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HAMBLETON
DISTRICT COUNCIL

AGENDA

Committee Administrator: Louise Hancock (01609 767015)

Wednesday, 16 July 2014

Dear Councillor

NOTICE OF MEETING

Meeting **PLANNING COMMITTEE**
Date **Thursday, 24 July 2014**
Time **1.30 pm**
Venue **Council Chamber, Civic Centre, Stone Cross, Northallerton**

Yours sincerely

P. Morton.

Phillip Morton
Chief Executive

To: Councillors Councillors
 D A Webster (Chairman) Mrs J A Griffiths
 D E Adamson K G Hardisty
 P Bardon (Vice-Chairman) J Noone
 D M Blades C Rooke
 J Coulson Mrs M Skilbeck
 G W Ellis P G Sowray

Other Members of the Council for information

PLEASE NOTE THAT THERE WILL BE MEMBER TRAINING COMMENCING AT 10.00am REGARDING LDF ISSUES ON TOWN CENTRE/RETAIL POLICY REVIEW AND HOUSING TENURE AND TYPE, TOGETHER WITH AN UPDATE REPORT ON THE TRAVELLERS HOUSING NEEDS STUDY

AGENDA

Page No

1. MINUTES 1 - 4
To confirm the minutes of the meeting held on 26 June 2014 (P.6 - P.8), attached.
2. APOLOGIES FOR ABSENCE.
3. PLANNING APPLICATIONS 5 - 50
Report of the Director of Environmental and Planning Services.

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.

Agenda Item 1

Minutes of the meeting of the PLANNING COMMITTEE held at 1.30 pm on Thursday, 26th June, 2014 at Council Chamber, Civic Centre, Stone Cross, Northallerton

Present

Councillor D A Webster (in the Chair)

Councillor	D E Adamson	Councillor	K G Hardisty
	P Bardon		J Noone
	J Coulson		C Rooke
	G W Ellis		Mrs M Skilbeck
	Mrs J A Griffiths		P G Sowray

Also in Attendance

Councillor	B Griffiths	Councillor	Mrs I Sanderson
	A W Hall		A Wake
	Mrs C Patmore		Mrs J Watson
	B Phillips		

Apologies for absence were received from Councillors D M Blades

P.6 **MINUTES**

THE DECISION:

That the minutes of the meeting of the Committee held on 29 May 2014 (P.3 - P.5), previously circulated, be signed as a correct record.

P.7 **CENTRAL NORTHALLERTON MASTERPLAN**

Northallerton Broomfield; Northallerton Central; Northallerton North

The subject of the decision:

The Committee considered the outcome of the Masterplanning process undertaken on a series of sites in the centre of Northallerton and gave its views on the proposed Masterplan.

Alternative options considered:

None.

The reason for the decision:

To ensure uses for the sites are brought forward in a co-ordinated fashion ensuring they provide maximum benefit to the town and its economy.

THE DECISION:

That:-

- (1) flexibility be retained within the objectives and design considerations of the Masterplan;
- (2) the Masterplan be referred to Council for adoption as informal planning guidance; and
- (3) a site visit be arranged.

P.8 **PLANNING APPLICATIONS**

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

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

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

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

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

THE DECISION:

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

- (1) 14/00611/FUL - Demolition of bungalow and garage; replacement detached 4 bedroom house, double garage and new vehicular access at Laxton Bungalow, Tanpit Lane, Easingwold for Mr & Mrs M Blackburn

PERMISSION GRANTED

- (2) 14/00630/FUL - Construction of 7 dwellings with associated garages and new private access road at Clayhithe, York Road, Easingwold for Daniel Gath Homes Ltd

PERMISSION GRANTED

- (3) 14/00602/FUL - Change of use of part of site for caravan parking at Green Dragon Inn, High Row, Exelby for Enterprise Inns PLC

PERMISSION GRANTED

- (4) 14/00974/FUL - Construction of a warehouse and distribution building at Cawingredients, Conygarth Way, Leeming Bar for Cawingredients Ltd

PERMISSION GRANTED subject to the completion of a Section 106 Agreement in respect of a commuted sum towards the formation of the Bedale Cycleway and Footway.

- (5) 14/00681/FUL - Retention of two dwellings located within outbuildings to the rear of Framfield House at Framfield House, Main Street, Shipton by Beningbrough for Mrs Mary Johnson

PERMISSION REFUSED with an additional ground for refusal relating to the absence of an adequate parking layout.

