the Hall was sold off separately from the farm, and in 1997, the farm became available and applicant acquired it.
- 5.27 In 2000 the buildings were used for beef cattle, and in 2006 these were replaced by pigs, with the enterprise becoming intensive in more recent years. The applicant accepts that the business has changed over the past 20 years and now causes nuisances to local residents. The Council has evidence of complaints that have been received and a further letter from the applicant outlining the complaints he has received over the years.

- 5.28 It is considered that there are benefits of relocating the farming enterprise from the village to a more appropriate location in terms of noise, odour and traffic movements.
- 5.29 Furthermore, it is considered that scheme would not prejudice residential amenity particularly that of Bagby Hall and Manor Farm, it would not be overbearing in presence, and would not cause a loss of light or loss of privacy. The detailed design has carefully considered the siting of windows, the single storey elements and boundary treatments.
- 5.30 The site is considered capable of providing adequate private amenity space for the proposed dwellings.

Highway safety

- 5.31 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. The Highway Authority has raised no objection to the proposal in this respect and has suggested conditions. There is no evidence to suggest that the development would cause harm to highway safety.

Drainage

- 5.32 Surface water drainage will be accommodated within the existing soakaways, which currently drain surface water run-off from the expansive roofed farm buildings. Foul water will be taken to a new septic tank that will be able to accommodate the whole development. This will be located at the southern end of the site, where the static caravan is to be removed. The applicant has control of land to the south of the application site and could make use of the space to facilitate drainage of the site.
- 5.33 The exact details of which can be agreed by planning condition. There is no evidence to suggest that the demands on the infrastructure of the village arising from the development would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village.

Affordable housing

- 5.34 The agent has confirmed that one, 3 bedroom single storey unit can be provided as affordable housing.
- 5.35 The Rural Housing Enabler has confirmed that this type and size of accommodation in this location is suitable for a local person, as an affordable rental dwelling.
- 5.36 The LDF Policy CP9 requires that schemes other than in Service Centres of 2 units or more or sites of 0.1ha or more must make provision for an element of affordable housing with the proportion of affordable housing set at 40% or 50% depending upon the location of the development relative to the Service Centre and its hinterland. Following the publication of the Ministerial Statement of November 2014 relating to affordable housing a Council resolution in July 2016 has had the effect of changing the threshold of CP9 to require the provision of an element of affordable housing on schemes of 6 units or more.
- 5.37 The NPPF February 2019 is the most up-to-date statement of Government Policy and withdraws the Ministerial Statement. The NPPF 2019 is a material consideration and is to be considered in reaching a balanced planning judgement. The resolution of the Council of July 2016 continues to be the policy of the Council and the threshold for the provision of affordable housing on sites other than in Service Centres remains 6 (or more) dwellings.

- 5.38 In this case the applicant wishes to propose one affordable rent dwelling, but is not required by the Policy to do so; however the provision of affordable housing is a matter that weighs in favour of the development as noted below.

The planning balance

- 5.39 It is considered that the planning merits of this case fall into the following areas.
1. The degree to which securing the removal of an active intensive livestock unit from the village would improve the quality of life of local residents due to the removal of the associated noise and smell, and also the removal of associated traffic; and
 2. The degree to which the development would impact on other interests of acknowledged importance, including the form and character of the settlement, the character and appearance of the surrounding countryside, and the setting of a Grade II Listed Building, and
 3. The provision of one, single storey affordable unit of accommodation for a local person.
- 5.40 In light of the above assessment of the application, it is considered that there are benefits of the proposal. These benefits include providing housing in a sustainable location, providing a mixture of dwellings in terms of smaller bedroom units and single storey units of accommodation, providing 1 affordable unit of accommodation for local people, removing the intensive livestock building that currently harms neighbours amenity in terms of noise, odour and traffic movements, providing a high quality traditional courtyard design development, removing large modern agricultural and relocating an existing intensive livestock enterprise to a location that would not result in equivalent amenity issues within the District. The depth of the proposed development is not in keeping with the prevailing pattern and character of development, where housing generally follows a strong linear form along the main village street. However, in this case, the scale and extent of current built form needs to be taken into consideration and balanced against the benefits of the proposal.
- 5.41 It is considered that in this case, there are economic, social and environmental benefits of the scheme that are considered to outweigh any harm caused to the built form of the village.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions and completion of a planning obligation to provide affordable housing:
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)

Location Plan HDC/3122/10
Proposed Site Plan HDC/3122/09
Proposed Bungalow Plans and Elevation HDC/3122/08
Elevations 1 HDC/3122/06
Elevations 2 HDC/3122/07
First Floor Plan HDC/3122/05

3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. The development hereby 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. The development shall not be undertaken other than in accordance with the approved details and shall thereafter be retained in accordance with those details.
5. The development shall not be occupied 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. This should include measures to ensure the protection of the boundary hedges and trees. 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.
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. The works shall be implemented in accordance with the approved details and programme.
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - c. The existing access shall be improved by widening in accordance with the approved drawing reference HDC/3122/09 and Standard Detail number E6Var.
 - d. The crossing of the highway verge to provide a parking area for the existing bungalow shall be constructed in accordance with the approved drawing reference HDC/3122/09 and Standard Detail number E6.
 - h. The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway.All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
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 HDC/3122/09). Once created

these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (a) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (b) 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.
11. The following land contamination investigation, remediation and verification conditions must be addressed sequentially.

The outcome of the investigations will indicate the further site investigation, remediation and verification that may be required. In all instances if contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs. (See Notes for Applicant CL2 and CL4)

12. No development shall commence until a 'Phase 1' Preliminary Risk Assessment (including Desk Study, Site Walkover and Conceptual Site Model), having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.
13. No development shall commence until a 'Phase 2' intrusive site investigation and risk assessment, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 1' Assessment shows that further investigation is not required.
14. No development shall commence until a 'Phase 3' Remediation Strategy, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority unless the outcome of the 'Phase 1' Assessment and 'Phase 2 Investigation' shows that remediation is not required. (See Note for Applicant CL5)
15. In the circumstances that remediation has been required the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority.

16. Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

The reasons are:

1. To ensure compliance with 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 Hambleton Development Plan Policies DP1, DP28 and CP17
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework Policies CP3 and DP6
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17, DP32 and DP33.
6. In the interests of highway safety.
7. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with Hambleton Local Development Framework Policy CP2.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with Hambleton Local Development Framework Policies CP1, DP1 and CP2.
10. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Hambleton Local Development Framework Policies CP1, DP1 and CP2.
11. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
12. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
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15. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
16. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.

Informatives

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 this condition.
2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
3. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

4. With regard to the conditions of land contamination CL1 - Preliminary Risk Assessments should have regard to current best practice and the advice and guidance contained in CLR11 Model Procedures for the Management of Land Contamination (Environment Agency, 2004). Further advice is contained in the Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) Technical Guidance for Developers, Landowners and Consultants "Development on Land Affected by Contamination", version 8.2 February 2017.

CL2 - Detailed site investigations should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004), British Standards including BS10175: 2011 "Investigation of potentially contaminated sites – Code of Practice" and BS5930: 1999 "Code of practice for site investigations", and the National Planning Policy Framework (NPPF) 2012.

CL4 - Remediation Strategies should have regard to current best practice and the advice and guidance contained in CLR11 (Environment Agency, 2004). Further advice is contained in the YALPAG Technical Guidance for Developers, Landowners

and Consultants "Development on Land Affected by Contamination", version 9.2 March 2018. Remediation Strategies should include an options appraisal, objectives for remediation, proposed remediation works, proposed verification works, permits or consents required, contingency measures and unexpected contamination, and timescales.

CL5 - Verification reports should have regard to current best practice including CLR11 (Environment Agency, 2004) and YALPAG Technical Guidance for Developers, Landowners and Consultants documents "Development on Land Affected by Contamination", version 9.2 March 2018, "Verification Requirements for Cover Systems", version 3.4 November 2017, and "Verification Requirements for Gas Protection Systems, version 1.1 (YALPAG, 2016). Verification reports should contain the details and objectives of all the remediation works undertaken on site. This should include a description of all remediation works carried out including photographs, certificates and transfer notes, plans showing areas remediated, volume and location of materials affected by contamination and treated or disposed of either on or off-site, volume and source of clean materials re-used or imported onto site, justification for any deviation from the agreed remediation strategy, details of any unexpected contamination encountered, details of verification sampling including laboratory results and comparison with agreed remediation criteria, evidence of appropriate installation of gas protection systems, and conclusions demonstrating that all pollutant linkages have been broken.

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Parish: Crakehall
Ward: Bedale
2

Committee Date : 30 May 2019
Officer dealing : Ms Helen Ledger
Target Date: 18 April 2019
Date of extension of time (if agreed): 3 June 2019

19/00348/FUL

Retrospective application for alterations, extension and change of use of barn, to include the installation of 3no roof lights to the South elevation and widening of the existing brick paviours to provide a dwellinghouse and the construction of a triple timber garage / garden store, associated parking and new access.
at Crakehall Ings Ings Lane Kirkbridge North Yorkshire
for Mr & Mrs Lee Green.

This item is referred to planning committee as the application is a departure from the development plan.

- 1.1 The site lies in a remote location approximately one mile to the east of Crakehall. Access is by a private, shared track off the eastern side of the C-class road from Crakehall to Langthorne. Within the same ownership is the main dwelling house with associated ancillary buildings. The application site is a domestic two storey outbuilding currently used for garaging and storage which benefits from consent for holiday accommodation. The building is made up of stonework, render and some metal sheeting, although currently has no roof.
- 1.2 The current application for consideration is to retrospectively apply (as works had commenced on implementing 17/01572/FUL the holiday let permission) for alterations, extension and change of use of barn, to include the installation of 3no roof-lights to the South elevation and widening of the existing brick paviours to provide a dwelling house and the construction of a triple timber garage / garden store, associated parking and new access.
- 1.3 The application is, in effect, for the change of use from a two bedroomed unit of holiday accommodation to a 3 bedroomed private dwelling. There are no alterations to the footprint or dimensions of the building; the only alterations would be to replace a garage door with a window and to insert windows into the north facing (side) elevation. The existing roof sheets would be replaced by clay pantiles.
- 1.4 The applicant has provided the following statement to justify the proposed change from a holiday let to a permanent dwelling:

The planning permission for the property was initially granted for a holiday let. Whilst in the process of undertaking the works a number of issues were identified that were of concern regarding the operation and viability of this use.

1. Soft market testing via a number of online platforms indicated that demand for the accommodation was not as high as envisaged, this may be on account of the fact that there are a significant number of holiday lets in the area, leading to an over saturation.
2. Feedback regarding the accessibility of the property for disabled visitors was also a concern as the ground floor accommodation is limited and not suitable for flexible use and the bulk of the sleeping accommodation was upstairs. The costs of reconfiguration would be excessive.
3. The accommodation will add to the local housing mix, being of a modest scale and providing a smaller unit in an area dominated by larger properties, and this use would make the conversion viable.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 12/00008/FUL - alterations and extensions to existing stables and garage into proposed annexe extension. Permission granted 13/2/2012.
- 2.2 17/01572/FUL - Change of use from domestic garage/storage to holiday accommodation - Granted 06.10.2017

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP9 - Development outside Development Limits
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework

4.0 REPRESENTATIONS:

- 4.1 Crakehall with Langthorne Parish Council - no comments to make in relation to the application
- 4.2 NYCC Highways - No objections. Please note that this recommendation is given on the basis that the proposed new vehicular access to the site emerges onto a private track. The applicant is respectfully requested to ensure that they have the necessary access rights along the track and that an appropriate level of visibility is available for a driver emerging from the new vehicular access onto the track. Advice on this aspect can be obtained from the Highway Authority upon request.
- 4.3 Environmental Health (contaminated land) - no objections to this scheme. The Preliminary Assessment of Land Contamination (PALC) form submitted in support of the above development has not identified any potential sources of contamination on the form and therefore the risk of contamination affecting the development or end users is considered to be low.
- 4.4 Environmental Health (Residential Services) - no objections. This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact.
- 4.5 Environment Agency - The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if a planning condition is included to cover to requirements of the flood risk assessment.
- 4.6 Internal Drainage Board - no comments to make on the application.

4.7 Site notice posted 25.03.2019 and 21 day consultation expired 15.04.2019. Development plan departure advertised 19.03.2019 and consultation to expire 25.05.2019. Any comments arriving after the publication of this report will be included in the committee update sheet.

4.8 No public comments received.

5.0 ANALYSIS:

5.1 The main issues for consideration in this case relate to; i) the principle of a new dwelling in this location; ii) an assessment of the likely impact of the proposed dwelling on the character of the countryside; iii) the design and layout of the proposal; iv) residential amenity; v) flood risk and; vi) highway safety.

The Principle

5.2 The proposed dwelling is outside development limits, the nearest being 1.25 km to the west at Great Crakehall. The Local Development Framework in policy CP4 defines the settlement hierarchy and states that development outside development limits will only be granted in exceptional circumstances. An open market dwelling in such a location does not comply with any of these policy requirements. DP9 would also allow development in locations such as this where it is a replacement building having regard to the provisions of policy CP4 and where it is a more acceptable and sustainable development than can be achieved through conversion. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, thus the proposal would be a departure from the development plan.

5.3 The Government's recently amended National Planning Policy Framework (February 2019) sets out national planning policy and at paragraph 79 states that planning decisions should avoid the development of isolated dwellings in the countryside unless one of five circumstances applies. The third of these is c) the development would reuse redundant or disused buildings and enhance its immediate setting.

5.4 It has previously been established through the earlier grant of planning permission for the use of the building as a holiday letting unit, that the building was worthy of retention and contributed to the character and appearance of the area and was of significance in terms of the layout of the site as a whole. The justification for the development of a holiday letting unit in this location is clearer in terms of the requirements of CP4, which is considered to support the principle of holiday accommodation in this location, where full time residential accommodation would not normally be supported.

5.5 The applicant has been asked to provide justification for the proposed change from holiday letting to a permanent residential unit.

5.6 The applicant has made a short statement with regard to the viability of the original conversion and use as a holiday letting unit, carrying out a soft marketing exercise which has concluded that the use is not viable in this property, in this location.

5.7 The Local Planning Authority needs to take a balanced view between the conflict with the Development Plan and the support given by the National Planning Policy Framework, in terms of the principle of the proposed development. In this case, it is considered, that whilst the proposed permanent dwelling is not wholly in compliance with CP4, the retention of the building is welcomed and the applicant has demonstrated that the previously approved holiday letting unit is not viable. It is considered that on balance the principle of the conversion to a permanent dwelling is acceptable in this instance.

- 5.8 It is clear that the building last had an agricultural use, an old photograph has been supplied. The building is now disused, although from a site visit it is noted that it is now partly demolished due to the commencement of development in accordance with the 2017 permission for a holiday let. The barn adjoins the main house and outbuildings of Crakehall lngs. The remaining barn structure is predominantly constructed of brick over traditional stone at ground floor level. The east and north elevations at first floor level are currently partially rendered and there is an arched window that is an incongruous addition to what was an agricultural barn. The brick work is obviously a later addition over an original first floor building. It is understood that the barn had a timber and corrugated roof before its demolition.
- 5.9 Overall the character of the barn was representative of modest agricultural buildings in the area, the render treatment and domestic detailing to the Eastern Elevation detracts from this. Construction with a mix of brick and stone is locally a common approach on agricultural buildings and farm houses and the stone work is a particularly attractive feature that is to be retained as well as keeping the form and layout of this self-contained feature in the design, for the kitchen and utility room. The revised design would retain the agricultural form and improve it by using stone throughout the ground floor, brick on the first storey with timber boarding and a zinc metal cladding on the roof. The windows and doors provide necessary access and light but are simple and not overbearing in number or design. The cream render and incongruous window are removed. The agricultural origins of the building can still clearly be read.
- 5.10 The barn is set adjoining the ancillary out buildings attached to the main house. Historical photos show this marked an end of the domestic curtilage with a barn with openings to the north, and an enclosed yard area. The design would retain this layout and it is planned to reinstate the hedgerows creating a consistent curtilage around the building and further connecting the barn to the landscape setting. As this is an important feature and not shown on the revised plans it is recommended a planning condition is used to ensure the boundary treatment used is acceptable.
- 5.11 The plans also show a new access within the established curtilage to bring access away from where it is presently right in front of the principle elevation and move it to the other side of the generous curtilage. Included in the red line boundary is a new gravel drive and turning area along with a timber garage and store. While this seems large for a three bedroomed house it is clearly ancillary, single storey and in proportion with the curtilage.

Character and design

- 5.12 As described above the design and layout retain the valuable parts of the current building and reflect the curtilage. The site is contained within the established curtilage and also set within the wider group of main dwelling house and ancillary structures. This layout retains the form of original farm house and farm buildings therefore there is no significant impact on the setting or intrinsic qualities character of the countryside sufficient to be contrary to policy DP30.

Residential amenity

- 5.13 The proposed dwelling is separated from the main dwelling on the site by a large courtyard area and a series of ancillary buildings once stables. Only roof lights are planned in this adjoining elevation which reduces any impact on residential amenity of this nearby dwelling. As the building is set in the open countryside no other impacts are identified.

Flood risk

- 5.14 The site is identified as having a medium risk of flooding from rivers, which means that each year this area has a chance of flooding of between 1% and 3.3%. A Flood Risk Assessment has been submitted that makes recommendations on the final specifications of the build.
1. New service entries to the building will be a minimum of 300mm above finished floor levels.
 2. Electrical installations will be a minimum of 600mm above finished floor levels
 3. The upper floors of the proposed dwelling will readily provide a place of safety for the occupants and will meet the Environment Agency's requirement in the event of extreme flooding of the development site.
- 5.15 The Environment Agency has not objected to this proposal provided a condition is used to ensure these recommendations are implemented and in conclusion it is considered that the development will not result in an adverse impact in terms of flood risk.

Highway safety

- 5.16 The Local Highway Authority has raised no objections to the proposed development and it is considered that the proposed development will have no detrimental impact on highway safety.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered EVO 602/02B, EVO 602/03A; received by Hambleton District Council on 21 February and 16 April 2019; unless otherwise approved in writing by the Local Planning Authority.
 3. The development shall be carried out in accordance with the submitted flood risk assessment dated July 2017 and received on 21 February 2019 by Hambleton District Council and the following mitigation measures it details:
 - i) New service entries to the building will be a minimum of 300mm above finished floor levels.
 - ii) Electrical installations will be a minimum of 600mm above finished floor levels.
 - iii) The upper floors of the proposed dwelling will readily provide a place of safety for occupants and will meet the Environment Agency's requirement in the event of extreme flooding of the development site.These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

The reasons are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) ^IN;.
3. To reduce the risk of flooding to the proposed development and future occupants

Parish: Easby
Ward: Great Ayton
3

Committee Date : 30 May 2019
Officer dealing : Ms Helen Ledger
Target Date: 22 April 2019
Date of extension of time: 3 June 2019

19/00439/FUL

Change of use from a dwelling to a holiday cottage and alterations, (The Dairy) and change of use from holiday cottage to dwelling (Shepherds Rest) at Grove Farm Easby North Yorkshire for Mr J Foster And Ms A Taylor.

The application is reported to planning committee as a departure from the development plan.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located towards Low Easby on the edge of the North York Moors National Park. It was originally a farm house and associated agricultural buildings but this has since ceased operation. The series of historic barns have since been converted to holiday lets, Roadside Barn, adjacent the main road, and the Shepard's Rest to the south of the farm house.
- 1.2 Grove Farm is accessed from the main Stokesley to Kildale road via the village of Low Easby and benefits from three accesses onto the main road, one of these serves Shepherds Rest, one the main farm house and the third serves the holiday cottage, Roadside Barn.
- 1.3 The site also benefits from consent to change the previous agricultural building to a dwelling, The Dairy, under the provisions of part 3, class Q (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This has not been implemented.
- 1.4 The site is outside development limits by some distance, the nearest being Great Ayton to the north and Great Broughton to the south west. A public footpath runs immediately to the west of the current access track to the Shepard's Rest.
- 1.5 The proposals are as follows;

Shepherds Rest – Has current permission for Holiday let. It is proposed to change this to permanent dwelling. External works proposed comprise subdivision of the frontage by a new timber fence or hedge to create a separate front garden from the adjoining main farm house, and addition of hard standing for a refuse store area to the rear. Listed Building consent was applied for and withdrawn when the changes proposed were considered not to require this consent.

The Dairy – Current permission under permitted development for permanent dwelling. It is proposed to change to a holiday let. External works comprise an enlarged garden area surrounded by timber fence with cycle store building and refuse store. It is considered that The Dairy is not a listed building in this case. The building is a relatively modern brick built agricultural building with metal sliding door at one end, metal corrugated roof and is not considered to have heritage significance.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 The Shepherds Rest was a former farm building and was converted into a residential annexe following the granting of full planning and listed building approvals in 2005

(approvals reference 2/04/040/0028/F and 2/04/040/0028/G granted 5th October 2004). More recently, the ancillary accommodation was changed into a holiday cottage by virtue of the planning approval 10/00743/FUL granted on the 11th June 2010, this was then amended to include the use of annexe as well as holiday cottage on the 2nd June 2011 (approval reference 11/00759/MRC) and the cottage has been used as both holiday cottage and annexe since the granting of the approval.

- 2.2 The Dairy was granted approval as an independent unrestricted dwelling under the provisions of part 3, class Q (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) on the 7th June 2017 under reference 17/00847/MBN and it is understood to date no building works have commenced on the conversion of the building.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP25 - Rural employment
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Easby Parish Council - No observations
- 4.2 Natural England - No comments
- 4.3 NYCC Footpaths - No comment. Informative to be added to safeguard the adjacent right of way route.

5.0 ANALYSIS

- 5.1 The main issues to consider are i) heritage matters ii) the principle of a new holiday let in The Dairy and holiday let in the Shepard's Rest; iii) the impacts on the countryside character of the area, iv) design; v) impact on residential amenity.

Heritage impacts

- 5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 5.3 The National Planning Policy Framework paragraphs 193 and 194 requires careful assessment of the impact of proposals on the potential harm to the significance of a designated heritage asset, and requires harm to be weighed against the public benefits of the proposal, including securing optimum viable use for the building.
- 5.4 It must be noted that any harm must be given great weight and importance in the determination of the application.
- 5.5 The heritage statement submitted describes the context of the Shepard's Rest within the context of Grove Farm. This is part of an early 19th century the estate owned Robert Campion Esq. of Whitby whose wealth was created through the banking, shipbuilding, sail cloth manufacture and associated industries. Campion was a Wesleyan Methodist, philanthropist and admirer of Captain James Cook. It is through its links with Campion that Grove farm is connected to the famous landmark that is Captain Cooks Monument. It was in 1827 that Campion commissioned and paid for the monument to be built on the highest point of his estate, on Easby Moor. The farm in its own right is a significant historic asset, located as it is, close to the centre of what was once an Estate village, with estate workers cottages, a blacksmith's, a joiner's shop, a mill, a Methodist chapel and the estate church. Until recently the village was only accessible by crossing a ford.
- 5.6 The applicant has confirmed that the grade II listed Shepard's Rest, currently used as a holiday let, has minimal works proposed, all externally and comprising subdivision of the frontage by a new timber fence to create a separate front garden from the adjoining main farm house, and addition of hard standing for a refuse store to the rear. Therefore this proposal has no impact on fabric of this listed building and no harm can be found with this change of use. Plans show that the subdivision will be required to allow the building to comfortably function as an independent dwelling. The addition of subdivision of the curtilage and addition of hard standing store area, whilst giving a listed building a viable use, it is found that the development will result in no harm to this heritage asset.

The principle

- 5.7 The proposal for changing a former agricultural building into a holiday let is supported by policy CP4 part i) it is a location within the countryside and close to the North York Moors National Park which would help support a sustainable rural economy. The applicant considers that the demand for holiday accommodation has changed since the permission to change the Shepherds Rest into holiday accommodation was implemented; visitors want to stay for shorter periods not a full week, and want to have somewhere to store equipment such as cycles securely overnight. The applicant considers that the property known as, The Dairy would have a footprint more suitable for this and allow individuals to stay without hiring the whole property. It is true that the Dairy has broader dimensions and is not listed, so would have considerably less heritage related constraints. The internal plans show the creation of three en-suite double bedrooms along with a communal kitchen, dining, sitting room. Exterior stores to securely store cycles and hard standing for refuse store are also proposed.
- 5.8 The planning statement sets out that the viability of the lettings business on the Shepherds Rest has dropped in real terms by 30% in seeking to justify the proposed development.

The other aspect of the proposal is to change the Shepherds Rest from its current status as a holiday let into a new independent dwelling. The Dairy currently benefits from a change of use permission under permitted development rights. The application will effectively swap these uses over. On balance it is considered there would be no net additional impact as a result of this proposal which will leave one dwelling and one holiday let.

Impacts on the countryside

- 5.9 In terms of the impact on the countryside, policy DP30 requires that the openness, intrinsic character of the countryside and quality of the district's landscape should be respected and where possible enhanced. Both structures are existing, one the Shepard's Rest requires limited external works only. The Dairy will require new building works and this is located inside the complex of farm building; views from the public sphere are limited to the adjacent public footpath to the south. It is considered that the proposed development will have no detrimental impact on the open character of the surrounding countryside.

Design

- 5.10 The Dairy is a functional agricultural building constructed of brick work walls and metal corrugated roof. The proposed scheme to provide holiday accommodation is also functional but the exterior brick would be retained and repointed with the addition of timber windows and doors, conservation style roof lights and a pantile roof. The new openings are limited and do not unduly affect the character of the building.

Residential amenity

- 5.11 Impacts on the residential amenity of new occupants would have been a consideration on the in the previous prior notification class Q application at the Dairy, and as the farm is no longer operating this is dismissed as an issue. This site would be in some ways self-contained and its occupation would be limited by planning condition to holiday let. The existing structure will not be added to, although a new access across what was once the farmyard will be made and a new curtilage provided. The parking and garden area would be located away from the existing farm house and holiday let at Roadside barn. No windows are proposed in the Dairy to the west, save roof lights and only one timber window for a bathroom in the north elevation would overlook the garden of Grove Farm and Roadside Barn. This can be conditioned to be obscure glazed.
- 5.12 Subdivision of the Shepard's Rest would create a sizable dwelling and curtilage. There is adequate space to do this without having an impact on the residential amenity of adjoining buildings or the future occupants of the Shepard's Rest. There are no significant residential amenity impacts identified.

Planning Balance

- 5.13 On balance the series of proposals for consideration will result in no net change in terms of the level of housing in the countryside over and above that previously approved in this location already granted consent through permitted development rights. The proposed development will have a satisfactory level of amenity and there is considered to be no identified harm to heritage assets.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 1472/9 and 1472/7; received by Hambleton District Council on 25 February 2019; unless otherwise approved in writing by the Local Planning Authority.
3. The occupation of the accommodation hereby approved shall be as follows:
 - (i) the holiday accommodation is occupied for holiday purposes only;
 - (ii) the holiday accommodation shall not be occupied as a person's sole, or main place of residence;
 - (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the holiday accommodation on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.
4. The windows on the north elevation of the building shall at all times be glazed with obscured glass.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) DP1, DP32 and DP30;
3. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy in accordance with the objectives of the Hambleton Local Development Framework.
4. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Policies CP1 and DP1.

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Parish: Exelby, Leeming & Londonderry

Committee date: 30 May 2019

Ward: Bedale

Officer dealing: Mr C Allison

4

Target date: 3 June 2019

19/00461/FUL

Change of use of former agricultural building to workshop. Regularisation of existing use to permit external storage for vehicles. The siting of two secure steel containers for the storage of tools and equipment.

At Poplars Farm, Londonderry, North Yorkshire, DL7 9NF

For Mr M Swales

This application is referred to Planning Committee as the application site is departure from the Local Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located south of Londonderry and is immediately to the east of the A1 Motorway. The closest dwelling is 300 metres to the north and the remainder of the village is some 600 metres away. The site is secured by close boarded fencing and is screened from views from the village by a belt of coniferous trees some of which are approximately 8 metres high.
- 1.2 Operating from the site is an End of Life Vehicle business which has operated from the site since 2009. The applicant at the time was unaware that planning permission was required and therefore in 2011 planning permission was applied for, for the change of agricultural buildings to an End of Life Vehicle centre (planning reference: 11/00780/FUL).
- 1.3 However, within the approval there was a condition which stipulated the following:

“There shall be no outside storage of processed vehicles or ancillary materials nor any sales of vehicles, spares or other materials from the site at any time.”
- 1.4 From a site visit undertaken by the Planning Enforcement Officer it was evident that outside the two permitted agricultural buildings a large amount of storage of processed vehicles was taking place within the site. The application seeks to regularise the situation to continue to operate an End of Life Vehicle Business from the site but to include the whole yard so storage of processed vehicles can be stored. Furthermore, with the outside storage the applicant is also seeking a small extension to the rear of the site for the storage of skips and vehicles which have been processed and are awaiting removal from the site.
- 1.5 The applicant also seeks consent for the conversion of one of the agricultural buildings on the site to be used as a workshop for use by the existing business. Furthermore, the siting of two storage containers to be retained on site for the storage of tools and materials relating to the End of Life Vehicle Business.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 11/00780/FUL – Retrospective application for the change of use of an agricultural building and part of another agricultural building to form an ELV business (End of Life Vehicles) – Approved 23 June 2011

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 – Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP21 – Safe Response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP36 – Waste
Development Policies DP42 – Hazardous and environmentally sensitive operations
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – No comments received
- 4.2 Highway Authority – No comments received
- 4.3 Environmental Health – No comments received
- 4.4 Yorkshire Water – No comments received
- 4.5 Ministry of Defence – No objections to the proposal
- 4.6 Public comments – A site notice was posted and neighbours were consulted on the application, but no letters of representation have been received.

5.0 OBSERVATIONS

- 5.1 It must be noted that the two agricultural buildings which have been previously granted planning permission for the change of use to End of Life Vehicles are not to be assessed as part of this application due to the permission already granted. The purpose of this application is to determine if the storage of end of life vehicles outside of the agricultural buildings is considered to be acceptable along with an additional piece of land directly behind the site for the storage of additional vehicles and skips. With further consideration to be made in regard to the change of use of the former agricultural building to a workshop and the siting of two storage containers on the site.
- 5.2 Therefore the main issues to consider are: (i) the principle of outside storage of vehicles; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on residential amenity

Principle

- 5.3 Policy CP1 of the Core Strategy states development that would significantly harm the natural or built environment or that would generate an adverse traffic impact will not be permitted. Proposals would be supported if they promote and encourage sustainable development. In determining applications decision should be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

- 5.4 As the site is located within the countryside and outside settlement boundaries, Policy CP4 and DP9 is of relevance. Development within the countryside would be acceptable if it would re-use existing buildings without substantial alteration or reconstruction and would help to support a sustainable rural economy. Furthermore it would support the social and economic regeneration of rural areas. In all cases, development should not conflict with the environmental protection and nature conservation policies of the Local Development Framework and should provide any necessary mitigating or compensatory measures to address harmful implications.
- 5.5 The application is for the storage of vehicles outside of the existing buildings and as such can gain limited support from Policy CP4 and DP9 of the Local Plan. However, the principle of the use in this location has already been established through the earlier approval.
- 5.6 Policy DP25 states that employment in locations outside development limits will be supported where the activity is small in scale, comprises the conversion and re-use or replacement of existing rural buildings of sound construction or appropriate extensions of buildings or existing uses; the development is not capable of location within a settlement; is supported by a business case and the development would not adversely impact on the economy. The business is small in scale, and in terms of trying to locate the business within a settlement the closest estate is the Leeming Bar Business Park which has no such sites available and is predominately food orientated and therefore this use would not be appropriate in this location.
- 5.7 Furthermore Policy DP36 states that development and activities will be encouraged which support the minimisation of waste together with the efficient use of materials and in particular assist in the delivery of the priorities of the waste hierarchy; which seeks first to promote the reduction of waste, followed by its re-use, then recycling and compositing, followed by energy recovery, before finally accepting its disposal as a last resort.
- 5.8 As this is the storage and processing of end of life vehicles Policy DP42 is of relevance which states that permission for potentially hazardous or polluting activities will only be granted where these are kept separate from other uses likely to be sensitive, in order to prevent potential conflicts and in particular to protect the health, safety and amenity of the general public.
- 5.9 The End of Life Vehicle Business is regulated by the Environment Agency, which issues an Environmental Permit for this activity to occur. The permit runs in conjunction with any planning permission granted. In terms of lawful End of Life Vehicle Business this site is the only one within the Hambleton District and the next closest one is located in Osset in West Yorkshire. Therefore even though the storage of end of life vehicles is outside of the settlement boundary and does not specifically comply with Policy CP4 and DP9 of the Local Plan and it is considered that the proposal complies with other policies of the Local Plan, and with the importance to provide such facilities within Hambleton and to promote the recycling of materials from vehicles it is considered that the storage of vehicles outside the agricultural buildings is considered acceptable and in accordance with the Local Plan Policies, subject to other material planning considerations.
- 5.10 In terms of the other elements of the application the change of use of an agricultural building to be used as a workshop and the siting of two storage containers both of these are required to store tools and ancillary equipment relating to the business. Whilst some aspects of this would not be wholly compliant with the Local Plan, due to the nature of the business and the need for the End of Life Vehicle business within the Hambleton area it is considered that these elements are acceptable subject to other material planning considerations.

Impact on the character and appearance of the area

- 5.11 Policy CP16 and DP30 of the Local Plan are of relevance here, these policies state that the openness, intrinsic character and quality of the district's landscape will be respected and where possible enhanced. Throughout the district, the design and location of new development should take account of landscape character and its surroundings and not have a detrimental effect on the immediate environment and on any importance long distance views.
- 5.12 The site is located some 600 metres south of the village, and is only accessed via one road which leads to a dead end. The site is well screened by an 8 metre high belt of coniferous trees. This ensures that from the village and the surrounding area the site is not visible and blends into the local landscape. Furthermore, due to the local topography of the area there are no views of the site from the adjacent A1 or from Gatenby to the east. Therefore, it is considered that the proposed application has no impact on the visual amenity or landscape character of the area and is in accordance with policies CP16 and DP30.

Impact on residential amenity

- 5.13 Policy DP1 of the Local Development Framework states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.
- 5.14 In terms of the impact on local residential amenity, the process is to take place, following delivery of the vehicles, within an enclosed building and will create no noise, dust, fumes or vibration which could affect local amenity. It is worth noting that the business has operated from the site since 2009 and no formal complaints have been received by Environmental Health in regard to noise and disturbance. It is considered that the proposed development will not lead to any significant impact on local residential amenity. The proposed development is considered to comply with the requirements of Development Policy DP1.

Planning Balance

- 5.15 The site is located within an area designated as countryside and whilst not wholly in compliance with Policy CP4 and Policy DP9 it is considered that the proposal for the storage of outside vehicles is acceptable to allow this business to continue to operate. Furthermore, with this being the only licensed End of Life Vehicle Business within the Hambleton area, support should be given to promote business and to ensure the recycling of vehicles. It is therefore considered, on balance, that the proposed development is acceptable as it will support an existing business and will not result in a harmful impact on the character or appearance of the area, or on local residential amenity.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the application site shall not be used for any purpose other than as an End of Life (ELV) Centre as described in the application for planning permission 19/00461/FUL received by the Local Planning Authority on 8th April 2019.

2. The maximum number of vehicle movements resulting from the operation of the site shall not exceed ten on each day from Monday to Friday and six on Saturdays. There shall be no such movements on Sundays or Bank Holidays. A record shall be kept which shall show the registration numbers and times of arrival and departure of all such vehicles entering and leaving the site. This record shall be made available to the officers of the Local Planning Authority upon request at all times when the site is open.
3. There shall no sale of vehicles, spares or other materials from the site at any time.
4. Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptors. Vehicle wash downs and detergents shall not be passed through the interceptor.
5. All downpipes carrying rain water from areas of roof shall be sealed at ground level prior to the occupation of the development. The sealed construction shall thereafter be retained throughout the life time of the development.
6. Inspection manholes shall be provided on all foul and surface water drainage runs such that discharges from individual units can be inspected / sampled if necessary. All manhole covers shall be marked to enable easy recognition. Foul will be marked in red. Surface water will be marked in blue. Direction of flow will also denote. Where more than one discharge point is proposed, manholes will also be numbered accordingly to correspond with their respective discharge point.
7. The permission hereby granted shall not be undertaken other than in complete accordance with the following plans Block Plan received by the Local Planning Authority on the 25 February 2019; Location Plan received by the Local Planning Authority on the 1 April 2019 and Photos of site received by the Local Planning Authority on the 8 April 2019.

The reasons are:

1. In order that the site is not used for any other purpose which may have an adverse impact on local amenity in accordance with Policy DP1.
2. In the interest of local amenity in accordance with Policy DP1
3. In order that the site is not used for any other purpose which may have an adverse impact on local amenity in accordance with Policy DP1
4. To reduce the risk of pollution to the water environment in accordance with Policy DP42.
5. To prevent the contamination of clean surface water run off in accordance with Policy DP42.
6. To allow pollution incidents to be more readily traced in accordance with Policy DP42.
7. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surrounding area and in accordance with the Development Plan Policies DP, CP16 and DP30.

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Parish: Great Ayton
Ward: Great Ayton
5

Committee date: 30th May 2019
Officer dealing: Mr M Pearson
Target date: 6th June 2019

18/02022/FUL

**Proposed agricultural building for cattle, farm machinery and other equipment
At land adjacent Angrove Plantation, Yarm Lane, Great Ayton
For Mr Leonard**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application was deferred at the 7th March 2019 Planning Committee upon the request from members for additional information on the business case and submission of a manure management plan. The agent has subsequently provided additional information as noted in paragraph 1.11 below.
- 1.2 The application site is located on an existing agricultural unit containing an agricultural building that was granted planning permission in 2014. The site is occupied by an open sided cattle building 30 x 13 metres in footprint constructed with concrete panels at the plinth level with timber boarding above. The building is orientated in a south-west - north-east direction and there is a large area of hardstanding situated to the south-west, south-east and north-east of the building. The site is not currently occupied and a new farming enterprise intends to occupy the site.
- 1.3 The site is located approximately 1 km north-west of Stokesley and is accessed by an unmade track from Yarm Lane, just off the A172. This gated access track is approximately 200 metres in length and provides access to the hardstanding situated to the north-east of the existing building.
- 1.4 The farming enterprise includes fields to the north-west and south-west of the existing buildings and brings the total area of the holding to 4 hectares. The wider landscape comprises agricultural land defined by hedgerows and isolated trees. Immediately to the south-west the site of is a woodland belt that screens public views of the existing buildings from the west along the A172. In other views from the west, views to the site are restricted by the intervening hedgerows. Views from Yarm Lane to the north and east of the site are again restricted by the intervening hedgerows. However, a glimpsed medium distance view towards the buildings on the site is possible from the west at field gate along Yarm Lane. To south-west of the site is a larger belt of woodland.
- 1.5 To the north-west of the site, at the junction of the side road with the A172 there is dwelling, Oak Manor - a detached house set in generous gardens, which is approximately 130 metres from the existing building on the site. Part of the gated access track runs adjacent the north-east boundary of Oak Manor.
- 1.6 The proposal is for a 250 square metre general purpose agricultural building that would be located to the south-west of the existing building in order to facilitate the new farming enterprise on the site. The new building will be used to store cattle, feed, straw, vehicles, machinery and other farming equipment.
- 1.7 The building would be enclosed on three sides with a concrete block plinth with profiled sheet cladding above. The pitched roof would also be covered in profiled sheeting. The north-east elevation that would face the existing building would remain open and has been designed as a lean-to element.

1.8 During the course of the application further information on the proposed farming enterprise was provided as noted below:

- The existing building at Rose Farm extends to 369sqm or thereabouts with an outside area, giving a total area available to accommodate livestock of 390 sqm. The proposed building is to be mainly for dry storage 8.892m x 18.288m and a lean-to, to accommodate livestock 4.446m x 18.288m, 81.31sqm. Thus, there would be a total of 471sqm of space available to accommodate livestock on the holding.
- Initially, the expanded holding would accommodate cattle of between 3 and 12 months of age and there would be sufficient space within the existing and proposed buildings to accommodate the enterprise. It is proposed to buy young stock in batches of around 5 per week at around 3 months of age and to retain them on the holding to around 12 months of age when they will be sold as strong store cattle. Once fully stocked there will be around 200 even aged cattle on the holding.
- The Applicant intends to buy dairy bred cattle – the progeny of Holstein or Friesian cows put to a Continental beef bull. However, the breed of stock purchased will depend upon the availability and the relative profitability of different breeds as the enterprise develops, and the enterprise will be refined as it develops.
- The lean-to part of the building, that is the subject of this application, would lend itself to conversion to calf rearing accommodation if required and this flexibility means that it would be possible to buy calves at a young age and rear them if the Applicant elected to follow that route.

1.9 Further information received from the agent regarding the size of the herd and use of the building, the details of how the manure would be managed and staff numbers involved:

The Officer's Report written in relation to the planning application for the existing building refers to providing accommodation for 15 to 20 cattle, although the report from Northern Agronomy doesn't state a number but appears to be making a case for the building to serve a pedigree livestock enterprise involving embryo transfers (i.e. low stock numbers). Stocked with 20 cows the stock would have 19.5 sqm per cow – a more typical figure would be 5 sqm per cow and another 1.5 sqm per calf, so the existing building is much larger than the original Applicant needed.

The Applicant intends to house young stock in the existing building, between 3 to 12 months of age. On that basis, the existing building has a capacity of 180 stock in total, specifically 60no. 3-6 months, 60no. 6-9 months and 60no. 9-12 months. The proposed building is mainly for dry storage 8.89m x 18.28m and a lean-to to accommodate livestock 4.45m x 18.28m, 81.3sqm. Consequently, there would be a total of 471sqm of space available to accommodate the anticipated 200 (max) livestock on the holding at 2.35 sqm per cow, which is sufficient for young livestock.

In addition to the recently extended application site, the applicant also has 44 acres of land at Guisborough Road, Great Ayton and 150 acres at nearby Quarry Hill Farm, Nunthorpe which would be used to spread manure.