(The applicant's agent, Cliff Carruthers, spoke in support of the application.)

(Alistair Flatman spoke objecting to the application.)

- (6) 14/00103/FUL - Change of use from ancillary accommodation to separate dwelling and new parking arrangements and change of use to domestic of existing agricultural land at Land to the rear of Rose View, Ings Lane, Snape for Mr & Mrs T Morton

PERMISSION GRANTED

- (7) 14/00714/OUT - Housing development (Use Class C3) up to 183 dwellings, landscaping, means of access and associated infrastructure works at White House Farm, Stokesley for Northumbrian Land Ltd

PERMISSION GRANTED subject to the completion of a Section 106 Agreement in respect of: i. affordable housing; ii. off-site outdoor sports facilities; iii the provision, equipment and maintenance of site SC1; iv. a contribution toward the Stokesley/Great Ayton cycleway; v. a contribution towards upgrading the potable water network if necessary; and vi. ensuring that access to site SH2 is not unreasonably withheld.

(Roger Bennett spoke on behalf of the Campaign to Protect Rural England supporting the application.)

(Mike Canavan spoke on behalf of Stokesley Parish Council objecting to the application.)

- (8) 14/00920/MRC - Variation of condition 2 of planning consent 11/01989/FUL to allow an increase in the permitted number of caravans from 11 to 34 at Hollin Barn Park, Sutton Road, Thirsk for Evergreen Park Ltd

PERMISSION REFUSED

(The applicant, Andrew Stephenson, spoke in support of the application.)

The meeting closed at 3.30 pm

Chairman of the Committee

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 24 July 2014. 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 by making an appointment with the Director of Environmental and Planning Services. Background papers include the application form with relevant certificates and plans, correspondence from the applicant, statutory bodies, other interested parties and any other relevant documents.

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Director of Environmental and Planning Services has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Mick Jewitt
Director of Environmental and Planning Services

SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members insufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will usually be selected following a report to the Planning Committee. Additional visits may be included prior to the consideration of a Committee report when a Member or Officer considers that criteria nos 1 - 4 above apply and an early visit would be in the interests of the efficiency of the development control service. Such additional site visits will be agreed for inclusion in consultation with the Chairman or Vice-Chairman of the Planning Committee.

PLANNING COMMITTEE

Thursday July 24th 2014

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	14/01116/FUL Mr J E Howe Aiskew Page no. 8	Construction of a storage and distribution centre For: 4 X 4 Accessories and Tyres At: Plot 6 Conygarth Way, Leeming Bar Business Park RECOMMENDATION: GRANTED
2	13/00800/FUL Mrs H Laws Husthwaite Page no. 14	Retrospective application for placement of solar panels to roof of dwelling For: Mrs Y Macalister At: Wesley House, Husthwaite RECOMMENDATION: REFUSED
3	13/02282/OUT Mrs J Low Romanby Page no. 22	Revised outline application for the construction of 25 dwellings For: Arla Foods Limited At: Romanby Road, Northallerton RECOMMENDATION: GRANTED
4	12/01813/FUL Miss A Peel Skutterskelfe Page no. 37	Construction of a utility and garage building For: Mr J McElvaney At: Hillside View Farm, Tame Bridge, Stokesley RECOMMENDATION: GRANTED
5	14/01130/FUL Mr J Howe Skutterskelfe Page no. 41	Construction of day care, education, training and respite facilities for adults with learning and other difficulties. For: Yatton House Society At: Noble Fuels Ltd, Depot, Skutterskelfe RECOMMENDATION: GRANTED

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Target Date: 14 July 2014

14/01116/FUL

**Construction of storage and distribution centre.
at Plot 6 Conygarth Way Leeming Bar Business Park Leeming Bar
for 4 X 4 Accessories And Tyres.**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 This is a revised application for the construction of a storage and distribution warehouse facility on Plot 6, Conygarth Way on Phase Four of the Leeming Bar Business Park. A previous application by the same applicant was permitted in August 2009 but was not implemented and lapsed in 2012.
- 1.2 The applicant moved onto the Leeming Bar Industrial Estate in 1998 after outgrowing premises in Dallamires Lane, Ripon. Over the next four years they developed the initial 0.4 ha site with 2,000sqm of warehousing before purchasing an additional adjacent site which was developed to comprise 3,000sqm of warehousing and ancillary office space and was occupied in 2007. It is stated that these sites are now at full capacity with no room for further growth. The business has recently been approached by Mitsubishi Motors UK to maintain additional stocks to complement their existing supplies and this has prompted the current application.
- 1.3 It is, consequently, proposed to construct an 1860sqm building which would measure 62m in length x 30m in width and 13.6m to the pitched ridge. It would be constructed in silver/grey cladding, contrasting horizontal to the lower walls and vertical to upper, with the roof in similar material. The building is proposed to be sited at the southern end of the site with car and cycle parking to the side (east) and servicing/turning access areas to the rear of the building. The applicant is also intending to purchase the remainder of the land to the north for future expansion/ consolidation although no details of this element have yet been prepared.
- 1.4 Tree planting with security fencing and mounding would be undertaken to the southern and eastern boundaries. A substantial tree belt exists on the northern boundary of the Business Park which is within the applicant's area of proposed purchase.
- 1.5 The application is to be determined by the Planning Committee as the site, until its ultimate purchase by the applicant, is in the ownership of the Council.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 02/01733/FUL: Layout of land for B1, B2 and B8 uses at Phase Four, Leeming Bar Business Park: Permission. Granted March 2004.
- 2.2 09/01412/FUL: Construction of storage and distribution warehouse and offices: permission. Granted August 2009.

3.0 RELEVANT PLANNING POLICIES

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy

Development Policies DP2 - Securing developer contributions
Development Policies DP6 - Utilities and infrastructure
Core Strategy Policy CP12 - Priorities for employment development
Development Policies DP16 - Specific measures to assist the economy and employment
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Aiskew Parish Council: No observations.
- 4.2 North Yorkshire County Council (Highways Authority): No objections subject to conditions.
- 4.3 Economic Development Officer: No objections to this planning application as it allows an existing business from Leeming Bar to further develop and expand and therefore continue to provide employment in the local area. As has been stated in the application, planning permission was previously granted in 2009 for a similar development and this is merely a revision of the scheme. The number of parking spaces on the plans would appear to be sufficient to accommodate the initial number of employees on the site but as additional development takes place this may need to be reviewed to ensure parking is retained within the site boundaries and does not overflow onto the public highway.
- 4.4 Planning Policy Officer: Subject to the payment of the identified contributions for the Bedale Footpath and Cycleway Scheme and the implementation of the landscaping and design elements as proposed, the proposal is supported in policy terms and is suitable to its location and surrounding uses.
- 4.5 Sabc Pipelines: The pipeline is 10m outside the application area. The applicants have been made aware of the proximity.
- 4.6 Health & safety Executive:
- 4.7 Yorkshire Water: No objections subject to conditions.
- 4.8 Environmental Health Officer: No adverse comments.
- 4.9 The application was advertised by site notice on the site boundary and the nine closest businesses were consulted. No representations were received.

5.0 OBSERVATIONS

- 5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the sustainable nature of the site location (Policy CP4), the scale, design and materials, including landscaping, proposed (Policies CP17, DP32 and DP33), the benefits to the expansion and consolidation of the existing business (Policies CP12 and DP16) and the requirement for a contribution towards the Bedale Footpath and Cycleway Scheme (Policies DP2 and DP6). The contents of the National Planning Policy Framework (NPPF), paragraph 28, are also particularly relevant in this case.
- 5.2 The site is on the Leeming Bar Business Park within the defined Development Limits of Leeming Bar which is designated in the context of Policy CP4 as a Service Village, having a substantial range of local services and facilities and excellent communication links, particularly directly to the newly-improved A1(M). It is in local and national planning policy terms a sustainable location for the 'distribution' business.

- 5.3 The building is a simple, functional structure, the appearance reflecting its storage and distribution purpose. The materials are similar to other buildings that make extensive use of cladding elsewhere on the Business Park. The existing and proposed peripheral tree and shrub planting will, in due course help to soften the impact of the development. The proposed floor levels of the site are below those of the adjacent land to the north and west and consequently the building will 'sit down' on the site and despite the height of the building will not appear unduly conspicuous.
- 5.4 It has been noted above that the applicant already operates a well-established business on the original part of the estate and that as a result of imminent new contracts additional storage space is required. The new site would be operated in close liaison with the existing sites and, at present the additional employment created is modest. However, it is considered that the development of this site will assist in the consolidating and safeguarding of existing employment (currently around 30 full-time posts). Furthermore, as noted, the applicant is purchasing additional adjoining land for future growth in due course.
- 5.5 Paragraph 28 of the NPPF states that Local Planning Authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable development. It goes on to say that to promote a strong rural economy they should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings. It is considered that the current proposal is fully in line with this aim.
- 5.6 The application is within the Parish of Aiskew and, consequently, has a requirement for a contribution towards the provision of the Bedale Footpath and Cycleway Scheme in accordance with Policies DP2 and DP6. A draft Unilateral Undertaking to secure such a payment has been submitted and discussions are currently taking place regarding the precise sum to be contributed. In order to comply with the LDF policy requirements an Planning Obligation will need to be completed prior to the issue of a planning permission and the recommendation set out below is conditional upon that completion.