1.10 Comments were also received from the end users who intend to occupy the site to confirm they operate in the farming business and are registered with both Animal Health England and The Rural Payments Agency. They also confirmed they are in possession of Herd Number for their existing cattle holding and have a County Parish Holding (CPH) number.

- 1.11 Further information on the business case and manure management plan was submitted to the LPA on the 20th May 2019 as noted below:

Planning permission is sought to erect a 250 sqm, general purpose agricultural building on the established agricultural holding. The lean-to part of the proposed building would lend itself to calf rearing accommodation, if required, but the proposed building is principally required for the storage of farm machinery and other equipment to be used in conjunction with the adjacent beef rearing shed, that was approved in 2014.

The Applicant intends to buy dairy bred cattle, the progeny of Holstein or Friesian cows put to a Continental beef bull. However, the breed of stock purchased will depend upon the availability and the relative profitability of different breeds as the enterprise develops, and the enterprise will be refined as it develops.

Initially, the expanded holding would accommodate cattle of between 3 and 12 months of age and there would be enough space within the existing and proposed buildings to accommodate the enterprise.

It is proposed to buy young stock in batches of around 5 per week at around 3 months of age and to retain them on the holding to around 12 months of age when they will be sold as strong store cattle.

Once fully stocked there will be around 200 even aged cattle on the holding. Defra's guidance document 'Caring for beef cattle and dairy cows' (2003) stipulates a minimum of 1.5 sqm of unobstructed space for calves up to 150kg, 2 sqm for calves between 150kg and 199kg and 3 sqm for calves 200kg and greater.

The existing building has a capacity of 180 stock in total, specifically 60no. 3-6 months, 60no. 6-9 months and 60no. 9-12 months. The proposed building is mainly for dry storage 8.89m x 18.28m and a lean-to to accommodate livestock 4.45m x 18.28m, 81.3sqm. Consequently, there would be a total of 471sqm of space available to accommodate the anticipated 200 livestock on the holding at 2.35 sqm per cow, which is enough for young livestock and would comply with Defra's guidance.

Notwithstanding the above, the Applicant will gradually grow stock numbers to a sustainable and workable number. The 200 figure is quoted as a maximum and should be treated as such. Crucially, the 2014 planning permission restricts livestock numbers to 35 within the existing building, so we would need to apply to vary that condition in order to increase livestock numbers on the site. Therefore, the Council will retain control over livestock numbers on the site. The Applicant would fully engage with the Council's Environmental Health Officer to agree a maximum number and ensure that best available techniques are applied in order to minimise any impact on neighbours.

The intention is for the Applicant to grow his own viable farming enterprise and not be reliant upon other family members, who own established farms at Nunthorpe. The Applicant's desire to build his own business should be commended as it squarely responds to the Council's own objectives to local support businesses and drive growth as detailed with the Economic Strategy 2014-24 entitled 'Hambleton – a place to grow'.

The Applicant has demonstrated a commitment to grow his own farming enterprise by purchasing an additional 2 hectares of land adjacent to the application site, during the course of the application. Consequently, Rose Farm now extends to 4 hectares. The Applicant intends to expand the holding further via the purchase of land close to Rose Farm but requires working capital from the farm in order to do so. The

proposed farm building is essential to this strategy, as it will allow for expansion of the existing business in terms of scale and turnover.

The existing building is too small to accommodate the proposed herd together with the necessary storage requirements silage, straw, supplementary animal feeds and equipment. Consequently, a brand new, fit for purpose agricultural building is required to suitably accommodate and expand the existing beef enterprise.

The Applicant's intention to expand the farm enterprise is considered to facilitate sustainable development that supports traditional land-based activities and is therefore considered to comply with the aims and objectives of the National Planning Policy Framework and policies CP4 and DP26 of the adopted Local Development Framework.

Appendix 1 contains a summary of the projected gross margin and cashflow analysis for the expanded enterprise. The summary is based upon 200 cattle which would achieve a projected stock sale price of £180K per annum. The anticipated gross margin is £40,800 following the deduction of fixed costs, including wages, the projected annual profit is £14,800 which would initially be reinvested into the enterprise via the acquisition of additional land and infrastructure improvements.

The Government's website www.gov.uk contains guidance on, amongst other things, appropriate farm management. To this end, the website contains a spreadsheet entitled 'Blank Field Record & Standard Values Tables'. Table 30 within the spreadsheet contains a useful calculator for nitrogen and excreta production from cattle (see Appendix 3). The main purpose of this table is to aid to control of manure spreading within nitrate vulnerable zones (NVZ). Whilst the application site does not fall within an NVZ, the table acts as a useful tool for assessing the amount of manure likely to be generated by the expanded enterprise and appropriate disposal of the manure.

Applying the guidance with the table, the expanded enterprise when fully stocked with 200 head would require 39.21 hectares of land (calculated on the basis of 1 hectare per 5.1 beef cow or steer (castrated male) from 2 months and less than 12 months). It is important that spreading takes place away from watercourses, so it is reasonable to factor in an oversupply of 25%, which equates to requirement of 49 hectares.

Straw based bedding will be mucked out around 6 - 8 times per year, and more frequently during the summer. Manure will be dry-stacked for a period of around 8 weeks (max).

The size, position and design of the dry-stacked manure can be controlled via a suitably worded pre-commencement condition. At this stage we would anticipate a covered store with a concrete base and blockwork wall, located within easy reach of the existing and proposed livestock buildings. There should be a very slight slope (1-3 percent) to allow the pile to drain toward a vegetated filter strip. Using a plastic tarp to cover the stockpile will help to reduce odour and flies. It also reduces the concern for leaching as it prevents rainwater from contacting and soaking through the pile. There would be no slurry on the site.

The enterprise has ongoing "muck for straw" deals with nearby farms including Greenhow Farm, Nunthorpe (17.8 hectares) and Quarry Hill Farm, Nunthorpe (60.7 hectares), which exceeds the 49 hectares of land required for spreading. In addition, the Applicant has an ongoing relationship with the Mr Donnelly at Bank Flow Farm, Great Ayton who disposes of manure on Mr Leonard's behalf and will continue to do so, whilst Rose Farm (the application site) has 4 hectares of land that can be used

(although not essential) subject to the approval of the Council's Environmental Health Officer.

Spreading will not take place during adverse weather conditions when the soil is waterlogged, the soil is frozen hard, or the field is snow covered or heavy rain is forecast within the next 48 hours. Additionally, spreading will be not take place at weekends or bank holidays.

2.0 RELEVANT PLANNING HISTORY

- 2.1 13/01233/FUL - Construction of an agricultural livestock/storage building and formation of hardstanding; Withdrawn 4 November 2013.
- 2.2 14/00739/FUL - Construction of agricultural building; Approved 24 October 2014.

3.0 PLANNING POLICY

- 3.1 The relevant policies are:

National Planning Policy Framework
Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Development Policies DP6 – Utilities and Infrastructure
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP25 - Rural employment
Development Policies D26 – Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Core Strategy Policy CP17 - Promoting high quality design
National Planning Policy Framework – February 2019

4.0 CONSULTATIONS

- 4.1 Parish Council - The Parish Council has been consulted twice on this application. On both occasions the Council objected, expressing concern about building contents and associated numerous vehicular movements and requested evidence to show that a sustainable business can be run from the premises.
- 4.2 Environmental Health Officer - This service has further considered the potential impact on amenity and likelihood of the development to cause a nuisance. This response is therefore in addition to the previous response sent on the application.

The application for the adjacent building dated 27/05/2014 was permitted with a limited number of cattle however it appears that the applicant now wishes to significantly expand operations to include up to 200 cattle on site.

The planning support statement submitted with the application concludes that 'subject to normal good management, any harm arising from smells or noise issues would be no greater than might normally be tolerated in a rural location'. I have some concern about the potential impact of this intensification on local residents. The nearest property is approximately 130 metres away and there is a potential for odour and other nuisance to effect the neighbouring property.

Advice from the DEFRA suggests that smells from housed livestock and manure are usually strong up to 100 metres away. They further suggest that a distance of 400metres between the site and the nearest dwelling house would be advisable to prevent odour / nuisance problems. I would advise that the current distance is too close and should be increased, if possible, to a distance nearer to 400m away from any local resident.

Over the last Couple of years the Council has received an increasing number of complaints about flies at various sites. After examination, the species have been identified as the 'common house fly' which is associated with cattle or pig manure. (Each female fly can lay up to 150 flies at a time and these will become adults within 7 days at 30oC; the subsequent 70 female flies produced will repeat the process and within 3 weeks there can potentially be over a million from a single fly.

Storage of manure is one of the most important factors in preventing fly infestations. Even manure that is produced, transported and delivered in a dry, fly-free state can in some cases become infested and cause problems once stored in stockpiles on land. The source of the problem is often difficult to determine especially once manure is taken off site or stored in manure heaps on land and so controls over the management, storage and disposal are very important to prevent detrimental impact to the local amenity.

I would recommend that should the application be successful, the applicant be required to submit a waste management plan in writing and to be agreed by the local planning authority detailing how manure will be managed, stored and managed off site to prevent fly infestation. The agreed scheme shall be implemented and maintained for the duration of the planning permission.

- 4.3 Highway Authority – No objection based on 8-10 vehicle movements per day.
- 4.4 Public comments – Two letters of support and six objection letters that noted the following concerns:
- Matters relating to incorrect completion of the application forms and the resultant duty of the Council not to entertain the application;
 - Reference to Rose Villa Farm which is an address that does not exist;
 - The applicant is not in the farm business; concern about the storage of machinery;
 - Five acres is not enough land for the size of the enterprise;
 - The herd size would equate to many vehicle movements such as cattle trucks, farm worker, Vet, AA, Feed and hay deliveries, manure etc.;
 - Impact of the building on open countryside;
 - Concerns about the impact on the countryside, ecosystems and landscape;
 - Impact on wildlife;
 - Rural employment issues;
 - Concerns regarding water supply, waste and slurry; and
 - Concern about traffic at the A172 junction.

5.0 OBSERVATIONS

- 5.1 The main issues are; i) whether the principle of the development is appropriate in this location; ii) whether the proposed development will have a detrimental impact on the character of the countryside; iii) whether the proposed development will have any harmful impact on residential amenity; and iv) whether the proposed development will have any detrimental impact on road safety.

Principle including farming need

- 5.2 The proposed building is located on an agricultural enterprise that was granted planning permission in 2014. Therefore the main issue to consider in this application relates to the expansion of the existing business on the site. Policies contained within the Hambleton Local Development Framework promote rural enterprises to meet the needs of farming, as set out in Policy CP4. In addition, paragraph 83 of the 2019 NPPF supports "the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings." Development Policy DP26 is supportive of related agricultural development where it helps to sustain an existing enterprise and otherwise complies with Local Development Framework policy.
- 5.3 Following the deferral of the application, the applicant has set out further detailed supporting information with regard to the farming practice proposed on the site and the business model proposed. Given the scale and form of the buildings and the proposed farming practice as set out in earlier paragraphs above the form and size of building proposed is considered to be justifiable.
- 5.4 The agent clarified that the enterprise on the site would comprise store cattle within the existing and proposed buildings as noted above. It is noted that the surrounding land, including the additional land to the north of the existing building, provides a total site area of 4 hectares.
- 5.5 The agent has clarified that the total floor area of 471sqm of space available to accommodate the anticipated 200 (max) livestock on the holding would equate to 2.35 sqm per cow. Whilst this seems to be an extremely small area, this is deemed acceptable given the young stock on the holding that would be moved from the holding at 12 months of age.
- 5.6 It is therefore considered that the provision of an additional building to support a farming enterprise on an existing site is acceptable in principle and is in accordance with Development Policy DP26.

Character of the Countryside

- 5.7 In terms of the visual impact of the proposed building, it is considered that it is appropriately sited close to the existing buildings on the site. Public views of the existing buildings on the site are limited to a glimpsed view through field gates from Yarm Lane to the east. In any event, views of agricultural buildings in the open countryside are to be expected and are a common feature of the district. It is therefore considered that the proposed building is well positioned and is of a suitable size and design for its location. It is therefore considered that the proposed development satisfies Local Development Framework policies CP16, CP17, DP30 and DP32.
- 5.8 A concern was raised in representations about the potential impact on the adjacent woodland habitat. However, this was not considered to be an issue during the last application when the original building was granted planning permission and the current proposal is not considered to have any detrimental impact on the adjacent woodland or its ecology.

Residential Amenity

- 5.9 With regard to the amenities of nearby occupiers, the site is approximately 130 metres from a non-agricultural dwelling (Oak Manor). Due to the distance of the house from the development together with the design of the proposed building it is considered the development would not cause harm to the loss of privacy and outlook of the property.
- 5.10 However, the proximity of the building to the house could give rise to amenity concerns if large numbers of cattle were housed in the building, in particular with regard to nuisance that might arise from poor waste management. A consultation response from the Environmental Health Team is awaited.
- 5.11 The access track to the site passes the north-west boundary of Oak Manor. The track is approximately 35 metres from the dwelling and is separated by part of the garden area. The boundary is defined by an approximately 1.8 metre high timber fence. It is therefore considered that the limited vehicle movements (8-10 trips per day) along the access track will not be unacceptably harmful to the amenities of this property.
- 5.12 Concern has been expressed about the potential for smell nuisance from the storage of manure. The agent has clarified that that manure will be dry stacked for a period of 8 weeks and then spread on land currently in the applicant's control, which comprises 4 hectares at Rose Farm (the application site), 44 acres of land at Guisborough Road, Great Ayton and 150 acres at nearby Quarry Hill Farm, Nunthorpe. Storage and management of manure can be controlled through a suitably worded condition that would require a manure management plan to be submitted to and approved by the Local Planning Authority, prior to the site being brought into use. The applicant has provided additional information on manure storage and subject to compliance with the manure management plan is considered to be acceptable.
- 5.13 The matter of water supply by bore hole and mains water supply is deemed acceptable and is ultimately covered by other legislation. The proposed development is considered to comply with Development Policy DP6.

Highway Safety

- 5.14 With regard to highway safety, no issues were raised during the previous application and the site has operated since the approval of the application. The access from the site onto Yarm Lane and the access from Yarm Lane onto the main road has not been raised by the Highway Authority as a safety concern in their consultation response to the current application. It is considered that the proposed development will have no detrimental impact on road safety.

Other Matters

- 5.15 A number of matters have been raised in representations with regard to the content and legality of the submission, in particular relating to ownership and the completion of the forms and other supporting information.
- 5.16 Officers have clarified with the agent regarding the details of the applicant and ownership of the site and are satisfied that following clarification the LPA has carried out sufficient due diligence to be in a position to entertain the application. The agent has clarified that the applicant's details are correct and that the correct notices have been served upon the land owners.
- 5.17 Representations have raised the question of the use of a farm name that does not yet exist. Whilst this may be the case, it is not a material planning consideration. Should

planning permission be granted, the operator would need a postal address for the site and could request one.

- 5.18 The background of the applicant is not a material planning issue in determining the application. However, the intended end user of the site has provided information on their herd and holding numbers in order to provide the LPA some comfort regarding the use of site. Concern has also been raised that the buildings on the site would be used for the storage of non-agricultural machinery. If this was the case, this can be controlled through the planning system as this would require a change of use planning application.

Planning Balance

- 5.19 The applicant has provided sufficient justification for the proposed business on the application site and due to its siting and design the proposed development is considered to be appropriate for its intended agricultural purpose and will not have a harmful effect on the open character of the rural surroundings or the amenities of neighbouring occupiers and is able to comply with the policies set out above.

6.0 RECOMMENDATION

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

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; Location Plan received by Hambleton District Council on 27 November 2018 and proposed site plan, and Elevation and Floor Plan, received on 21 September 2018 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to the use of the building hereby approved a manure management plan shall be provided in writing to and approved by the Local Planning Authority. The development shall then be managed in accordance with the approved details.
4. The development hereby approved shall be used for agricultural practices as set out in the applicant's supporting statement and not for any other purpose.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP 17 and DP32.
3. In order to protect the residential amenity of local residents and to accord with the requirements of Development Policy DP1.
4. In order to ensure that the use of the site is not detrimental to local residential amenity and to ensure compliance with Development Policy DP1.

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Parish: Rudby
Ward: Hutton Rudby
6

Committee date: 30th May 2019
Officer dealing: Miss Charlotte Cornforth
Target date: 28th September 2018

18/01565/FUL

Construction of an all weather non-illuminated equestrian paddock and fence & re-location of existing stock fence
At Land south of South View, Hutton Rudby
For Mr R Readman

This application is referred to Planning Committee at the request of a Councillor.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is a field of approximately 2.2 hectares in an area located on the northern side of the River Leven, to the west of Hutton Rudby Bridge and effectively lies within the open space between Rudby and Hutton Rudby, within the Conservation Area. The access is by a track which is also a public right of way, and serves properties beyond the site, to the west. The track is lined with trees that are the subject of a group Tree Preservation Order.
- 1.2 There is vehicular access into the field from the track that also provides access to the stables and equestrian part of the site in the north-west corner. To the north of the site there is a row of two storey houses, on slightly higher land, known as South View. There is a residential property, Leven Valley, on the west side of the site.
- 1.3 The southern-most part of the site falls within Flood Zones 2 and 3. However, the part of the field where the proposed dwelling would be located, along with the garden space and driveway is located within Flood Zone 1, an area least at risk of flooding.
- 1.4 The site is located within the Hutton Rudby Conservation Area, with the closest listed buildings being the Grade I listed All Saints Church to the east of the site and the Grade II Hutton Rudby Bridge to the west of the site. The Leven Valley area is identified within the Hutton Rudby Village Design Statement as being of upmost importance to the village as a landscape feature, a wildlife and recreational resource and for the setting of the historic building of All Saints Church.
- 1.5 The proposal seeks the construction of an all weather non-illuminated equestrian paddock and fence & re-location of existing stock fence. It will measure 40 metres by 25 metres, with the land sloping north to south.
- 1.6 Information was requested to demonstrate how the drainage of the development will not cause detriment to the adjoining property. Particularly a design that shows how the overland flow from the development towards the dwelling 'Leven Valley' is not concentrated or results in a worsening of the existing overland flows.
- 1.7 The agent was advised to consider whether it may be possible to construct a 'French drain' with further attenuation system formed below the all-weather paddock but above any land within Flood Zone 2 and Flood Zone 3, and terminating with an outfall to the River Leven.
- 1.8 This information has been submitted in the form of a letter and shown on an accompanying plan. A summary of this is set out below:
 - The construction of the equestrian paddock will be made permeable so that any rainfall on the it will simply flow though into the strata below

- To provide backup to this permeable construction, a herringbone field drainage system will be installed and use the fall of the land to allow a carrier drain to fall into a soakaway constructed from clean stone fill
- The submitted site layout plan shows a soakaway to the south east corner of the equestrian paddock

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 11/02472/FUL – Change of use of land from agricultural to equestrian and construction of a stable block; Granted 3 February 2012.
- 2.2 15/01651/FUL – Manure store and stock fence with gate; Granted 4 November 2015.
- 2.3 18/00576/FUL - Construction of a detached dwelling; Refused June 2018. The reasons for refusal stated:

1. The proposed development would not reflect the form and character of the area, resulting in harm to the character and appearance of the rural surroundings, contrary to Local Development Policies CP16 and DP30. The proposal is also contrary to criteria 2 and 4 of the Interim Policy Guidance Note as the site does not reflect the existing built form and character of the village; the proposed dwelling would be an incongruous feature within the rural surroundings of the area and lead to a coalescence of the two settlements of Hutton Rudby and Rudby.

2. The proposed development by virtue of its scale, form, detailed design and use of materials fails to reinforce the local distinctiveness of the area and as such fails to accord with the requirements of Local Development Policies CP17 and DP32 and the NPPF.

3. The siting of a large detached dwelling and associated amenity space on this open field would be harmful to the openness of this part of the Hutton Rudby Conservation Area by virtue of the scale of the dwelling. The proposal is considered to fail to preserve or enhance the character and appearance of the Rudby Conservation Area as stated within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to Local Development Policies CP16 and DP28 and the NPPF and criterion 3 of the Interim Policy Guidance.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 – Access
 Core Strategy Policy CP3 – Community assets
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP21 - Safe response to natural and other forces
 Development Policy DP1 - Protecting amenity
 Development Policy DP3 - Site accessibility
 Development Policy DP4 - Access for all
 Development Policy DP6 – Utilities and infrastructure

Development Policy DP8 - Development Limits
Development Policy DP9 - Development outside Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policy DP33 - Landscaping
Development Policy DP43 - Flooding and floodplains
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Rudby Parish Council – recommends approval subject to a satisfactory drainage solution.
- 4.2 Environment Agency the proposed development of the equestrian paddock and fence and relocation of existing stock fence in Hutton Rudby is an issue of pluvial overland flow from surface water sources rather than fluvial (river) flooding.

As you are aware, as of 2015, following changes to the Planning Practice Guidance (2015), surface water drainage is now the responsibility of local authorities. We are therefore no longer statutorily able to provide detailed comments on drainage proposals. However, our advice is as follows:

Informative

We would, however suggest that a suitable drainage scheme is submitted and approved by the local planning authority prior to any planning approval which would mitigate against the potential effect of increased surface water run off on the adjacent property

- 4.3 Public comments – At the time of writing, there have been 11 objections to the proposal and 1 letter of support.