6.0 SUMMARY

- 6.1 It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy, the Development Policies document and the contents of the National Planning Policy Framework in that the scheme, comprising an appropriately designed building and layout, will enable the continued expansion of an existing business in a sustainable location with a modest increase in employment.
- 6.2 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including LDF Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

7.0 RECOMMENDATION

- 7.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by

the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

3. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highways Authority and the following requirements: (i) The details of the access shall have been approved in writing by the Local Planning Authority; (ii) The access shall be formed as a dropped crossing of the footway to give a minimum carriageway width of 7 metres, and that part of the access road extending 10 metres into the site shall be constructed in accordance with Standard Detail number A2; (iii) Any gates or barriers shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway; (iv) That part of the access extending 15 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 15; (v) The final surfacing of any private access and parking area within 10 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
4. 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 or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (i) vehicular and pedestrian accesses; (ii) vehicular parking; (iii) vehicular turning arrangements; (iv) manoeuvring arrangements demonstrate with vehicle swept paths the entrance into the site can be achieved by HGVs; (v) loading and unloading arrangements.
5. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 4 above have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
6. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Proposed Site Plan for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
7. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
8. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; (ii) on-site materials storage area capable of accommodating all

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

9. 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.
10. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.
11. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (Ref: Proposed Site Plan and Proposals dated April 2014) attached to planning application 14/01116/FUL received by Hambleton District Council on 28th May 2014 unless otherwise approved in writing by the Local Planning Authority.
12. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
13. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
14. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained at all times.
15. No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority to show by means of an accredited assessment scheme, energy use assessment and through consideration of, and possible implementation of, a Combined Heat and Power scheme, that the development will achieve either on site generation of renewable energy to meet at least 10% of its energy requirements or otherwise demonstrate similar energy savings through design measures. The development shall be undertaken in accordance with the approved details, or to achieve greater renewable energy generation or efficiency, and thereafter be retained.

The reasons for the above conditions are:

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

3. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
4. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
5. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
6. To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
7. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
8. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
9. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
10. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal to prevent pollution of the water environment or flooding in accordance with Policies CP21 and DP42
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 CP17, DP32 and DP33.
12. 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.
13. In the interest of satisfactory and sustainable drainage which reduces the risk of contamination entering watercourses or the ground.
14. To ensure that the development is appropriate to the character and appearance of its surroundings.
15. In order to reduce the demands upon carbon based energy in accordance with the Development Plan particularly DP34.

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Target Date: 11 June 2013

13/00800/FUL

**Retrospective application for placement of solar panels to roof of dwelling.
at Wesley House Husthwaite North Yorkshire YO61 4PX
for Mrs Y Macalister.**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Wesley House is a former church hall converted into a dwellinghouse. It lies on the northern side of the main village street towards the eastern end of the village within the Conservation Area.
- 1.2 The building is now used as an ancillary accommodation to the adjacent dwelling Colton House. Planning permission was granted in January 2012 to use the ground floor as a garage and workshop, in connection with Colton House, an adjacent dwelling in the same ownership.
- 1.3 Retrospective permission is sought to install a total of 16 solar panels on the front (south) elevation of the roof. This would normally be permitted development but permitted development rights were removed when the Council approved conversion to a dwelling in 1998.
- 1.4 The maximum dimensions of the arrangement is 8.9m across the face of the roof x 1.7m in depth. The panels are black.
- 1.5 Additional information in support of the application is appended to this report.

2.0 PLANNING AND ENFORCEMENT HISTORY

- 2.1 2/97/071/0117 - alterations and extensions to church hall. Permission granted 22/5/1997.
- 2.2 2/98/071/0117A - alterations and extensions to church hall for use as a dwelling. Permission granted 19/6/1998 subject to the following condition:

Notwithstanding the provisions of any Town and Country Planning General or Special Development Order relating to 'permitted development', no extension or other alterations to the building hereby permitted shall be carried out without express permission on an application made under Part III of the Town and Country Planning Act 1990.

- 2.3 2/04/071/0117B - first floor extension to dwelling. Permission granted 4/8/2004.
- 2.4 11/02249/FUL - Alterations to dwelling to reduce size and provide garage at ground floor to use in association with neighbouring dwelling. Withdrawn 7/12/2011.
- 2.5 11/02651/FUL - Revised application for alterations to dwelling. Permission granted 26/1/2012.
- 2.6 12/00631/FUL - Proposed removal of front porch on dwelling. Permission refused 16/5/2012 for the following reason:

The proposed removal of the porch from the front elevation of the building is contrary to Policies CP16 and DP28 of the Local Development Framework and the advice within the NPPF due to its

unacceptable impact upon the historic character and appearance of this undesignated heritage asset within the Hushwaite Conservation Area.

Appeal dismissed 14/12/2012.

- 2.7 12/00800/FUL - Retrospective installation of solar panels and the proposed formation of a new window on east elevation of existing dwelling. Permission refused 21/6/2012 for the following reason:

The installation of solar panels on the front elevation of the building is contrary to Policies CP16 and DP28 of the Local Development Framework and the advice within the NPPF due to its unacceptable impact upon the historic character and appearance of this undesignated heritage asset within the Hushwaite Conservation Area.

- 2.8 12/01475/FUL - Retrospective application for the formation of a new window on east elevation of dwelling. Permission granted 5/9/2012.

3.0 RELEVANT PLANNING POLICIES

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

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 – Prudent Use of Natural Resources
Development Policies DP1 - Protecting amenity
Development Policies DP28 - Conservation
Development Policies DP32 - General design
Development Policies DP34 – Sustainable energy
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

- 4.1 Hushwaite Parish Council - wish to see the application refused for the following reasons:

1. The installation of these panels has already been refused - a decision upheld on appeal. Since that time nothing has changed and there is no reason to change the decision.
2. It is noted that the photographs accompanying the application were taken on a dull day and at angles most beneficial to the applicant.
3. It could be argued that installation on Colton House would be less intrusive as it is higher. Nevertheless, the Parish Council is not about to succumb to (not very) veiled threats and remains opposed to the installation of solar panels visible from the street within the conservation area, whether that be on Wesley House or Colton House.
4. As to the cost of removal and re-use, if they had not been installed without consent in the first instance there would not be a problem.

The Parish Council has been re-consulted following the receipt of additional supporting information; no further comments have yet been received (expiry date for representations 11/7/2014).

- 4.2 HDC Conservation Officer - This building is the former Wesleyan Chapel and is considered to be a Non Designated Heritage Asset, as defined within the National Planning Policy Framework (NPPF). NPPF states at paragraph 135 that:

"The effect of an application on the significance of a Non-Designated Heritage Asset should be taken into account in determining the application".

In weighing up this proposal, a balanced judgement should be made having regard to the scale of any harm or loss to the significance of the heritage asset. The building is characterised by its 1.5 storey height, local brown brick and black slate roof. I consider this proposal to have a significant adverse

impact upon this character as a small historic building of vernacular type. Permitted development rights were removed from this property at the time of its conversion in order to retain its significant character. Wesley House lies within the designated Hushwaite Conservation Area and plays a prominent role within the character of the street scene. It is considered that the in-situ solar panels have an adverse impact upon this character as they are highly visible from both approaches. In addition, Wesley House is of a lower height to both its neighbours with a shallow pitch to its roof. These factors add to the prominence of the building within the street scene.

- 4.3 Site notice/advert/local residents - correspondence has been received from 2 local residents (one supporting, one objecting) the comments of which are summarised as follows:
1. No objection to the planning permission to be granted. It is a better and cared for view since owned by Mrs Macalister;
 2. There is at least one other building in the village of greater architectural significance, which has its roof covered in solar panels and does not offend anyone;
 3. As it is government policy to encourage the use of renewable energy it would seem logical to allow these solar panels;
 4. As the retrospective planning application is materially the same as that refused last year (12/00800/FUL), my objection is the same and I support the enforcement action that the Council is now taking.

All residents have been re-consulted following the receipt of additional supporting information. One of the previous correspondents has submitted a further letter of support, commenting as follows:

1. The present owner has invested a lot of time, money and effort into renovating what was once a rather unprepossessing building, which had become very neglected and unsightly.
2. It is now visually more pleasing and better maintained than it has been for the last 26 years.