In summary, the grounds of objection are:

- An all-weather paddock (manège) is not needed because the land drains extremely well due to its sandy nature as a flood plain, so it is already an excellent all-weather terrain
- There is no reason for this arena as the owners of the land and stables already train and ride their horses in the field all year round with no ill effect to the grazing as the field is more than large enough to accommodate these activities
- The proposal should not be for commercial activity
- Considerable landscaping would be required to construct the horizontal terrace leading south from the stable block area and level. To achieve this, up two to three metres of infill on top of the existing valley floor would be required
- The inevitable associated equestrian paraphernalia and urban-type mesh wire fencing would have an unacceptable landscape impact on the character and appearance of this part of Hutton Rudby's Conservation Area. The rural, open aspect of this green field area would neither be conserved nor enhanced by the proposal.

In summary, the grounds of support are:

- As an owner of two horses with paddocks I can quite categorically state that it is simply impossible to ride in a field, as some are suggesting, all year round. Fields clearly become wet in the autumn/winter/spring months and, at risk of stating the obvious, grass does not grow

5.0 OBSERVATIONS

- 5.1 The main issues to consider are (i) the principle of development; (ii) the impact upon the character of the village; (iii) design; (iv) heritage assets; (v) residential amenity; (vi) trees; (vii) highway safety; (viii) drainage issues; and (ix) land contamination.

Principle

- 5.2 Policy CP4 allows any form of development in principle if the site lies within the Development Limits of settlements that are defined in the Settlement Hierarchy, and which is of a scale and nature appropriate to secure the sustainability of each settlement. The application site lies beyond the Development Limits of any settlement in Hambleton District. Policy CP4 requires justification for development to be permitted in a less sustainable location, in accordance with Policies CP1 and CP2. If it is accepted that this is an exceptional case the proposed scheme must also comply with at least one of the criteria of Policy CP4. The exceptional case in this instance arises from the recreational needs of the users of the land whereby there is currently a stable block and horses graze on the land. The all weather paddock will be used for the enjoyment of the applicant and not for any commercial activity.

- 5.3 Therefore the principle of development can be supported in this instance. However, other LDF policies need to be carefully considered.

The character of the village

- 5.4 In terms of the built form and character of the village, the site comprises a large field that is currently used to graze horses with a small piece of the site in the north east corner being used for equestrian purposes, including a stable block.
- 5.5 As noted in section 1, the Leven Valley area is identified within the Hutton Rudby Village Design Statement as being of upmost importance to the village as a landscape feature, a wildlife and recreational resource and for the setting of the historic building of All Saints Church.
- 5.6 The site forms part of a significant break between Rudby and Hutton Rudby which does not form part of either settlement, but separates the two. The significance of this break in terms of the character and appearance of the Hutton Rudby Conservation Area is considered later.
- 5.7 The openness of the land forms a natural border between the two settlements of Hutton Rudby and Rudby.
- 5.8 The immediate area to the south is characterised by its undeveloped character, with the exception of the dwelling of Leven Valley to the south west of the site. The land on the opposite side of the river, leading to the rear of properties on North Side, some 200m away, is similarly undeveloped and the two combine to form a significant open break between Hutton Rudby and Rudby.

Heritage assets

- 5.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.10 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Hutton Rudby Conservation Area.
- 5.11 Local Development Framework Core Policy CP1 states that development that would significantly harm the natural or built environment, or that would generate an adverse traffic impact, will not be permitted. Proposals will be supported if they promote and encourage or protect and enhance: (amongst other things) the historic and cultural features of acknowledged importance.
- 5.12 Core Policy CP16 states that development or other initiatives will be supported where they preserve and enhance the District's natural and manmade assets, where appropriate defined in the Development Policies Development Plan Document and identified on the Proposals Map. Particular support will be given to initiatives to improve the natural environment where it is poor and lacking in diversity.
- 5.13 The policy continues by stating that development or activities will not be supported which either (i) has a detrimental impact upon the interests of a natural or man-made asset; or (ii) is inconsistent with the principles of an asset's proper management; or (iii) is contrary to the necessary control of development within nationally or locally designated areas. Any necessary mitigating or compensatory measures must be provided to address potential harmful implications of development.
- 5.14 In assessing the impact of the proposal on the built heritage any harm caused to heritage assets must be given great weight and importance in the determination of the application as set out in paragraph 193 of the NPPF.
- Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 5.15 Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 5.16 Paragraph 196 states that where a development proposal will lead to "less than substantial harm" to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.17 The Village Design Statement states that the Conservation Area covers the historic centre of Hutton Rudby and part of the undeveloped Leven Valley. Furthermore, the Leven Valley area is identified within the Village Design Statement as being of upmost importance to the village as a landscape feature, a wildlife and recreational resource and for the setting of the historic building of All Saints Church.
- 5.18 The current area of land is an open field, with little development, except the stables in the north-west corner. It is considered that the existing site makes a positive contribution towards the Hutton Rudby Conservation Area by virtue of its open, undeveloped nature and forms a natural border between the settlements of Hutton Rudby and Rudby.

- 5.19 A 40 metre by 25 metre all weather non-illuminated equestrian paddock on this open field would change the character and appearance of this part of the Conservation Area by virtue of the use, scale and surfacing materials.
- 5.20 The proposal is considered to fail to preserve or enhance the character and appearance of the Hutton Rudby Conservation Area and as such fails to meet the requirements of Local Development Framework policy and the requirements to protect designated heritage assets, set out in the NPPF. The proposed development is considered to result in less than substantial harm to the Conservation Area.
- 5.21 In order to be acceptable, in terms of the NPPF, the harmful impact of the proposed development would need to be off-set by public benefit resulting from the proposed development. In this case there is considered to be no public benefit accruing from the development.
- 5.22 The site is located approximately 120 metres to the west of the Grade I listed building of All Saints Church and approximately 120 metres to the north west of the Grade II listed building of Hutton Rudby Bridge. Consideration therefore should be given to potential impact on the setting of these heritage assets and therefore the impact on the significance of these assets.
- 5.23 It is considered that the equestrian paddock would encroach into the open break between South View and North Side that contributes to the setting of the Grade I listed church and the Grade II listed bridge. However, whilst the proposed development will be visible in views from Rudby Bank in front of the church, it is considered that the wider field contributes little to the significance of the setting of the listed buildings, which is more associated with their immediate environs. As such the proposed development is considered to have a neutral impact on the significance of the listed buildings.

Residential amenity

- 5.24 It is considered that due to the arrangement of the site and design of the proposed development and its relationship to neighbouring properties, that the proposed development would have no detrimental impact on residential amenity, particularly that of Leven Valley and the properties of South View in terms of being overbearing in presence, causing loss of light or loss of privacy.

Drainage

- 5.25 Concerns have been raised by the neighbours about water-run off, particularly onto the land of the dwelling Leven Valley. This is during heavy rain from the catchment area of the proposed all weather paddock and surrounding area.
- 5.26 The agent has advised that a herringbone field drainage system will be installed and use the fall of the land to allow a carrier drain to fall into a soakaway constructed from clean stone fill.
- 5.27 The submitted site layout plan shows a soakaway to the south east corner of the equestrian paddock. It is not clear from the submitted details as to how much capacity the soakaway has and whether it is fit for purpose to adequately drain the water so that it does not cause harm to the residential dwelling of Leven Valley.

The planning balance

- 5.28 Consideration has been given to the benefits of providing the all weather paddock for the enjoyment of the applicant.

- 5.29 This is to be weighed against the harm to the environment, particularly the character and appearance of the Conservation Area and the setting of the Grade I listed All Saints Church as set out above
- 5.30 Accordingly it is considered that the substantial environmental harm outweighs any benefits.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:
1. The siting of an all-weather paddock on this open field would be harmful to the openness of this part of the Hutton Rudby Conservation Area by virtue of the use, scale and surfacing materials of the development.
The proposal is considered to fail to preserve or enhance the character and appearance of the Rudby Conservation Area as stated within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to Local Development Policies CP16 and DP28 and the NPPF.
 2. The proposed development does not provide an adequate drainage solution to ensure that it will not cause harm to the residential dwelling of Leven Valley. It is considered that the proposed development fails to meet the requirements of Development Policy DP43 of the adopted Hambleton Local Development Framework.

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Parish: Knayton with Brawith
Ward: Bagby & Thorntons
7

Committee Date : 30 May 2019
Officer dealing : Miss Ruth Hindmarch
Target Date: 4th June 2019

18/02676/FUL

Construction of one dwelling and conversion of former agricultural buildings to form three dwellings

At Southfields, Fanny Lane, Knayton
For Mr R Pearson and Mrs V Dickinson

This application is referred to Planning Committee as the application is a departure from the Development Plan.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is located to the south and west of Southfields, Knayton and to the west of the highway that runs north-south through the village. The site was previously associated with Southfields and was once actively used for agricultural purposes. The site comprises two buildings, one of which is a two storey building and the other is a single storey 'C' shaped building. The site is bounded on either side by residential properties, to the west the site slopes and beyond the site is grass land is the A19.
- 1.2 The site is located within the Knayton Conservation Area and partly within the Development Limits of Knayton. The neighbouring property of Southfields is a grade II listed building, as is the adjoining property of Penhill House.
- 1.3 Full planning permission is sought for the development of four dwellings. One would be a new detached property to the south of Southfields, which is within the Development Limits of the village. The existing access track would serve as vehicular access to the rear of the this proposed dwelling and would also serve the remaining three proposed dwellings, one of which would be within the existing two-storey building on the site (Barn A) and the other two dwellings would be formed within the existing 'C' shaped building (Barn B). Each dwelling would provide two bedroomed accommodation. There would also be a car port to the rear of the site, along the southern boundary providing some parking for the converted barns.
- 1.4 Amended details have been secured as follows: removal of an additional access for the proposed detached dwelling; removal of hardstanding to the front of the proposed dwelling and additional planting to the front of the site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/79/088/0050 - Outline application for the construction of a dwelling; Granted 28 February 1980.
- 2.2 2/82/088/0050A - Renewal of outline consent for the construction of a dwelling; Granted 25 May 1983.
- 2.3 2/86/088/0050B - Renewal of outline consent for the construction of a dwelling; Granted 18 February 1986.
- 2.4 2/02/088/0144 - Alterations to outbuildings for use as two dwellings; Refused 16 July 2002; Appeal Dismissed 20 January 2003.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 – Promoting high quality design
Core Strategy Policy 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 DP9 - Development outside Development Limits
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Interim Policy Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Knayton cum Brawith Parish Council – Wishes to see the application approved.
- 4.2 Highway Authority – No objection subject to conditions including visibility splays, parking provision and construction standards.
- 4.3 Yorkshire Water – Conditions are required to confirm details of foul sewage disposal.
- 4.4 Environmental Health Officer – With reference to the Noise report submitted with the application finds that acceptable internal noise levels can be achieved with the provision of the stated specifications of double glazing and ventilation with windows closed. Mechanical ventilation is to be provided to achieve adequate air changes without the opening of windows. External noise levels are above the upper guideline, the report recommended a barrier fence of 1.8m high to the western boundary of the site to achieve a reduction in noise levels. The EHO recommends that conditions are imposed to require levels of noise to not exceed daytime and night-time limits and so to protect the amenity of the occupiers of the dwellings.
- 4.5 Public comments – One objection was received stating the addition of four dwellings will cause disruption, not just during construction through additional traffic and construction vehicles but will also spoil the village.

5.0 ANALYSIS

- 5.1 The main issues to consider are (i) the principle of development at this location; (ii) the impact of the proposal on heritage assets; (iii) scale, built form and impact on the countryside; (iv) highway and access issues; (v) impact on residential amenity, including the living conditions of the occupiers of the proposed properties; and (vi) flood risk and drainage.

Principle of development

- 5.2 Given the site's location being partially inside and partially outside the Development Limits of the village it is considered appropriate to consider the principle of the proposed dwelling and the conversion of the barns separately. The proposed new dwelling is located within the Development Limits of the village and Knayton is classed as a Secondary Village in Settlement Hierarchy and is therefore considered a sustainable location for development. Given the above, the proposed new dwelling is

considered acceptable in principle subject to other material considerations which will be considered below.

- 5.3 The first approach to the conversion of barns A and B is via policy CP4 of the Hambleton Local Development Framework. Policy CP4 directly governs the location and type of development that is allowed inside and outside of Development Limits.
- 5.4 Outside Development Limits policy CP4 states that development will only be supported when an exceptional case can be made for the proposal in terms of policies CP1 (sustainable development) and CP2 (minimising the need to travel), and where among other things: it is necessary to secure the conservation of a feature of acknowledged importance. The heritage statement by ELG Heritage details the consideration that the buildings proposed for conversion are worthy of being classified as non-designated heritage assets. An assessment against the Council's adopted criteria has been made within the heritage statement, which states the barns meet four of the criteria used to assess non-designated heritage assets; age, representativeness, aesthetic value/appeal and group value. Officers agree with the assessment of the buildings and therefore consider them to be non-designated heritage assets.
- 5.5 The buildings are unsuitable for modern farming practice due to their shape and scale in relation to modern farming machinery requirements and the buildings are also not part of an existing farmstead. A suitable alternate use is sought to ensure their viable retention. Under policy CP4 exceptions are made for residential development where the works are necessary to secure a significant improvement to the conservation of a feature of acknowledged importance. The planning statement considers the buildings have no current, viable use and the costs involved in the maintenance and repair of the group is such that a new use must be found. The retention of identified features will help maintain their historic character and legibility. The planning statement considers the proposed works have been informed through careful analysis of the significance of the heritage assets and have been designed to have minimal impact upon their special character.
- 5.6 Given the above, it is considered the works would satisfy the criterion of policy CP4 and safeguard the features of acknowledged importance in being considered as non-designated heritage assets. Whilst this does not remove the option to consider the structures under the Council's Interim Policy Guidance (IPG) it does reinforce the sustainability benefits that the re-use of the buildings would have, and the policy support which is provided to the development.
- 5.7 An alternative assessment of the proposal can be made through applying the Interim Policy Guidance. The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.

6. Development must conform with all other relevant LDF policies.

- 5.8 In the settlement hierarchy contained within the IPG, Knayton is defined as a Secondary Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby. It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable. The other criteria will be considered as part of the analysis within this report.

Heritage assets

- 5.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 5.10 The NPPF at paragraph 190 requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected by a proposal. The Conservation Area has an aesthetic value in the form of stone built, low height cottages which line either side of the street, there are also limited green gaps in the street scene. The provision of a new dwelling on this site will be a visible addition to the Knayton Conservation Area and will result in the loss of a green 'gap' site. The proposal would infill a gap site within the street scene however as demonstrated in heritage statement the site is overgrown and does not contribute to the street scene character. The size of the existing gap is also larger than others identified within the street scene and there will remain a gap between Southfields and the new dwelling which is of a size more in character with the wider Conservation Area.
- 5.11 In terms of the visual impact of the dwelling, it is lower than Southfields but higher than Gordon House and will provide a step down between the two existing properties. The dwelling will bridge the gap between the two existing properties.
- 5.12 The proposal requires the line of the existing wall to be altered to allow for visibility splays. The works proposed are considered to be minor and will allow for repair of the wall which is considered to be an important feature within the street scene. The original scheme proposed a separate access for the new dwelling which would have removed part of the wall, this was not considered to be acceptable as it would have caused harm to the character and appearance of the Conservation Area as the wall is an important characteristic and an amended scheme was submitted and the wall will remain for the whole width of the site.
- 5.13 A further consideration is the loss of the existing trees on the site. These will be replaced with a new dwelling. The original scheme proposed limited replacement planting and also incorporated a high level of hardstanding to the front of the dwelling. This would have had an unacceptable impact given the existing green nature of this part of the site. The development now proposes more replacement landscaping and the hardstanding is to the rear of the dwelling and not therefore a visible feature within the street scene. The revised layout is considered appropriate to the setting.
- 5.14 Given the status of the barns to the rear it is also important to consider the impact on views through to these barns. The heritage statement shows that views through will

remain between the new dwelling and Southfields and may open up new views through to the east elevation of the two-storey barn.

- 5.15 In terms of the impact on the listed building that adjoins the site (Southfields) it is considered the spacing between the two dwellings and the design that reflects those in the street scene together with a lower height will ensure the dwelling will not detract from the setting of the listed building.
- 5.16 Overall, it is considered the proposal as a whole would not cause harm to heritage assets. Furthermore, the public benefits of providing new housing in a sustainable location such as this include economic benefits both during construction and subsequently through having additional households in the village accessing businesses and services in the district. In addition there is a social contribution to village life of additional habitants. The conversion of the buildings will also provide three two bedroom properties which is in accordance with the identified for smaller homes within the district.
- 5.17 In terms of the impact on the non-designated heritage assets, the conversions would ensure their repair and subsequent retention. The barns have previously been used for agriculture and whilst are of limited architectural value they do have a characteristic rural charm. The proposed conversion of Barn A does not involve any extension to the building and it is considered the works would preserve its character and interest. The proposed works to Barn B would retain elements such as a wall nib and piggery arch which contribute to its historical value and would introduce minimal openings. It is considered the work will ensure the retention of these buildings.

Scale, built form and impact on the open countryside

- 5.18 Given the siting of the proposed new dwelling and as the barns although set back are adjacent to the existing built form of the village it is considered the proposals would not undermine the existing built form of the village. The scale of the proposals is acceptable considering the rural village location and given the barns are existing and the only addition to the rear of the site is the car port it is considered there would not be a significant detrimental impact on the open countryside and the works are considered appropriate in these terms.

Highway and access issues

- 5.19 As stated above the proposals would utilise the existing access to the barns; however some work would be required to slightly set back about a 4m length of the existing boundary wall to both the north and south side of the entrance to provide satisfactory visibility splays. It is considered the proposal includes sufficient parking and turning areas. The Highway Authority has raised no objection subject to conditions.

Residential Amenity

- 5.20 In terms of the impacts on surrounding neighbouring properties it is considered those most affected would be the occupants of Southfields and Gordon House. Given the scale and siting of the single storey barn it is considered its use for residential purposes would not significantly impact on the amenity of Southfields. Furthermore, given the siting of the two storey barn and the positioning of the habitable room windows, it is considered the impact from this dwelling would not be significant. The new dwelling would be to the side of the property, there would be some openings in the side facing Southfields however these would serve a bathroom and utility area as well as a secondary dining room window. The side gable of Southfields is blank and it is considered the proposed openings would not have a significant impact on the privacy of the occupants of Southfields. It is also considered that given the siting of

the new dwelling there would be no significant impact in terms of overshadowing or appearing overbearing.

- 5.21 With respect to the occupiers of Gordon House, this property is located along the southern boundary with the site, it does not contain any main habitable rooms windows along the boundary. Barn B is set well away from the boundary, Barn A is closer but is still set back. The main potential impact relates to the introduction of residential use in the buildings, whilst this would increase activity at the site it is not considered this will be unacceptable. There is a first floor bedroom window on the south gable of Barn A that would face south towards the rear part of Gordon House, however this would face a rear extension of Gordon House that does not contain windows. With regard to the new dwelling, it is considered the siting of this would ensure there is no significant overshadowing or overbearing impact. The windows within the side of the new dwelling would be approximately 13m from the boundary and as stated above there are no windows within the side of Gordon House that the proposal would directly face.
- 5.22 The property to the north and adjoining Southfields is Penhill House. This property would be largely unaffected as there are no windows proposed within the rear of Barn B, there would be roof lights however these would be of a sufficient height to ensure there is no significant overlooking impact.
- 5.23 It is considered the proposal, whilst increasing activity at the site, would not detrimentally affect the amenity of surrounding occupiers and are acceptable in this respect.
- 5.24 In terms of the amenity of the occupants of the proposed dwellings themselves, they all meet (and exceed) Nationally Described Space Standards and all dwellings would have a sufficient level of amenity space. The relationship between the four new dwellings is considered to be acceptable in terms of the potential for overlooking, appearing overbearing and overshadowing.
- 5.25 The Environmental Health Officer initially raised concerns regarding the proximity of the site to the A19 and the potential for noise from traffic. An acoustic assessment has been submitted to identify how the site is affected by road traffic in order to determine the suitability of the site for the proposed development. The report identifies that acceptable internal noise levels can be achieved with the provision of double glazing and ventilation with windows closed. Mechanical ventilation is to be provided to achieve adequate air changes without the opening of windows.
- 5.26 With regard to external noise levels, these are above 55dB(A) which is the upper guideline for noisier environments. The report recommends a barrier fence of 1.8m to the western boundary of the proposed site to achieve a reduction in noise levels. The fence would have to be of a suitable specification.
- 5.27 The Environmental Health Officer recommends the above matters are conditioned if planning permission is granted to protect the amenity of the proposed occupiers. A suitable condition will be added.
- 5.28 It is acknowledged that acoustic fencing can have significant visual impact, which is particularly important in relation to this site however given the recommendation is for a 1.8m high fence which is commonly seen in residential areas and as the final details are to be submitted the visual appearance of the fencing can also be suitably controlled and with additional landscape planting the fencing would not be harmful to the visual amenity of the location.

Flood Risk and Drainage

- 5.29 The proposed development is in an area of low flood risk as assessed by the Environment Agency (Flood Zone 1) and there is no susceptibility to surface water flood risk as assessed by the Environment Agency.
- 5.30 The applicant has stated that they would use a sustainable drainage system for surface water disposal. The design of the surface water system can be conditioned so design and layout is approved prior to work commencing on site. The applicant would have to provide details of future maintenance arrangements for the lifetime of the development and include design measures to ensure that flood risk is not increased elsewhere.
- 5.31 In terms of foul water the applicant has indicated they would use a package treatment plant and the mains sewer. Yorkshire Water has raised no objection to this and is under a duty to provide a satisfactory means of disposal of domestic foul sewage. Yorkshire Water has not indicated insufficient capacity of the foul public sewerage system but requests details relating to final details be submitted relating to both aspects of drainage.

Ecology

- 5.32 The application has been accompanied by a bat, breeding bird and barn owl survey. A building inspection and subsequent emergence survey have been carried out. The report states that no bat roosts were revealed and the proposed work is therefore unlikely to impact on bats. Evidence was found of nesting swallows was found inside the buildings and dense ivy growing up one of the buildings provides suitable breeding bird habitat. It is recommended that any work is timed to avoid disturbance to nesting birds. It is also stated there will be no loss of barn owl habitat. It is considered appropriate to condition that works are carried out in accordance with the report recommendations.

Planning Balance

- 5.33 There is a supply for land for housing of more than eight years and no compelling case for additional homes to meet the requirement of the NPPF in this respect however the provision of additional dwellings is a social gain as it provides additional homes in a sustainable location. It would also result in some economic gain through the investment in the conversion and new building and through subsequent spending by residents.
- 5.34 As the proposal would result no harm to the Conservation Area. The retention of the barns which are considered a non-designated heritage asset would be secured through the proposed works and the provision of three small dwellings in accordance with the need of the district is welcomed.
- 5.35 It is considered the scheme contributes to the aims of the NPPF of sustainable development and meets the requirements of the LDF Policy and the Interim Policy Guidance and can be recommended for approval.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations 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 drawing(s) numbered 3824-PD-00B, 3824-PD-09B, 3824-PD-10C,

3824-PD-12C, 3824-PD-11B, 3824-PD-16B, 3824-PD-08C, 3824-PD-07B received by Hambleton District Council on 14 December 2018 and drawing(s) numbered 3824-PD-15B and 3824-PD-14F received by Hambleton District Council on 14 March 2019 unless otherwise agreed in writing by the Local Planning Authority.

3. No development shall commence on the conversion of the outbuildings and no above ground construction work shall be undertaken in relation to the new dwelling until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. No works to the front boundary wall shall commence until a schedule has been agreed with the Local Planning Authority of the materials which are worthy of re-use in the re-construction of the wall and any additional materials required to replace any failed bricks. The wall shall be carefully taken down or dismantled and the materials contained in the schedule shall be re-used in the construction of the wall, as well as the mortar.
5. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
6. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage , for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority
7. The internal noise levels within habitable rooms of the dwellings hereby approved (with windows shut and alternative ventilation provided and in use) shall be protected to ensure that:

DAY TIME - Internal habitable rooms; 30dB LAeq 16 hours 07:00-23:00
NIGHT TIME - Internal bedrooms; 30dB LAeq 8hr 23:00 - 07:00 and 45LA max 23:00 - 07:00
DAY TIME - external use of main recreational areas and gardens = 50LAeq 16hrs 07:00 - 23:00.
8. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
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 until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - a. The existing access shall be improved by extending the extent of dropped kerbs to the south of the access by 1no. dropped kerb unit as per standard detail number E6.
 - b. The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway

10. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43.00m measured along both channel lines of the major road Fanny Lane from a point measured 2.00m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.60m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
11. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas:
 - a. have been constructed in accordance with the submitted drawing (Reference 3824-PD-15 G)
 - b. are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times
12. 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
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:
 - a. parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
 - c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
14. The development hereby approved shall be carried out in accordance with the MAB Environment & Ecology Ltd, Bat, Breeding Bird and Barn Owl Survey Report dated September 2018 unless otherwise agreed in writing by the Local Planning Authority.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order 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, CP2, CP4, CP16, CP17 and CP21.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.

4. In the interest of maintaining the character of the area and conservation of existing wall materials in accordance with the Hambleton Local Development Framework policy CP28.
5. In the interest of satisfactory and sustainable drainage
6. To ensure that the site is properly drained and in order to prevent overloading , surface water is not discharged to the foul sewer network
7. To protect the amenity of the occupiers of the dwellings
8. In the interests of highway safety
9. In the interest of highway safety
10. In the interest of highway safety
11. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development
12. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
13. To provide for appropriate vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
14. To ensure the development does not impact on protected species in accordance with policy DP31

Parish: Northallerton
Ward: Northallerton South
8

Committee Date : 30 May 2019
Officer dealing : Ms Aisling O'Driscoll
Target Date: 12 March 2019
Date of extension of time (if agreed):

19/00087/FUL

Proposed residential development comprising of 3 No. 2 bed, 2 storey terraced houses and 6 No. 3 bed, 2 storey semi-detached houses with associated parking, garaging and accessway.

at Land East Of Ashlands House Bullamoor Road Northallerton North Yorkshire for Mr Lee Richardson.

1.0 Site, context and proposal

- 1.1 The application site comprises of a trapezoid shaped grass field sandwiched between Bullamoor Road and Scholla Lane, which is part of a larger parcel of land. The application site equates to 0.23 hectares.
- 1.2 The site is located to the eastern edge of Northallerton and abuts the garden of an existing dwelling, Ashlands House, to the west. The site is located within the Development Limits of Northallerton. With the exception of the rail station which is approximately 2.5km away, the majority of the town's facilities lie within 1.5km of the site. Bus stops are located on Bullamoor Road approximately 400m from the centre of the site. The existing dwellings adjacent to the site comprise mainly 2 storey dwellings with single storey bungalows or 2 storey dwellings with rooms in the roof.
- 1.3 The application was originally for the construction of 9 dwellings with the following mix:
- 6 x three bedroom, two storey dwellings (3 pairs of semi-detached)
 - 3 x two bedroom, two storey dwellings (terraced row)
- 1.4 During the life of the application the number and type of dwellings was reduced to the following:
- 8 x two bedroom, two storey dwellings set out as four pairs of semi-detached dwellings.
- 1.4 In addition, in response to comments from the Highways Officer, the site layout was amended to provide an additional turning head and bin collection point.
- 1.5 The dwellings will be constructed in brick with concrete roof tiles and UPVC windows and doors. The elevation drawings show detailed door surrounds and brick detailing.

2.0 Relevant planning and enforcement history

- 2.1 17/01549/FUL - Proposed residential development of 5 dwellings - Granted

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;
- Core Strategy Policy CP1 - Sustainable development
 - Core Strategy Policy CP2 - Access
 - Core Strategy Policy CP4 - Settlement hierarchy
 - Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 - Core Strategy Policy CP17 - Promoting high quality design
 - Development Policies DP1 - Protecting amenity
 - Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all
Development Policies DP10 - Form and character of settlements
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
National Planning Policy Framework

4.0 Consultations

- 4.1 Northallerton Town Council - No observations
- 4.2 Highways Officer - No objection subject to conditions
- 4.3 Yorkshire Water - No objection
- 4.4 Environmental Health (Contaminated Land) - Recommends conditions
- 4.5 Natural England - No comments
- 4.6 Ministry of Defence - No objection
- 4.7 Public Representations - 3 letters of representation were received raising the following issues:
 - Landscaping should be incorporated on eastern boundary
 - Poor siting of attenuation tank and subsequent impact on trees.
 - Dwellings too close to edge of site
 - Southern hedgerow should be protected
 - Amenity spaces too small
 - Not clear where boundary fencing is going
 - Boundary treatment should provide a comfortable transition to the countryside
 - Permitted Development Rights should be removed to ensure landscaping is retained and no further hard standing is required
 - Potential for overlooking of garden from plots 3 and 4
 - Parking next to hedgerow could encourage users to cut it back
 - Nine units is too many
 - Increased traffic on Bullamoor Road

5.0 Analysis

- 5.1 It is considered that the main planning considerations raised in relation to the determination of this application are: i) the principle of development in this location; ii) the design of the development and resultant impact on the character and appearance of the area; iii) Highway safety; iv) residential amenity ; v) drainage and; vi) ecology.

Principle

- 5.2 The site is located within the defined Development Limits of Northallerton; a Principal Service Centre, where the principle of residential development is considered acceptable.
- 5.3 The Size, Type and Tenure of New Homes SPD seeks to ensure the provision of new homes that are of the right type and size to meet residents' aspirations and provide a range of housing choices.

- 5.4 In this case, the key objectives of the guidance are the delivery of more two and three bedroom market homes, more choice for older people including bungalows for sale. The proposal is for 8 two bedroom dwellings and it is considered that this meets the policy requirements of the LDF and the SPD in these terms. The proposal is therefore considered acceptable in principle. It is noted that as the proposals are for less than 15 units, the development is not required to deliver affordable housing.

Design and impact on the locality

- 5.5 It is proposed that the dwellings be finished in brick with concrete roof tiles and UPVC windows. It is recommended that brick and tile samples be reserved by condition. The design of the dwellings is considered to be of good quality featuring brick detailing and detailed door surrounds.
- 5.6 It is considered that the design of the dwellings reflects the grain, scale and character of the surrounding area and as such meets the requirements of Local Development Framework policy, in particular DP32 which seeks to ensure that development is of a high quality

Highway safety

- 5.7 In response to the Highways Officers initial comments the layout was amended and a bin collection point was added. On re-consultation the Highways Officer indicated that there were no objections to the proposal subject to conditions relating to discharge of surface water, access construction requirements, visibility splays, works in the highway, parking, construction management and landscaping.

Residential Amenity

- 5.8 The layout of the plots allows for acceptable sized amenity spaces and separation distances between windows. Given the separation between the first floor windows and the boundary to the west of the site it is considered that there will be no significant impact on local residential amenity. The proposed development is considered to accord with the requirements of Development Policy DP1 which seeks to ensure that development results in no significant impact on residential amenity.

Drainage

- 5.9 With regard to drainage the following is proposed:
- 1) Separate systems of drainage for foul and surface water.
 - 2) The proposed amount of curtilage surface water to be discharged to the public surface water sewer (at a restricted rate of (2.4) litres/second).
 - 3) The proposed points of discharge of foul and surface water to the respective public sewers.
- 5.10 Yorkshire Water has indicated that the details provided are acceptable. It is therefore recommended that these details, on drawing C-51 be secured by condition. As such it is considered that the site can be adequately drained and the development will have no impact in terms of flood risk. The proposed development is considered to comply with the requirements of Development Policy DP43.

Ecology

- 5.11 An extended Phase 1 Habitat Assessment dated March 2017 was submitted with the application. The report indicates that its findings are only applicable up to September 2018 and therefore the assessment requires updating. The report was considered

under the previously approved application which is itself still extant. It is therefore considered that the issues identified in the Extended Phase 1 assessment are still relevant and the recommendations stand. It is considered that a Phase 2 survey is required to ensure a comprehensive study is undertaken with regard to bats. This will provide further information on bats at the site and must target the Apple Tree SE 37933 94182. Given the work undertaken on this matter to date and the extant planning permission, it is recommended that this survey be secured by condition.

Planning Balance

- 5.12 The application is for 8 two bedroom dwellings within the defined development limits of a principal service centre. On balance it is considered the social and economic merits of providing additional homes in a sustainable location outweigh any adverse environmental impacts that may arise from the formation of new dwellings on the edge of the built up area of the town. It is considered that the proposal complies with LDF policies and the National Planning Policy Framework (NPPF).

6.0 RECOMMENDATION:

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

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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered Y81:1139.10, Y81:1139.11 and Y81:1139.13 received by Hambleton District Council on 16.01.2019 and Y81:1139.12 Rev A and Y81:1139.04 Rev B received by Hambleton District Council on 30.04.2019 unless otherwise approved in writing by the Local Planning Authority.

3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method

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

5. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(i) The crossing of the highway verge shall be constructed in accordance with the approved details (reference drawing number Y81:1139.03, revision A) and Standard Detail number A1.

(ii) The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway.

(iii) Provision of tactile paving, in accordance with the current Government guidance. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

6. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road C149 - Bullamoor Road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

(i) The details of the following off-site required highway improvement works, works listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

- Provision of tactile paving to provide a pedestrian link from the site to the existing footway on the north side of Bullamoor Road.
- The relocation of the existing 'side road ahead' warning sign.

(ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

8. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority: - Provision of tactile paving to provide a pedestrian link from the site to the existing footway on the north side of Bullamoor Road.

- The relocation of the existing 'side road ahead' warning sign.

9. No dwelling shall be occupied until the related access, parking and turning and manoeuvring facilities have been constructed in accordance with the approved details (reference drawing number Y81:1139.04, revision B). Once created these access, parking, and turning and manoeuvring areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

10. 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.

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

12. Soils shall not be re-used or imported onto the development site until a soil sampling and analysis scheme, including the number of samples to be taken and parameters to be tested, has been submitted to and approved in writing by the local planning authority. Before re-use or importation commences the soils shall be subject to sampling and chemical analysis and the results shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

13. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further development shall be undertaken until a detailed site investigation and risk assessment, having regard to current best practice, has been carried out. Where remediation is necessary a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority before any further development occurs. (See Notes for Applicant CL2 and CL4)

14. In the circumstances that remediation has been required the development shall not be occupied until a Verification Report, having regard to current best practice, has been submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL5)

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. For the avoidance of doubt and in the interest of proper planning.
- 3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
- 4. In the interests of highway safety.
- 5. To ensure a satisfactory means of access to the site from the public highway, in the interests of vehicle and pedestrian safety and convenience.
- 6. In the interests of road safety
- 7. To ensure that the details are satisfactory, in the interests of the safety and convenience of highway users.
- 8. In the interests of the safety and convenience of highway users.
- 9. To provide for adequate and satisfactory provision of off-street accommodation for vehicles, in the interest of safety and the general amenity of the development.

10. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
11. 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. To ensure safe development of the site and to protect human health and the environment.
13. To ensure safe development of the site and to protect human health and the environment.
14. To ensure safe development of the site and to protect human health and the environment.

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18/01113/FUL

Creation of 12 additional flats at first floor level, together with ground floor retail uses (Use Classes A1/A2/A3 only). Works include first floor extension to Regency Mews, together with the installation of shop fronts at ground floor level; two-storey extension to Romanby Court, together with the creation of 2no. new ground floor retail units (Use A1/A2/A3) following partial demolition and conversion of the existing building; at Romanby Court High Street Northallerton North Yorkshire for Ark Grove Limited.

1.0 Site, context and proposal

- 1.1 The application site is located within Northallerton Town Centre and Northallerton Conservation Area. The site currently comprises a mix of A1, A3 and A5 units at ground floor together with some existing flats and vacant space at first floor level. The buildings are laid out around a courtyard with the buildings closest to the High Street fronting out onto it. One of these buildings, No.139 is a listed building. The courtyard area is currently used to access a limited number of the existing businesses.
- 1.2 The surrounding area is predominantly retail, commercial and leisure uses as you would expect in a Town Centre location. To the rear of the site is Tesco supermarket and its associated car park. The site is bounded on both sides by alley ways that provide foot access from the High Street to the Tesco site at the rear and the existing commercial units along Regency Mews that are within the application site.
- 1.3 The application seeks consent for works to redevelop this commercial area and will include the addition of 12 flats at first floor and 2 new commercial units at ground floor. The construction works include a first floor 'infill' extension to Regency Mews, together with the installation of shop fronts to the courtyard elevation of existing ground floor commercial units. A two-storey extension is proposed to Romanby Court, following partial demolition and conversion of the existing building together with the creation of the two new ground floor retail units and flats above.
- 1.4 Amended details have been secured as follows:
- Removal of central canopy area
 - Provision of bin store
 - Alterations to layout in the interest of residential amenity
 - Noise and odour information and mitigation

2.0 Relevant planning and enforcement history

- 2.1 No relevant planning and enforcement history

3.0 Relevant planning policies

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP12 - Priorities for employment development
Core Strategy CP13 - Market towns regeneration

Core Strategy Policy CP14 - Retail and town centre development
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP20 - Design and the reduction of crime
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP16 - Specific measures to assist the economy and employment
 Development Policies DP19 - Specific measures to assist market town regeneration
 Development Policies DP20 - Approach to town centre development
 Development Policies DP21 - Support for town centre shopping
 Development Policies DP22 - Other town centre uses
 Development Policies DP28 - Conservation
 Development Policies DP32 - General design
 National Planning Policy Framework

4.0 Consultations

- 4.1 Northallerton Town Council – no observations
- 4.2 Highway Authority – Concern must be expressed with regard to the lack of off street car parking that is associated with the development. The plans indicate that are 12 off street car parking spaces to serve the 11 flats and the retail units but it is unclear as to which users will be assigned these spaces. The site is however within the town centre area of Northallerton so the location is sustainable. The High Street is subject to a Traffic Regulation Order that will control on street parking and as such highway safety is unlikely to be compromised by the application.
- Consequently the Local Highway Authority recommends a condition is attached to any approval relating to a construction management plan.
- 4.3 Local Lead Flood Authority – no objections subject to conditions.
- 4.4 North Yorkshire Fire & Rescue Service – no objection/observation to the proposed development
- 4.5 Police Designing out Crime Officer - should this application be granted I would ask that a planning condition be placed on it requiring that prior to the commencement of any works that the applicant provides full written details of what crime prevention measures are to be incorporated into the development and these measures must be agreed in writing by the Authority.
- 4.6 Yorkshire Water Services – site already connected to the public sewer, condition required to control surface water.
- 4.7 Environmental Health – concern raised regarding the impact of noise and odour on new residential units and from the wider nearby commercial premises activities. In order to protect the amenity of the new occupants of the development from noise and odour conditions are recommended.
- 4.8 Public Rights of Way – informative required.
- 4.9 Housing, North Yorkshire Building Control Partnership and the Economic Development Team were also consulted, no comments have been received.

- 4.10 Public comments – site notices were posted in the vicinity of the site and neighbours notified. This resulted in three letters of objection and three letters of observation being received. The comments received relate to;
- Noise and impact on existing businesses
 - Consideration should be given to the noise from surrounding uses on the proposed residential properties.
 - Concerns regarding the changes to the existing Chinese restaurant building and the impact on the existing Chinese restaurant business
 - Potential closure of the Chinese will adversely affect the vitality of the town centre
 - Concern regarding the partial demolition of historic buildings

5.0 Analysis

- 5.1 The main issues to consider are: i) whether the principle of development is acceptable; ii) impacts on Heritage Assets; iii) matters relating to Design, Visual Impact and Designing out Crime; iv) impact on Residential Amenity (including noise and odour issues); Highway Impacts and; v) Drainage.

Principle of development

- 5.2 Northallerton is a Principle Service Centre as set out in the Spatial Principles within the Local Development Framework, where development will be directed due to the sustainability credentials of the Centre. The five market towns, designated as “Service Centres”, will play the leading role in the future development and provision of services within Hambleton. Most new development will be focused in these towns, with more development being in the main towns.
- 5.3 Policy support for the principle of the retail element of the scheme is provided by CP14 which provides support for maintaining and enhancing the viability and vitality of the districts town and district centres. The policy identifies Northallerton as the Main Town Centre, with its function to serve the district. CP14 goes on to state that retail and other town centre development of a scale appropriate to the identified role will be supported provided that it respects the character of the environment of the centre, including its special architectural and historic interest and assists in maintaining its existing retail function.
- 5.4 Further policy support for the application is provided by DP19 which provides policy support for the regeneration of the Market Towns, expressing support for a range of initiatives including support for residential accommodation, redevelopment of vacant and underused sites close to town centres, and improving the quality, diversity and use of publicly accessible spaces and the public realm.
- 5.5 DP20 provides support for town centres and encourages uses, activities and investment that will sustain or enhance their character, attractiveness, conservation, heritage, vitality and viability and lead to the centres becoming more vibrant and economically successful.
- 5.6 DP22 states that development of appropriate non-shopping town centre uses including residential development will be encouraged to locate within the Town Centre boundaries where support is given to the vitality and viability of the centres and access is available for all sectors of the community.
- 5.7 The site is located within the Primary Retail Area of the Town Centre. It is considered the proposals will ‘open up’ the courtyard area and encourage use of the area and generate greater footfall. The commercial units will be more visible due to the dual aspect through the inclusion of new shop fronts that will face the courtyard area and

the alleyways either side of the site. The development will encourage uses, activities and investment that will sustain or enhance the character of Northallerton town centre, its attractiveness, and vitality and viability.

- 5.8 The existing units will be improved and additional units provided. Comments received relating to the existing Chinese Restaurant and its potential loss are noted. However, the site will retain A3 use. Issues relating to any lease of the building are a civil matter and not a material planning consideration. The applicant is seeking to retain the existing users of the site while improving the commercial offer.
- 5.9 The proposal includes the addition of first floor residential flats, this use gains support from the Development Plan as detailed above. The presence of small scale residential accommodation within the town centre can contribute to the vitality and viability of the area and can help to achieve a livelier environment and improve safety by ensuring a constant public presence.
- 5.10 The mix of uses proposed within the area is considered to gain support from Development Plan Policies. The development of the site will have a positive contribution to the vitality and viability of the town centre and the principle of the proposal is considered acceptable.

Heritage assets

- 5.11 Local Development Framework Core Policy CP1 states that development that would significantly harm the natural or built environment, or that would generate an adverse traffic impact, will not be permitted. Proposals will be supported if they promote and encourage or protect and enhance: (amongst other things) the historic and cultural features of acknowledged importance.
- 5.12 Core Policy CP16 states that development or other initiatives will be supported where they preserve and enhance the District's natural and manmade assets, where appropriate defined in the Development Policies Development Plan Document and identified on the Proposals Map. Particular support will be given to initiatives to improve the natural environment where it is poor and lacking in diversity.
- 5.13 The policy continues by stating that development or activities will not be supported which either (i) has a detrimental impact upon the interests of a natural or man-made asset; or (ii) is inconsistent with the principles of an asset's proper management; or (iii) is contrary to the necessary control of development within nationally or locally designated areas. Any necessary mitigating or compensatory measures must be provided to address potential harmful implications of development.
- 5.14 In assessing the impact of the proposal on the built heritage any harm caused to heritage assets must be given great weight and importance in the determination of the application as set out in paragraph 193 of the NPPF.
- 5.15 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.16 Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 5.17 Paragraph 196 of the NPPF states that where a development proposal will lead to “less than substantial harm” to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.18 The proposal includes work to a listed building in the form of new window openings (this work is also subject to a separate listed building consent). The surrounding work also has the potential to affect the setting of the listed building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.19 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Northallerton Conservation Area.
- 5.20 The proposal would affect the rear off shoot of the listed building. However, given use of appropriate fenestration materials it is considered that the works would not harm the historical significance of the building. No part of the listed building is to be demolished. In terms of the setting of this listed building and the effect on the character and appearance of the conservation area it is considered the works will have a positive impact. The courtyard area is currently under-utilised and is not an attractive space for use by the public. The proposals will improve this area, it will be opened up with better pedestrian access, the new shop fronts around the courtyard will ensure it is used and the improvements on the outside of the buildings that face onto the alley-ways at either side of the site will improve the overall appearance of the area. The introduction of the mixed use area will bring an improvement in the overall vibrancy of the site. The development is considered to have a positive impact on the heritage assets and as such it is considered that the development is in compliance with the requirements of both Local Development Framework policy and the tests set out within the NPPF.

Design and visual impact

- 5.21 One of Hambleton’s strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is “To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character.”
- 5.22 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.23 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.24 The Design and Access Statement prepared by the agent assesses the proposal in respect of the use, scale, layout and appearance. The new build development on this occasion will all be two storey and no higher than any of the existing buildings on site and similarly there will not be any increase in the depth of the units from those existing. The new-build elements will effectively ‘square off’ the existing courtyard area so it is fully enclosed (with pedestrian access) in a logical fashion. The

Statement puts forward that the decision was made to demolish part of the Romanby Court building as it projected into the courtyard area in an incongruous fashion and its demolition will open up and enhance the space further.

- 5.25 The existing commercial units will become double fronted to provide greater active frontages and access will be opened up through the courtyard area, this is intended to enhance the freedom of movement of pedestrians within the area, all with a view to also increase trade.
- 5.26 As stated above the new build elements will be no higher than the existing and the new shopfronts and openings will respect those existing in terms of style and proportion. Materials details have not yet been agreed and a suitably-worded condition would be required to ensure that the materials used respond positively to the character and appearance of the area.
- 5.27 It is stated the development would lead to a substantial improvement on the current appearance of the site, much of which is under-utilised and of poor quality. Having visited the site officers concur the area would benefit from works to improve its appearance in parts and encourage use by the public. The proposed building work is considered to fit in with the character of the existing buildings around the courtyard and it is considered the extensions will fit in with the character of the wider area.
- 5.28 In terms of the use of designing out crime principles, comments have been received from the Designing out Crime Officer (DOCO). The comments received raise concern about the hours of use of the commercial premises and potential conflict with the residential occupiers, as discussed later in this report, the internal courtyard area is to be closed to members of the public from 9pm and the layout of the flats has been amended so the bedrooms are facing the internal courtyard area in order to address this potential issue. The DOCO also recommended access to the courtyard is controlled, stating failure to secure this area will provide an ideal gathering place which is highly likely to result in complaints of criminal or anti-social behaviour. The removal of the central canopy together with limiting access to this area has been incorporated into the proposals in part to assist with this potential issue. The DOCO also makes reference to the requirement for secure cycle storage, this requirement is acknowledged and the applicant is aware of the requirement, a suitable condition will be added to ensure this is provided. Other issues raised such as lighting and CCTV can be finalised as part of the conditions required.

Residential Amenity

- 5.29 The provision of additional residential development in a commercial area raises concerns in terms of the impact of noise from the surrounding uses. The site itself will be opened up further to the public and increased footfall is expected within the area together with the presence of public rights of way to the north and south of the site that link the High Street to Tesco in particular. Access to the courtyard itself is to be restricted at certain times of the day in the interest of residential amenity and provided the courtyard area is closed to members of the public between the hours of 9pm and 7am the Environmental Health Service has raised no objection to the proposal in this respect. Outside the control of the application is the use of the public rights of way and also further noise sources, for example, the delivery yard at Tesco. In order to ensure there is an acceptable level of noise the applicant was requested to amend the layout of the flats to ensure the bedroom windows were facing inwards over the courtyard area. These amendments were completed and the Environmental Health Officer is satisfied in terms of noise.
- 5.30 Concern was raised regarding the impact of odour due to the location of current flue termination points in proximity to the proposed residential properties. The applicant

submitted an odour assessment which identified some of the existing units as high risk. This assessment also included recommendations for odour abatement and it has been confirmed that the existing A3 and A5 units will also benefit from the recommended mitigation measures. Conditions are recommended to control their installation and ongoing maintenance.

- 5.31 The proposed residential units are all flats and provide smaller units of accommodation. The proposed units all meet the Nationally Described Space Standards and whilst it is acknowledged the units do not have designated amenity space, this is not an uncommon way of living in town centre areas and the flats have access to the courtyard area.

Highway Impact

- 5.32 The development site includes 12 off-street parking spaces. The Local Highway Authority has expressed concern with regard to the amount of off-street parking and also states it is unclear as to which users will be assigned the parking spaces within the site. However, the site is within the town centre area and is therefore in a sustainable location where access to all essential services can be gained without the use of the car. The High Street is also subject to a Traffic Regulation Order that controls on-street parking and as such highway safety is unlikely to be compromised.
- 5.33 The applicant has provided information that denotes long-stay/overnight parking in the town centre area. There are a number of places occupants of the site could park their cars, if they have access to one. It is also considered that given the scale of the development and size of the units the demand for parking is unlikely to be significant. As the site is sustainably located there is good access to other modes of transport. Secure cycle parking will be provided within the courtyard, details of which will be controlled and agreed by condition.
- 5.34 Overall, given the scale of development, the location of the site, the provision of public transport and parking within the town centre it is considered the highway impacts are acceptable.

Drainage

- 5.35 The site is located in Flood Zone 1 and has existing connections to the public sewer. Yorkshire Water have confirmed given the sites location it will be connected to the public sewer and they require a condition requiring details of the surface water drainage details, with particular reference to limiting the rates of discharge. The Local Lead Flood Authority have also requested a similar condition. A suitably worded condition will be attached to the application. Subject to this it is considered the proposal is acceptable in drainage terms.

Planning Balance

- 5.36 It is considered that the amended scheme addresses concerns raised through the assessment of the proposals and results in a partial redevelopment of this area, which will provide small scale housing accommodation and improvements to the retail offer in the Town Centre. The proposals are considered to have no detrimental impact on designated heritage assets.
- 5.37 The proposed development is considered to accord with the tests set out in the National Planning Policy Framework and the requirements of relevant Local Development Framework policy.

6.0 RECOMMENDATION

6.1 That subject to any outstanding consultations 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 following drawing(s); Location Plan received by Hambleton District Council on 25 May 2018, proposed plans 1741/104J and proposed elevations 1741-105E received by Hambleton District Council on 10 April 2019 unless otherwise approved in writing by the Local Planning Authority.
3. Development shall not commence until details of surface water drainage have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;

b) evidence of existing positive drainage to public sewer and the current points of connection;

A scheme restricting the rate of development flow runoff from the site shall also be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The flowrate from the site shall be restricted to greenfield runoff rate and/or a minimum 30% reduction of the existing positively drained runoff rate for the 1 in 1, 1 in 30 and 1 in 100 year rainfall events. A 30% allowance shall be included for climate change for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

4. Prior to any external alterations full written details of what crime prevention measures are to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. These measures should take into account the comments made by the Designing Out Crime Officer and should provide rationale and mitigation in relation to any suggestions made that are not to be incorporated.
5. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following:
 - (i) the parking of vehicles of site operatives and visitors
 - (ii) loading and unloading of plant and materials
 - (iii) storage of plant and materials used in constructing the development
 - (iv) erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
 - (v) wheel washing facilities
 - (vi) measures to control the emission of dust and dirt during construction
 - (vii) HGV routing

6. Prior to any external works, full details, including samples as necessary, of all external materials shall be provided to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details and thereafter be retained.
7. The recommendations of the Odour Assessment LDP 2229 December 2018 shall be implemented to the specified existing and new A3 and A5 premises.

Details of ventilation and fume extraction, including a full technical specification by a suitably qualified technical person shall be submitted to and agreed in writing to the Local Planning Authority prior to the commencement of use of the units following completion of the works hereby approved. The scheme should specify the position of ventilation, fume or flue outlet points; the type of filtration or fume treatment to be installed and shall include details of noise levels generated and any noise attenuation structures to be incorporated. Following installation, commissioning sheets shall be provided to the Local Planning Authority.

8. The extract ventilation system referred to in condition 7 shall be operated and maintained in accordance with manufacturers recommendations including frequency of replacement filters, for so long as the use continues.
9. The courtyard area shall be closed to members of the public between the hours of 21:00 and 07:00 each day.
10. Any unit within the application site boundary shall only be open between the hours of 8am and 12am Monday to Saturday and 8am and 11.30pm Sunday.
11. Prior to any external alterations details relating to the provision of secure cycle storage within the site boundary shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to occupation of the residential accommodation hereby approved and shall be retained for the life of the development thereafter.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP 17 and DP32.
3. To ensure proper provision is made for the disposal of surface water discharge and to mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.
4. To satisfy Paragraph 58 and 69 of the National Planning Policy Framework, Policy CP2 and CP13 of the Local Development Framework
5. In the interests of highway safety and the general amenity of the area
6. In order that the character and appearance of the proposed development is acceptable and meets the requirements of Hambleton Local Development Framework Development Policy DP28 and DP32.
7. In the interest of the amenity of the area

8. In the interest of the amenity of the area
9. In the interest of residential amenity
10. In the interest of residential amenity
11. To ensure provision is made for sustainable means of transport in accordance with Local Development Framework policy CP2 and DP3

19/00617/FUL

Reconfiguration of existing Car Park, comprising of re-marking of parking spaces, repositioning of lamp posts and installation of new LED lighting and installation of electric vehicle charging facilities.
at Crosby Road Car Park Crosby Road Northallerton North Yorkshire
for Mr Tom Cannon.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site is located in the centre of Northallerton. It is currently a long stay car park with two access/egress points. It is close to the Treadmills site and it is planned to be a parking hub to support the businesses part of this development.
- 1.2 The changes proposed alter the layout of the parking bays and add two electrical charging points in the central bank of spaces and lamp posts would be repositioned.
- 1.3 The development will result in provision of 200 car parking spaces including 8 wheelchair accessible spaces, 6 parent and toddler spaces and provision of 4 electric car charging points. The existing car park provides 232 spaces and as such the application results in 32 less spaces than currently provided.
- 1.4 The applicant states that the proposed development is intended to up-date the layout and operation of the car park allowing suitable space for different users along with circulation space, which has resulted in a reduction in the overall number of spaces provided on site.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 18/01849/FUL - Erection of cinema (Use Class D2) with 3 food and beverage units at ground floor (Use Classes A3 and/or A4 and/or A5). Erection of 3 retail units (Use Class A1). Change of use and conversion of existing buildings from prison to office space (Use Class B1a), 4 residential units (Use Class C3), 2 retail units (A1) and 2 food and beverage units (Use Classes A3 and/or A4 and/or A5), including alterations and extensions. Associated public realm and landscaping including new civic square, car parking, servicing areas and new vehicular and pedestrian accesses, amended by plans and additional information received by Hambleton District Council on 22nd October 2018 - Granted 07.11.2018

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP13 - Market towns regeneration
Core Strategy Policy CP14 - Retail and town centre development
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP8 - Development Limits
 Development Policies DP16 - Specific measures to assist the economy and employment
 Development Policies DP19 - Specific measures to assist market town regeneration
 Development Policies DP21 - Support for town centre shopping
 Development Policies DP32 - General design
 National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Northallerton Town Council - Welcomes the upgrade, but regret the loss of 32 car parking spaces and the 8 disabled car parking spaces, placed at the rear entrance into the car park of Lascelles lane properties.
- 4.2 NYCC Highways Authority - No objections response
- 4.3 Site Notice posted - 25.03.2019 Expired - 15.04.2019
- 4.4 Four comments from the general public have been received, 1 objecting and 3 less explicit on their position but raising the following issues.
- Electric charging points should be located to the edge of the site as car batteries have a realistic chance of catching fire.
 - There should be a range of disabled spaces to both ends with correct yellow hatching, this should create 24 spaces, more should be provided to create 26.
 - No provision for motor cycles or peddle cycles parking spaces. There is no mention on how the residents will be dealt or the charges.
 - On the plan there are water sumps shown for the car park but what about the residents 3, 4 and 5 Crosby Road?
 - There will be 8 spaces, a slight increase on current. The hatching encroaches on private access to no 3 Crosby road.
 - Incorrect details on the application form for the locations of trees.
 - The applicant is incorrect on their statements on flooding, hours of opening and connection with the council.
 - Our main concern is the planned use of Number Plate Recognition Cameras to monitor ins and outs to the car park. We foresee difficulties where we could have up to 40 different vehicles needing to use our parking spaces at different times of the day and night.
 - The removal of the lamppost directly by our rear exit. Due to the 24-hour nature of our helpline, our volunteers enter and leave the building during the night. The lighting provided by the current lamppost forms part of the security of our building. Will the suggested replacement LED lighting reach the rear of our building or shall we need to add extra lighting (at extra cost) for the health and safety of our volunteers?
 - With the removal of the north/south 'lane' between the parked cars (which currently affords safe/direct access to our parking spaces) and changing the orientation of the spaces, please could the developers confirm that there be sufficient space for us to drive in and reverse out of our two (very tight) spaces, without potential damage to our volunteers'/car park users' cars and/or pedestrians?
 - I object - I understand that Everyman media are hoping to lease the car park for 25 years. I also understand that Everyman are applying for a liquor license for 18 hours daily, 7 days a week. Some of the residents at Lascelles, including myself, have concerns about the possibility of noise arising, due to late night drinking leaving the

cinema, urinating in the car park which I am led to believe is already a problem and litter

5.0 ANALYSIS

- 5.1 The main issues to consider are i) the impacts on residential amenity; ii) the impact on design and layout; iii) highway safety and drainage and; iv) heritage matters.
- 5.2 The principle of development has already been established. This is an existing car park within development limits and thus complies with policy CP4.

Residential amenity

- 5.3 It is noted that the car park is surrounded on three sides by existing residential development. Lascelles Court, a retirement housing complex, is located to the east and the terraced or semi-detached housing located along Lascelles Lane and Crosby Road all directly border the site. Of the terraces and semis several have vehicular access across the car park into their properties and many also make use of the car park to gain pedestrian access into their rear gardens. No 7 Crosby Road is occupied by The Samaritans, a charity that provides support to the public late into the evening. The site also adjoins the Fire Station to the south.

Design and Layout

- 5.4 Matters arising through the consultation have been addressed by the applicant which includes a submission of the revised plan to improve the vehicular access to the adjoining properties. The day time use of the car park will remain the same, being chiefly used by people coming to work, although usage may increase slightly from workers based within the new office building (the refitted Women's wing of the Prison). The main change will be in the evenings with people using the Treadmills site to use the cinema and/or visit the restaurants on the adjoining site. The alterations are otherwise very minimal and will have no impact on the character or appearance of the area.

Highways safety and drainage

- 5.5 The car park layout has changed and has the addition of new electric charging points. The applicant has proposed changes to allow better access to adjoining dwellings across the car park and still allow for sufficient space to meet the new needs identified from the adjacent Treadmills development.
- 5.6 It is understood the drainage system was designed to modern standards and installed in 2005-2006. The Electric Vehicle Charging Points are installed in a properly considered position, away from boundaries in clear sight to prevent a vandalism risk. Cycle parking is provided for within the main Treadmills development, and the developer asserts that to provide cycle parking within a tarmacked area with a concentration of car traffic is not preferable. Accessible parking provision proposed has been considered and provides a good level of safe, fully compliant parking bays.
- 5.7 It is considered that the proposed development will have no detrimental impact in terms of road safety.

Heritage Matters

- 5.8 The proposed development has the potential to impact the setting of the Grade II Listed Prison Buildings.

- 5.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.10 Local Development Framework Core Policy CP1 states that development that would significantly harm the natural or built environment, or that would generate an adverse traffic impact, will not be permitted. Proposals will be supported if they promote and encourage or protect and enhance: (amongst other things) the historic and cultural features of acknowledged importance.
- 5.11 In assessing the impact of the proposal on the built heritage any harm caused to heritage assets must be given great weight and importance in the determination of the application as set out in paragraph 193 of the NPPF.
- 5.12 Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.13 Paragraph 196 states that where a development proposal will lead to "less than substantial harm" to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.14 The proposed development is relatively minimal in scale and form and is not considered to impact on the setting of the nearby listed buildings. It is considered that the development will have a neutral impact and is in accordance with relevant Local Development Framework policies and the tests set out in the NPPF.

Planning balance

- 5.16 The proposed alterations to the car park are relatively minimal and will have no detrimental impact on the character or appearance of the area, the amenity of local residents or road safety. The proposed development will have no detrimental impact on the setting of the nearby listed buildings and the development will help to support the implementation of redevelopment of the prison site.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on unless otherwise agreed in writing by the Local Planning Authority.

The reasons are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) .

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Parish: Stillington
Ward: Huby
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Committee date: 30 May 2019
Officer dealing: Miss Charlotte Cornforth
Target date: 31 May 2019

19/00502/FUL

**Construction of a dwelling
At Field House, South Back Lane, Stillington
For Mr Alan Hetherington**

This application is referred to Planning Committee as the application is a departure from the Development Plan

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is currently part of the garden area for Field House. The area contains a fruit and vegetable patch and is not set to lawn.
- 1.2 The site is located to the south of the residential dwelling of Field House and to the west are five bungalows that are currently under construction. On the southern and eastern boundaries are mature trees and hedgerows and these natural features will be retained. Furthermore, to the south of the site is Stillington Tennis Club and this area provides a further buffer between the village and open countryside beyond.
- 1.3 The village has over time been extended, significantly with the Parkfield development in the late 1960s and with infill development continuing since then. More recently, a number of new houses have been constructed on the outer edges of the village including a development of 24 homes to the south side of South Back Lane, to the west of the application site.
- 1.4 Full planning permission is sought for the construction of a dwelling on the same site as the previous outline consent. It is an 'L' shaped dwelling, with an attached garage to the north. The building lines and domestic curtilages would mirror the bungalows at Woodbyne Way that are being built to the west of the site. The dwelling will have 2 floors, with 3 bedrooms in the roof space.
- 1.5 A pitched roof form is proposed, with a ridge height of 6.5 metres that aligns with the proposed ridge heights of the bungalows at Woodbyne Way that are being built to the west of the site. The dwelling is to be constructed from brick, pan-tiles and timber-framed windows. There will be integrated roof solar panels and roof lights on the south, east and west roof slopes are proposed.
- 1.6 The access route to the site shows how a drive would be created from South Back Lane using initially the existing vehicular access that serves Field House. The driveway to the dwelling would extend passed the west of Field House to the site. Additional planting is proposed to the north of the new dwelling between the site and the dwelling of Field House.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

The parcel of land that is the subject of this application

- 2.1 18/01449/OUT - Application for outline planning permission with all matters reserved for the construction of one bungalow and garage; Granted 20 September 2018. A condition was attached to the outline approval that stated:

This decision grants permission for no more than 1 single storey dwelling. The size of the dwelling in the reserved matters submission shall reflect size requirements as expressed in the Size, Type and Tenure SPD.

Field House to the north of the application site

- 2.2 13/00468/OUT - Outline application for the construction of a dwelling and detached domestic garage and store; appeal allowed 11 December 2013.
- 2.3 14/00824/REM - Reserved matters application for the construction of a detached dwelling with landscaping and hard-standing; Granted 9 June 2014.

The site to the west of the application site 'Woodbyne Way'

- 2.4 16/00883/OUT - Outline application (all matters reserved) for five bungalows, car ports, car parking and associated infrastructure; Granted 16 September 2016.
- 2.5 16/02722/REM - Reserved matters application for five bungalows, car ports, car parking and associated infrastructure; Granted 28 April 2017.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 – Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP21 - Safe response to natural and other force
Development Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP4 - Access for all
Development Policy DP8 - Development Limits
Development Policy DP9 - Development outside Development Limits
Development Policy DP10 - Form and character of settlements
Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP32 - General design
Development Policy DP33 – Landscaping
Development Policy DP43 - Flooding and floodplains
Interim Guidance Note - adopted by Council on 7th April 2015
Size, Type and Tenure of New Homes SPD - adopted September 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Parish Council – no objections to the proposal.
- 4.2 NYCC Local Highway Authority – access to the site is via the existing private drive serving the host dwelling, Field House. The distance to the proposed dwelling from South Back Lane is in excess of 75 metres. Consequently a fire service tender would need to access the driveway should the emergency arise, in order to get within 45 metres of the front door of the dwelling as advocated in Section 6.7.3 of Manual for Streets. It would appear the private driveway will not offer the required 3.7 metre working width, therefore the tender would need to be able to stand in the turning area for the new dwelling and, although this area has been reduced slightly from planning approval 18/01449/OUT, it would appear just sufficient for this purpose.

Mention is made of a 'Refuge Store' in section 14 of the application form, but no drawing appears to show it. The Design and Access Statement makes reference to existing facilities on South Back Lane, but again these do not appear to be shown. Attention is drawn to the recommended carry and collection distances again contained in Section 6.8.9 of Manual for Streets.

Service / delivery vehicle turning should be taken into consideration given the distance involved and, whilst the area shown on the Proposed Site Plan would assist in this capacity, any parked cars on it would reduce this function, and consideration should be given to reinstating some additional space.

The agent has provided a site layout plan showing the driveway at 4.1 metres at the northernmost part of the site and 4.3 metres at the southernmost point of the site.

4.3 Yorkshire Water – no comments received to date.

4.4 Foss Internal Drainage Board - no objection but feels it appropriate that the applicant provides a drainage strategy and proves any connectivity that they wish to claim, to enable an evaluation to be undertaken in terms of flood risk.

The exact details of this can be secured by planning condition.

4.5 Public comments – No comments received to date.

5.0 OBSERVATIONS

5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the surrounding area, including the character and appearance of the village; (iii) heritage assets (iv) residential amenity; (v) highway safety (vi) drainage issues; and (vii) land contamination.

Principle

5.2 The site falls outside the Development Limits of Stillington. Policy CP4 states that all development should normally be within the Development Limits of settlements. The Development Limits are located where the northern boundary of Field House meets South Back Lane.

5.3 Policy DP9 states that development will only be granted for development in exceptional circumstances. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).

5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG includes an updated Settlement Hierarchy.

5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:

1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.6 In the settlement hierarchy contained within the IPG, Stillington is defined as a Service Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.
- 5.7 The village is served by bus services connecting to the nearby Market Town of Easingwold and York City Centre. It has a range of services within the village itself including a primary school, medical practice, Post Office & shop, two pubs, a restaurant, fish & chip shop, village hall, sports club & facilities and play areas.
- 5.8 It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

Character and appearance

- 5.9 With regard to criterion 2 of the IPG, development must be small in scale and reflect the existing built form and character of the village. The proposal is for one dwelling and it is therefore considered small in scale as the IPG refers to small scale comprising up to five dwellings.
- 5.10 It is an 'L' shaped dwelling, with an attached garage to the north. The building lines and domestic curtilages would mirror the bungalows at Woodbyne Way that are being built to the west of the site. The dwelling will have 2 floors, but will not appear dominate compared to the existing dwellings in the immediate locality.
- 5.11 In light of the above, the proposal is considered to reflect the existing built form and character of this part of the village.
- 5.12 IPG criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. The heritage assets will be considered in the next section of the report.
- 5.13 The application site relates to the development of a paddock to the south of Field House. There is no significant ecological interest associated with the site itself. There is a pond recorded in the south west corner of the application site and there are no proposals to change this. It is appreciated that the site is bound by trees and hedgerows and these natural features are to be retained. The scheme would have no significant detrimental impact upon local ecology.
- 5.14 By virtue of the siting of the proposed dwelling, the buildings and the landscape features that are to be retained and the additional planting proposed, the proposal is considered not to have a detrimental impact upon the character or appearance of the natural or built environment.

- 5.15 Criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
- 5.16 The site is located to the south of the residential dwelling and to the west are 5 dwellings that are currently under construction. On the southern and western boundaries are mature trees and hedgerows and these natural features will be retained. Furthermore, to the south of the site is Stillington Tennis Club and this area provides a further 'buffer' between the village and open countryside beyond.
- 5.17 In light of the above, the proposal is considered to not have a detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.

Heritage assets

- 5.18 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Stillington Conservation Area.
- 5.19 The majority of the application site is located 80 metres to the south of the Stillington Conservation Area. It is considered that given the distance from the site to the Conservation Area and the intervening buildings, the proposal will not harm the designated asset.

Residential amenity

- 5.20 There is a separation distance of 48 metres from the site boundary to the boundaries of the existing properties 31 and 33 Parkfield to the east.
- 5.21 In terms of the dwelling to the west of the site of Thresher Barn 5, there is a gap that will provide a turning space for the new dwelling. There are no windows on the western elevation of Thresher Barn 5 that serve a habitable or principal room. The ground floor windows serve the kitchen (over the sink) a utility room and ground floor bedroom and there is a roof light to serve a bedroom. The boundary between the application site and the neighbouring site comprises of a mixed species hedge.
- 5.22 The separation distances are sufficient so that the scheme will not prejudice residential amenity by being overbearing in presence, and would not cause a loss of light or loss of privacy.
- 5.23 The site is considered capable of providing adequate private amenity space for the proposed dwelling, without prejudicing the existing private amenity space of Field House

Highway safety

- 5.24 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure.
- 5.25 Access to the site would be from South Back Lane and from the existing vehicular access that serves Field House. The Highway Authority has raised no objection to the proposal in this respect and has suggested conditions. There is no evidence to suggest that the development would cause harm to highway safety.

Drainage issues

- 5.26 Foul drainage would be disposed to the mains sewer via an existing manhole adjacent to the site. Surface water will be disposed of via a soakaway. The exact details of which can be agreed by planning condition. There is no evidence to suggest that the demands on the infrastructure of the village arising from the development would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village.

Land contamination

- 5.27 The submitted information does not identify any unacceptable risks from land contamination. It states that the site is a private garden with no signs of settlement, subsidence or contamination.

Planning balance

- 5.28 The proposed development will result in a small additional amount of economic activity through the construction of a new home, and the social gains of the creation of an additional dwelling. The gains in both these aspects of 'sustainable development' are small and would not outweigh environmental harm, however in this instance the scheme is considered to be 'neutral' in respect of environmental impacts. There is no environmental harm and as a consequence the scheme is on balance found to be sustainable development in the terms of the NPPF.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations 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)

Location Plan LSA/045/FP/L/101, Proposed Site Plans LSA/045/FP/P/101 Rev A & LSA/045/FP/P/102, Proposed Site Section LSA/045/FP/P/302 Rev A, Proposed Elevations LSA/045/FP/P/210 Rev A, Proposed Floor Plans LSA/045/FP/P/110 Rev B.

3. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method
4. The development hereby 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. The development shall not be undertaken other than in accordance with the approved details and shall thereafter be retained in accordance with those details.
5. The development shall not be occupied 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. This should include measures to ensure the protection of the existing boundary hedges and trees. 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.

6. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing number LSA/045/FP/P/102. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
 - a. parking capable of accommodating staff and sub-contractors vehicles clear of the public highway
 - b. materials storage area capable of accommodating materials required for the operation of the site.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Development Plan Policies DP1, DP28 and CP17.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Development Framework Policies CP3 and DP6.
5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Development Framework Policies CP17, DP32 and DP33.
6. In accordance with Hambleton Local Development Framework Policy CP2 and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
7. In accordance with Hambleton Local Development Framework Policies CP1 and CP2 and in the interest of safety and the general amenity the development.

Informatives

1. Please note that the proposed development is liable under the Community Infrastructure Levy Charging Schedule, adopted by Hambleton District Council on 7 April 2015. Details of the charging schedule are available on the Council website. www.hambleton.gov.uk.

2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

Parish: Sutton-on-the-Forest
Ward: Huby
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Committee Date:
Officer dealing: Mr Tim Wood
Target Date: 30 July 2018
Date of extension of time (if agreed): 8 April 2019

18/00916/FUL

Construction of five dwellings including garage provision and associated landscaping and private gardens as per amended plans received by Hambleton District Council 20th February 2019.

**at Land To The South And East Of Lynne House Carr Lane Sutton On The Forest North Yorkshire
for Mr Myers.**

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The application site is currently an open field on the eastern end of the Secondary Village of Sutton on the Forest, bounded by mature native species hedgerow.
- 1.2 The site is located to the south of a dwelling, Lynne Court, north of Manor House and opposite modern housing of mixed forms of single and two storey semi-detached and detached homes behind front gardens with hedges and low walls that have a sub-urban character that contrast the character of the older houses on Main Street that sit behind a grass verge close to the street, and in a form that is highly enclosed.
- 1.3 Full planning permission is sought for the construction of
One 2 bedroom two storey dwelling (plot 2, 87sqm)
Two 3 bedroom two storey dwellings (plot 3 and plot 4, both 136sqm)
One 4 bedroom two storey dwelling (plot 5, 152sqm) with attached double garage,
One 5 bedroom two storey dwelling (plot 1, 186sqm) with attached double garage
- 1.4 The dwellings all exceed the minimum sizes set out in the Nationally Described Space Standards. Each dwelling is shown to have at least 2 surface parking spaces either alongside or to the rear of the dwellings accessed via a private drive or shared private drive. Alongside, or to the rear of, each dwelling is shown to be an air source heat pump.
- 1.5 A field access is shown to be formed to the land to the east through the rear of the private drive. To the south of the proposal an area shown to be within the same ownership is noted to be a 'retained orchard' leaving a space between the development and Manor House and the five dwellings at Manor Court formed by conversion of buildings that stand to the rear (east) of Manor House.
- 1.6 Much of the village of Sutton on the Forest is defined as a Conservation Area, the boundary of the Conservation Area is to the north of the application site extending to the northern boundary of the neighbouring dwelling Lynne Court and excluding the modern residential development on Carr Lane. The application site is viewed mainly in the context of Carr Lane dwellings the unlisted Manor House to the south.
- 1.7 The proposals are for substantial two storey buildings of brick with clay tile roofs.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY:

- 2.1 There is no relevant planning or enforcement history regarding the site.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Interim Guidance Note - adopted by Council on 7th April 2015
National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Sutton on the Forest Parish Council – The Parish Council have already made clear our opposition to this proposal in our earlier consultation response. What appears from the amended plans to be a reduction from the original 10 houses to simply 5 dwellings with Carr Lane frontages does not address our previous concern. The proposal remains contrary to the development plan. It is a proposal for residential development in open countryside, beyond the existing development envelope of the village. The amended drawing continues to have access through to the field beyond illustrating we believe a clear intent to establish a much larger development in the open field beyond when market conditions permit. Both the current proposal, as amended, and any possible future extension would change the nature of the village bringing increased pressure onto the Carr Lane infrastructure.

Carr Lane is a bus route and is used by large vehicles accessing the industrial and commercial areas to the south. The proposal would encourage street front parking to the detriment of road safety. There is no indication in the submitted plans of improved pedestrian access along the east side of Carr Lane or of landscaping to protect the outlook from those houses to the west. The houses on Carr Lane are presently blighted by flooding from poor drainage infrastructure with clear indications from Yorkshire Water of the need for major upgrading work. The proposed new speculative development proposals would exacerbate this problem.

The Parish Council supported the District Council's Local Development Plan proposal for the residential development of this land as part of the planned modest expansion of the village to meet housing need in the next plan period. Such a proposal was however not without opposition which we consider required to be properly considered by examination of the draft plan, where the many issues of infrastructure shortfall, safe access and measures to retain the character and appearance of the village could be considered in detail. The amended proposal by increasing the proportion of larger 'executive' style larger homes fails to address the need for smaller dwellings resulting in in-migration of those seeking country living rather than addressing the

regenerative needs of the existing village community to retain younger people and encourage older residents desire to downsize from larger houses.

The current attempted pre-emptive strike, albeit reduced to a proposal for only 5 dwelling houses, does not meet these concerns and is therefore premature. The Parish Council therefore maintains its earlier objection and requests that this proposal be rejected.

4.2 NYCC Local Highway Authority – no objection, subject to conditions.

4.3 Yorkshire Water –no objection in principle to:

- 1) The proposed separate systems of drainage on site and off site
- 2) The proposed amount of domestic foul water to be discharged to the public foul sewer
- 3) The proposed amount of curtilage surface water to be discharged to the public surface water sewer at a restricted rate of 3 (three) litres/second (the submitted Drainage Strategy demonstrates that sub-soil conditions are unsuitable for soakaway and the site is remote from watercourse).
- 4) The proposed points of discharge of foul and surface water to the respective public sewers submitted on drawing 17584 C-50 (revision -) dated March 2018 prepared by Topping Engineers.

4.4 Environmental Health (Contaminated Land) – the Phase 1 Desk Top Study and Coal Mining Risk Assessment Report (ARC Environmental, report 17-1055, March 2018) submitted by the developer. The report does not identify any significant potential contamination risks on site, however given the proposed residential end use with private gardens and landscaped areas, a Phase 2 site investigation with soil sampling and analysis is recommended.

Recommendations for further site investigation are supported to ensure safe development of the site and to protect human health and the environment:

4.5 NYCC Heritage Services (Archaeology) - the results of the geophysical survey indicate that the site has a low archaeological potential. Due to this result and the reduced size of the development, it is unlikely there will be an impact on archaeological remains and no objection is therefore made on the application.

4.6 Site notice and neighbours – 16 letters of objection have been received in total with 6 comments made about the revised scheme. A summary of the comments and concerns are:

Sewage disposal and incidence of sewage flooding near the bus stop - the sewer needs an upgrade

There is rig and furrow in the field that has been pasture for more than 50 years

Traffic level and speed on Carr Lane

Materials need to respect the village character

No bungalows are proposed

No smaller dwellings are proposed to meet the needs of residents

No single storey dwellings to meet the needs of residents

Footways should extend from the site to Moor End and extend the network

Further development will follow on land to the east

Tree planting is required to compensate for the loss of a large oak tree on the site, remaining trees should be protected for wildlife and screening

5.0 ANALYSIS:

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the surrounding area, including the character and appearance of the village (iii) design; (iv) heritage assets; (v) residential amenity; (vi) highway safety including pedestrian access (vii) drainage issues and (viii) land contamination.

Principle

- 5.2 The site falls outside the Development Limits of Sutton on the Forest. Policy CP4 states that all development should normally be within the Development Limits of settlements. ##position of dl's####
- 5.3 Policy DP9 states that development will only be granted for development in exceptional circumstances. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF).
- 5.4 To ensure appropriate consistent interpretation of the NPPF alongside Policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG includes an updated Settlement Hierarchy.
- 5.5 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.6 In the settlement hierarchy of the LDF and as contained within the updated hierarchy adopted alongside the IPG, Sutton on the Forest is defined as a Secondary Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby.
- 5.7 There are a range of services in the village of Sutton on the Forest, most significantly a primary school, village hall, public house and church. The village is served by hourly buses that run between York and Easingwold.

- 5.8 It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

Character and appearance

- 5.9 With regard to criterion 2 of the IPG, development must be small in scale and reflect the existing built form and character of the village. The proposal is for a 5 dwellings and whilst making a significant change to the character of part of Carr Lane would not dominate the character of the village, it is therefore considered small in scale as the IPG refers to small scale comprising up to five dwellings.
- 5.10 The site layout shows dwellings that are set back just a small distance from Carr Lane and is different from those dwellings opposite that have front gardens, the layout echoes the form on Main Street with a mix of detached and linked properties close to the roadside.
- 5.11 The proposal shows the retention (or replanting) of a boundary hedge along the frontage with two access points and thereby avoids a repeat of the form opposite that has a separate access for each property. The detailing of the dwellings are relatively simple and appropriate achieving subtle variation of eaves and ridge heights. It is considered that the scheme reflects but does not slavishly follow the character of the village and meets the requirements of criterion 2 of the IPG.
- 5.12 IPG criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. The heritage assets will be considered in the next section of the report.

Natural and built environment

- 5.13 The application site relates to the development of a field with some trees. There is no record of any special features within the site. The land at Moor End, to the south of Manor House, is a Site of Importance for Nature Conservation (SINC) and is mapped as such under LDF Policy DP31. The proposal has no connection with the SINC as the drainage is proposed to be achieved by sewers for both foul sewage and attenuated surface water flows. The retention of the boundary hedge on the front of the application site is considered by officers to be important as the maintenance as a green corridor along Carr Lane

Heritage assets

- 5.14 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 193-196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset. In assessing the proposal considerable importance and weight has been given to the desirability of preserving and enhance the character and appearance of the heritage asset in assessing the proposal.
- 5.15 There are no Listed Buildings within or adjoining the site. The nearest Listed Building is Foresters Cottage on Main Street and about 290 metres from the application site and screened by the many intervening buildings on Carr Lane, Harland Close and Main Street. The Sutton on the Forest Conservation Area is about 40 metres to the north of the application site and there is potential for the development of the site to harm the significance of this heritage asset. The character of the Conservation Area is defined by the Main Street properties of dwellings with gardens to the rear, the Parish Church and dwelling and grounds of the of Grade I Listed Sutton Park.

- 5.16 The intervening space between the site and the boundary of the Conservation Area is occupied by the garden of Lynne Court, Lynne Court is outside the Conservation Area. The garden of Lynne Court is bounded by walls and hedgerow with ornamental garden trees. As noted above the character of the development on Carr Lane differs from that on Main Street that is included within the Conservation Area. The Conservation Area does not include agricultural land with hedgerow boundaries of the type at the application site and the change of that landscape to a built form will not directly harm the character of the Conservation Area. The development will not result in a significant change to the character of the setting of the Conservation Area due to the existing sub-urban pattern of development on Carr Lane.
- 5.17 By virtue of the siting of the proposed dwellings and the landscape features that are to be retained and the additional planting proposed, the proposal is considered not to have a detrimental impact upon the character or appearance of the natural or built environment and specifically will not result in harm to the character of the Conservation Area and meets the requirements of the third criterion of the IPG.

Countryside impact

- 5.18 Criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements. The development site agricultural land adjacent to dwellings in the village and will result in the development beyond Development Limits, and by definition within the countryside. However, the scheme will not result in a detrimental impact on the openness of the countryside, when viewed from the countryside, as the site is enclosed by development close to the north, south and west. The increased enclosure of Carr Lane will not harm the open character of the countryside and will not lead to coalescence of settlements. The proposal is therefore acceptable under criterion 4.

Infrastructure capacity - highway safety and drainage

- 5.19 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. The site has good access to Carr Lane which has the capacity to accommodate the level of growth arising from the development of 5 dwellings. As noted previously there are public transport facilities from the village which passes the site. There is no footpath existing or proposed on the east side of Carr Lane, there is a path on the west side of Carr Lane that links to the rest of the village. It is considered on balance that the footway on the west side of the road provides an appropriate route for pedestrians and that there is no justification to require the provision of a path on the east side of the road.
- 5.20 The proposed development relates to a sustainable location, benefitting from good accessibility to local services by alternative modes of transport and would have a minimal impact on the highway network. There is no evidence to suggest that the development would cause harm to highway safety.
- 5.21 Foul drainage and surface water drainage are both proposed to be achieved by the use of a public sewer. The ground conditions are noted to be unsuitable for the use of soakaways. Attenuation of surface water flows will be required and can be conditioned on any approval. Subject to the works required to achieve attenuated flows and notwithstanding the concerns about foul sewage discharges noted by the representations of neighbours, which are pre-existing issues that are not relevant to the consideration of this application, the proposal is considered to meet the requirements of the LDF policies.

Land contamination

- 5.22 The results of survey work record no significant potential land contamination risks. The sensitivity of a residential end use justifies additional survey work to ensure that the development is safe, conditions can be used to achieve this aim.

Design

- 5.23 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."

Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.

The submitted drawings show a development that differs from the properties opposite but that have a form that is sympathetic to the vernacular of Sutton on the Forest and surrounding villages. The scale of the buildings whilst relatively large in floor area are not disproportionate large and the materials are noted to be 'quality brick' and 'quality natural tile/slate'.

In light of the above, it is considered that the proposed development is considered to be of good design in accordance with the principles of the NPPF and the requirements of Policy CP17 and DP32 of the adopted LDF.

Residential amenity

- 5.24 The layout of the site, the intervening landscaping and the distances across Carr Lane to neighbouring dwellings are sufficient to avoid any harm to the amenity of neighbours.

Planning balance

- 5.25 The proposal meets the requirements of the Interim Policy Guidance and the LDF and the development will create additional dwellings in a sustainable location without harm to the environment subject to the retention of trees and hedgerows and without harm to the historic environment. Small economic benefits will be occur through the development and subsequent occupation of the dwellings and the scheme is therefore found to result in social and economic benefit and without harm to the environment.

6.0 RECOMMENDATION:

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

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

2. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the

materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

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

4. The construction of the development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted to and approved in writing by the Local Planning Authority. These details are required prior to the construction because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

5. 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.

6. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the crossing of the highway verge footway shall be constructed in accordance with the approved details and/or Standard Detail number E6.

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 details shown on drawing M091.02.01 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. 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: a. parking for staff and sub-contractors vehiclesb. materials storage area The approved areas shall be kept available for their intended use at all times that construction works are in operation

11. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered M091.02. 01B, 02A, 03A, 04A and 05A received by Hambleton District Council on 20 February 2019 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. 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 CP1, CP16, CP17, DP1, and DP32.
4. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
6. To ensure that the development is appropriate to environment in terms of amenity and drainage in accordance with the Local Development Framework Policies CP1, CP17 and DP32.
7. In accordance with LDF Policies CP1, CP2, DP3 and 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.
8. In accordance with Policy CP1, DP1, CP2, DP3 and DP4 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. In accordance with Policy CP1 and DP1 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 DP1 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.

11. 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, DP1, CP17, and DP32.

Parish: Thrintoft
Ward: Morton on Swale
13

Committee date: 30 May 2019
Officer dealing: Mrs H Laws
Target date: 26 April 2019 (no EoT agreed)

19/00267/FUL

Construction of two steel portal frame buildings for the storage of agricultural machinery

At: Weather Hill, Thrintoft

For: Mr John Adamson

This application is referred to Planning Committee at the request of Councillor Phillips.

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies approximately 1.5km to the north of Thrintoft village on the eastern side of Thrintoft Moor Lane. The application site, which lies immediately south of the existing dwelling known as Weather Hill, is currently used as an external storage area for agricultural machinery.
- 1.2 It is proposed to construct two identical buildings on the site, partly to accommodate the machinery that is currently stored outside. The buildings would each be 24.4m x 15.25m in size with an eaves height of 4.5m and a ridge height of 6.5m. The walls would be olive green coloured box profile sheeting with a natural grey fibre cement sheet roof. An alternative has been suggested of Yorkshire boarding for the southern gable elevations.
- 1.3 The scheme includes a landscaping proposal, which would allow the southern boundary hedge to be increased in height. An additional three trees would be planted along the boundary.
- 1.4 An agricultural contracting business operates from the application site. The applicant operates a contract farming business, which operates over 98 hectares. The buildings would be used to store the machinery and equipment currently stored externally and to store straw, grain and fertiliser. Two buildings are required in order to keep fertiliser and straw separate for safety reasons and for compliance with Farm Assurance Certification.
- 1.5 The diversification into farming has allowed the applicant's two sons to become part of the business and remain in the locality.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/161/8/PA – Outline application for the construction of an agricultural workers dwellinghouse. Permission refused; appeal allowed 1978.
- 2.2 2/161/8A/PA – Details of the construction of an agricultural workers dwellinghouse with domestic garage. Permission granted 28/6/1979.
- 2.3 2/97/161/0008F – Construction of an agricultural building and formation of an access road. Permission granted 23/7/1997.
- 2.4 2/97/161/0008G – Modification of a condition to permit the occupation of an agricultural workers dwelling by an agricultural contractor. Permission granted 20/6/1997.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 – Rural regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP25 – Rural employment
Development Policies DP26 – Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Parish Council – we have been anxious to help to secure the successful continuation of this trading farm contracting business in our village. Knowing that the storage of some machinery previously stored at Ivy House farm would be affected by the proposed demolition of sheds there and building of houses, we supported in principle the proposal to construct storage facilities at the applicant's site. This would also tidy up that site by machinery being 'out of sight'.

Thrintoft remains a village with working farming. It is important to support these valued working members of our community.

We hope that you will be able to work with the applicant to secure agreement on design, height et al which is acceptable from a planning point of view as well as appropriate for the size of the highly expensive machinery to be stored.

4.2 Public comments - no comments received (expiry date for representations 19/4/2019).

5.0 OBSERVATIONS

5.1 The main issues to consider are (i) the principle of development; and (ii) the impact on the character and appearance of the surrounding countryside. There are no near neighbours whose amenity would be affected by the proposed development.

Principle

5.2 National planning policy is generally supportive of development that promotes the development of agricultural businesses. This is reflected at local level through LDF Policy DP26, which is supportive of agricultural development if it is also acceptable in terms of other policies and subject to measures that guide the development (including the design and siting) of new agricultural buildings to locations which are sensitive to their environment.

5.3 The site lies outside any defined Development Limit boundary. Policy CP4 supports development outside of these Limits only when an exceptional case can be made for the proposals in terms of Policy CP1 and CP2 and where one of six criteria can be met. Criterion i) of Policy CP4 relates to the development being necessary to meet

the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside that will help to support a sustainable rural economy.

- 5.4 The use operating on this site, and on other land in the vicinity, is not a new use but would allow the consolidation of existing operations onto a single site. The agricultural activity does not take place in this location but it would allow the existing external storage to be moved internally within the proposed buildings. In this instance there is no working farmstead and some of the equipment, and all of the straw and grain, are currently stored elsewhere.
- 5.5 One of the reasons for relocating equipment currently stored elsewhere is as a result of the loss of existing buildings due to anticipated demolition following the grant of planning permission for residential development. It is not essential that the equipment and machinery is stored in this location and there may be an alternative location available that would have a lesser impact on the appearance of the rural landscape. No information has been provided to suggest that other, less prominent sites have been considered or would not be appropriate.
- 5.6 It is considered that there is conflict with policy CP4 as the business could be carried out in a location other than the application site and is considered could be operated from an Industrial Estate, or similar built up area. No assessment of alternative sites has been undertaken.

Impact on the rural landscape

- 5.7 The buildings would lie in a prominent position on a site that is immediately adjacent to the highway. The proposed buildings would be large structures positioned in a clearly visible location, which would cause a level of harm to the character and appearance of the area. This would be in conflict with criterion iv of Policy DP26 which guides agricultural development (including the design and siting) of new agricultural buildings to locations which are sensitive to their environment; and Policy DP30, which states that the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced.
- 5.8 The existing boundary hedge is approximately 2m in height and would provide some screening for the lower parts of the buildings' gable elevations. The landscaping scheme proposes to increase the height of the hedge, although no final height is specified. The eaves height of the building is 4.5m and the ridge height is 6.5m so a significant part of the gable of each of the building would remain visible and with a total width of more than 15m, a large expanse of building would be visible above the hedgeline, from a considerable distance when viewed from a southerly direction.
- 5.9 There is a backdrop of trees along the northern side of the application site, which would reduce the visual impact of the development but this lies outside of the control of the applicant and cannot be relied upon for screening purposes in the long term.
- 5.10 There is clear policy support for agricultural development, and in this case, this must be weighed against the landscape and visual impact of the proposed development which is considered to set a conflict with LDF Policies CP26 and DP30.

Planning balance

- 5.11 The application site is an existing operational yard with resulting movements and activities which must be considered in the planning balance. The proposed development would provide some benefits including the provision of a storage facility for machinery, equipment and agricultural products for the existing operation. These benefits are acknowledged and are welcomed. These benefits must be weighed

against the harm identified in terms of the visual impact of the proposal and the impact on the character of the area.

- 5.12 On balance, it is considered that the harmful impact of the development on this site is outweighed by the benefits identified.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations 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 Plans received by Hambleton District Council on 05 February 2019 unless otherwise approved in writing by the Local Planning Authority.
3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) .
3. To ensure that the external appearance of the development is appropriate to the character of the area and to comply with the requirements of Development Policies DP30 and DP32.

19/00229/REM

**Application for the approval of reserved matters for access, appearance, materials, scale, landscaping and layout following outline approval of a doctors surgery and residential development (20 units) with associated infrastructure and landscaping as amended by details received on 21st March, and 4th, 5th and 12th April 2019.
at Land Off Forge Lane Tollerton North Yorkshire
for Mr D Gath.**

1.0 SITE, CONTEXT AND PROPOSAL:

- 1.1 This site is located to the west of Tollerton village, outside Development Limits, with the rear of the houses on Forge Lane and Alne Road to its north and north eastern boundary, Tennis Court Lane to the south eastern boundary and open countryside to the west.
- 1.2 The site is a 1.27 hectare, flat undeveloped piece of agricultural land with a pond in the middle. It is well screened with trees and hedge on the boundaries which run from Alne Road to Tennis Court Lane. The boundary of the Tollerton Conservation Area is on the south eastern side of Tennis Court Lane, with the boundary opposite, outside the Conservation Area. There are no listed buildings nearby.
- 1.3 This application follows an approval of an outline planning application when all matters were reserved for later approval. The application included an indicative plan for 20 dwellings, a doctor's surgery with 23 parking spaces for the surgery. The surgery would replace the current one in Tollerton at 5-7 Hambleton View and would provide 450 square metres of accommodation, with provision made for future expansion and would provide access to many areas of service not currently available within the village. This includes s an optician, a dentist and a midwife. The surgery and associated parking would occupy 0.17 hectares of the land, and the remaining 1.1 hectare would accommodate the proposed 20 dwellings.
- 1.4 The submitted site layout provides details that closely follow the indicative layout plan provided at the outline stage and includes a mix of two, three, and four bedroom homes.

The mix is:

2 bed bungalows 4 units
2 bed, two storey dwellings 6 units
3 bed, two storey dwellings 3 units
4 bed, two storey dwellings 7 units

Six of the dwellings are proposed to be affordable housing units to meet the requirements of the planning obligation.

- 1.5 The scheme provides a single storey doctors' surgery 28m x 12m (336 square metres) at the south east corner of the site. Five consulting rooms, dispensary and ancillary rooms are provided with parking space for 22 vehicles are shown. Space to accommodate a 150 square metre extension is shown to the north of the surgery.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY:

- 2.1 16/02013/OUT - Outline planning application with all matters reserved for a doctors' surgery and residential development (20 units) with associated infrastructure and landscaping.

The application was granted subject to conditions and an planning obligation to require the provision of not less than six units of affordable housing without further viability review, provision of land for the doctors' surgery, phasing of development, and provision and subsequent maintenance of public open space.

- 2.2 16/02054/FUL - Approval for the change of use of the doctor's surgery at Hambleton View into a pair of semi-detached bungalows. Granted 8th October 2018.

A condition of the approval is that "The doctors' surgery shall remain available for use until a suitable replacement doctors' surgery is provided to supersede the facilities at 5-7 Hambleton View, Tollerton.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP3 - Community assets
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP5 - Community facilities
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
Interim Guidance Note - adopted by Council on 7th April 2015
Affordable Housing - Supplementary Planning Guidance - June 2008
Size, Type and Tenure of New Homes SPD - adopted September 2015
National Planning Policy Framework

4.0 CONSULTATIONS:

- 4.1 Tollerton Parish Council – Initial response advised no objections. Subsequently advise that:
“Due to strong opposition received from residents, we object to the positioning of 2 storey houses directly behind existing properties on Forge Lane when there is the option of siting bungalows there.”
- 4.2 NYCC Highways – conditions recommended including matters of construction management.
- 4.3 Ministry of Defence - Safeguarding - no safeguarding objections
- 4.4 Yorkshire Water - no objection

- 4.5 Environmental Health - Scientific officer - recommends conditions to address any land contamination
- 4.6 Site notice and neighbour comments
Neighbour observations have been received from 23 neighbours with a mix of support and objection.
- 1) Increased traffic flow - patients impact on users of Alne Road, Chapel Lane and Tennis Court Lane
 - 2) Traffic will pass all new housing and the surgery should be moved to a point close to the site entrance
 - 3) Traffic management during construction is important to avoid obstruction
 - 4) Visibility splays - Alne Road on street parking making access also more difficult from Moorlands Lane opposite the site access.
 - 5) Lack of footway connection to the north side of Alne Road, a footway connection should be provided to Tennis Court Lane.
 - 6) Lack of parking for new houses and the doctors' surgery and lack of visitor parking
 - 7) Loss of sunlight and open aspect - due to block of 3 two storey new houses to the rear of 3 and 4 Forge Lane
 - 8) Too much development is concentrated in the eastern part of the site, a greater amount should be shown on the western part too.
 - 9) Loss of privacy to dwellings on Forge Lane from the siting of new dwelling and loss of privacy to dwellings on Alne road through the creation of a new access to the fields to the west
 - 10) Destruction of wildlife habitat by the formation of an access in the north west corner of the site, an access for which there is no need. Concern that the access would create a route for further development.
 - 11) Appropriate boundary fences and walls are required to neighbouring dwellings

Supporters note:

- 1) Support a new doctors' surgery (repeated by many)
- 2) Support new affordable housing
- 3) The new GP surgery will have enhanced parking, including parking for disabled, and reduce congestion on Hambleton View at the existing surgery.

5.0 ANALYSIS:

- 5.1 The main issues to be considered in this reserved matters application are:
1. Compliance with the details of the outline application including the provision of
 2. Affordable housing
 3. Access and layout – pedestrian access, traffic and visibility on Alne Road
 4. Footway connections and improvements.
 5. Layout overbearing, loss of aspect and loss of privacy
- 5.2 The matters of principle of residential development and health care development were considered at the outline planning application stage; the approval of the outline planning application subject to conditions has led to the submission of the reserved matters. The issues to be tested in this planning application are whether the details proposed in this reserved matters application meet the requirements of the Development Plan policies and whether the requirements of conditions are met.
- 5.3 Statute requires that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The policy of the Local Development Framework is the Development Plan for Hambleton District.

- 5.4 The development proposals show the amount of housing (not exceeding 20 units) and health care land that was stated in the outline approval in a form that follows the 'indicative site layout plan' as required by condition 4 of the outline approval. The scheme provides 1,600 square metres of land for the GP surgery as required by condition 21 of the outline planning approval sufficient for a 300sqm surgery with scope for 150 square metres of expansion.

Affordable housing

- 5.5 The mix of dwellings meets the requirements of the Local Development Framework policies and those set out in the Supplementary Planning Documents, Affordable Housing and also Size, Type and Tenure. There are no objections to the proposed arrangements of the affordable housing.

Access and site layout

- 5.6 The outline application showed the access to the site to be taken from the north via Alne Road and Forge Lane. A requirement for a pedestrian link from the footway on Alne Road to the application has been addressed as required by condition 16 of the outline planning approval. The proposal meets the requirements of the Local Development Framework (LDF) policies CP1, CP2, DP3 and DP4 to provide a suitable safe access to the site for all users.

- 5.7 Concerns have been raised by neighbours regarding the layout of the site concern that the location of the GP surgery positioned at the south east corner of the site such that to gain access staff and visitors will pass the new homes within the site. The layout follows the requirements of condition 4 to be in accordance with the indicative plan.

- 5.8 The applicant has provided detail to explain that the rationale for the location of the GP surgery

"The surgery was positioned in the location shown to be as far away from the existing properties as possible. As with any commercial premises there will be a minor light/noise pollution but this is mitigated by the proposed positioning. It was also agreed that any amenity land associated with residential properties positioned adjacent the farmyard would be affected."

- 5.9 The GP surgery is considered to be less sensitive to the activities, noise, odour of the farmyard and was appropriate to be located adjacent to the farm buildings.

- 5.10 Pedestrian access through the hedge to Tennis Court Lane, (to the east of the site) has been raised by many correspondents, to seek a development that promotes walking as a means of access. The potential for parking and congestion to occur on Tennis Court Lane if a pedestrian access was created has led to a design that does not include a pedestrian access to Tennis Court Lane. The distance to the GP surgery from the Forge Lane – Tennis Court Lane junction could be about 90 metres shorter if a break in the Tennis Court Lane hedge was included in the layout. The layout could be amended however the matter is a balance between the potential for obstruction on Tennis Court Lane and the greater travel distance for some and whether the increased distance would lead to a decision to drive to the GP surgery rather than walk.

- 5.11 A field access is shown on the proposed layout between the western edge of the site and the agricultural land. The applicant has detailed that they are contractually obliged to create the access and that it is to be used only for agricultural purposes. Neighbours are concerned that the access will reduce the tranquillity of their homes and be destructive of wildlife through the loss of hedgerow and trees that have grown out of the hedge. A gate opening on the western boundary is noted to have been grown over by briars and scrub, suggesting that there has not been connection between the two fields in recent years. There is no evidence that the access if created would result in a significant loss of amenity to neighbours but would require some reduction in the hedgerows and trees, with some impact upon the wildlife habitat but that the impact would affect protected species and would not be significant in the terms of LDF Policy CP16 and DP31.

Amenity of neighbours

- 5.12 The Local Development Framework (LDF) policies require the design of new development to be of high quality (CP17). Concern has been expressed about the extent of change that will be caused by the development that creates a row of dwellings behind the Forge Lane dwellings. There will be a change in the outlook for the Forge Lane dormer bungalows, with the loss of views over the open field to the south, this change was evident at the outline stage and loss of view is in any case not a planning matter. The layout of the proposed housing shows separation distances to the existing dwellings that are relatively generous and will, due to two factors, the reduced finished floor and overall height of the dwellings and the use of obscured glazing to the first floor windows, avoid an overbearing impact or loss of privacy by overlooking. The scheme achieves compliance with the requirements of CP1 and DP1 of the LDF.
- 5.13 The entrance to the site passes between two residential properties, 1 Forge Lane and 12 Pinfold Terrace on Alne Road. The protection of the amenity of the residents of those two dwellings is heavily dependent upon the provision of appropriate boundary treatments. The application has been amended to show the provision of brick walls increasing in height from 1.2 metres at Forge Lane – Pinfold Terrace frontage to 1.8 brick wall alongside the dwellings to 1.8 metres high wall formed by wall and fence with full height brick pillars at the rear of the properties. It is considered that the detailing provides an appropriate balance between the protection of the privacy and noise attenuation to the immediate neighbours and the aesthetics of the entrance to the new housing and GP surgery. The aesthetics are further assisted by the landscaping proposals that show planting between the walls and the road and pathway.

Building design

- 5.14 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.15 In terms of design, Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space
- 5.16 The designs of the buildings have been adjusted to take in to account local context and detailing, particularly changing door surrounds and window detailing and adjustment to building heights. A traditional approach to the design and the use of

brick with slate pantile roofs are proposed. The buildings are considered to be a good standard of design in accordance with the LDF Policies CP17 and DP32.

Landscape and visual impact

- 5.17 The site adjoins open countryside. The impact upon the character of the countryside is moderated by the retention of the boundary hedges, albeit with some pruning, and the extent of the site which lies to the rear of the Pinfold Terrace and Alne Road properties. The proposal accords with the provisions of the Local Development Framework policies CP16 and DP30.

Heritage assets

- 5.18 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 5.19 The site lies outside and north west of the Tollerton Conservation Area, the boundary is on the south east side of Tennis Court Lane. There are no Listed Buildings in close proximity or with inter-visibility from the site. The Tollerton Conservation Area is a designated heritage asset. The Conservation Area is characterised by the dwellings with rear gardens extending to the rear lanes to the north and south of Main Street and to the east of Alne Road. On assessment of the application it is considered that the proposal which shows a layout of single storey buildings on the south east side of the site and retention of the boundary hedge to Tennis Court Lane the development will not result in a significant visual or physical impact upon the character and appearance of the Conservation Area or upon the setting of the Listed Buildings on Alne Road and the Main Street. It is found that no harm is caused to any heritage asset and that the proposal complies with the policies of the NPPF and LDF (Policy CP16 and DP28) in this respect.

Open space

- 5.20 The indicative plan and conditions of the outline planning permission required the pond to be retained and land around it provided as public open space. The details show how space at the entry to the site is to be laid out and bounded by fence and hedge to separate the space from the access road. The layout is considered to result in a design that is appropriate to the locality where hedgerows are a common boundary treatment and will with the use of fencing safeguard users of the open space whilst allowing passive surveillance of the land in the interests of security.

Drainage and flood risk

- 5.21 Drainage is designed to operate under gravity. No pumping station is proposed. The surface water is to be attenuated and discharge to the public sewer from the west side of the site, the foul sewage is to be proposed to discharge to the public sewer in Alne Road. The most significant change in levels is for the dwelling at the south west corner of the site that is shown to have a finished floor level about 600mm above the existing field level. The remaining units are at most 400mm above the existing localised ground levels. The finished floor levels can be conditioned to ensure that the resulting development is as shown and does not result in dwellings set higher than proposed and avoids the need for a pumping station or a risk of surface water flooding to the new or increased risk to the existing dwellings.

Planning balance

- 5.22 The proposed development brings forward the provision of the GP surgery with the substantial public benefit of the improved health care provision in the village. The creation of an enlarged GP surgery will create new job opportunities that together with the new building work will generate economic gains. The development retains the pond area within a green space and secures the retention of the wildlife habitat on site. The proposal achieves gains in all three aspects of sustainable development. The proposal meets the objectives of the NPPF and meets the policy tests of the Local Development Framework.

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun either before 8th October 2021.
2. The approved drawings are:

Layout details

GP Surgery details

House type details

The reasons are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
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 CP1, DP1, CP16, DP28, CP17 and DP32.

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