5.0 OBSERVATIONS

- 5.1 The primary planning issues are the impact of the solar panels on (a) the character and appearance of Wesley House as a Non Designated Heritage Asset and (b) the surrounding Conservation Area.
- 5.2 Wesley House has been assessed against the Council's published criteria for assessing Non Designated Heritage Assets, which were approved by Cabinet for Development Management purposes in December 2013. The building is considered to meet the following criteria:
- 1 (age - usually more than 30 years old);
 - 2 (rarity - not many examples locally);
 - 3 (representativeness - of a particular architectural period); and
 - 8 (historical association - with an historical person or group).
- 5.3 Support for this can be drawn from the appeal decision of December 2012 relating to the proposed removal of the porch (application 12/00631/FUL), in which the Inspector considered the building to be of some local historic significance and dismissed the appeal for the removal of the porch on the grounds that the alteration would harm the appearance of the Conservation Area.
- 5.4 The building is of historic rather than architectural merit and the installation of the solar panels detract from its historic character. The building lies in a prominent position within the Conservation Area and under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Because Wesley House is close to the road and its roof is lower than neighbouring buildings, the panels are considered to be more prominent in the street scene than they might be on other buildings within the Conservation Area. It is therefore considered that the proposed solar panels would not only have a significant adverse impact upon the significance of this Heritage Asset but also on the appearance of the Conservation Area.

- 5.5 The alternative scenario suggested by the applicant is to install the solar panels on other dwellings within her ownership (Colton House and Little Worsall), which also lie within the Conservation Area but which would be permitted development under Part 40 (installation of domestic micro-generation equipment) of Schedule 2 to the 1995 General Permitted Development Order. This alternative matter, although not part of the application, is something that can be a material consideration as it is a fall-back for the developer. Wesley House is characteristic of a type that is much rarer than the dwellings (which are two of many similar examples within the village) and as it lies adjacent to a Chapel and is positioned relatively close to the road, it becomes even more prominent within the street scene. It also has a longer pitch for its proportions, which makes the panels more obvious and this is exacerbated by the roof of the building being set lower in the street scene. It would not therefore be so harmful for the panels to be sited on either or both of these dwellings as it would for them to be retained on Wesley House.
- 5.6 It is appreciated that the panels are black and therefore similar to the colour of the slate roof, although the contrast between the two is particularly noticeable in public views because of the low roof and the proximity to the road. The installation of the panels obscures much historic material and the shine on the black material contrasts with the dull blue/grey colour of the slate. The slate is a natural material, which contrasts with the large fabricated panels producing a visually harmful mix of materials and composition. Furthermore, the panels are raised above the roof slope and because of this, and the proximity to the road, the resulting uncharacteristic roof form is very visible.
- 5.7 The NPPF, in paragraph 98, states applications for renewable energy should be approved if their impacts are or can be made acceptable. It has been suggested that the solar panels be repositioned away from the south elevation. This has been investigated by the applicant and the National Solar Energy Advisory Service has concluded on her behalf that “alternative siting would not be practicable in terms of energy generation and return on investment”. It is therefore considered that the development cannot be made acceptable
- 5.8 LDF policies CP18 and DP34 provide broad support for development that enable the provision of renewable energy. However, the applicant has identified that similar benefits could be achieved by relocating the panels to Colton House and/or Little Worsall. As noted in the assessment above, it is considered that this fall-back would have a lesser impact on the appearance of the Conservation Area. Therefore the benefits resulting from solar panels in this instance are not outweighed by the harm resulting from an inappropriate development and therefore it is recommended that the application be refused planning permission.

6.0 SUMMARY

- 6.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. The Local Planning Authority is willing to provide pre-application advice in respect of any future proposal for an alternative or revised development.

7.0 RECOMMENDATION

Planning permission is **REFUSED** for the following reason:

1. The installation of solar panels on the front elevation of the building is contrary to Policies CP16 and DP28 of the Hambleton Local Development Framework and the advice within the National Planning Policy Framework due to its unacceptable impact upon the historic character and appearance of this Non Designated Heritage Asset and its detrimental impact on the appearance of the Hushwaite Conservation Area.

Wesley House, Husthwaite
In Support of Planning Application No. 13/00800/FUL
Retrospective Application for Solar Panels

Background:

- Solar Panels can be installed on any property within the Husthwaite Conservation Area which has Permitted Development Rights (“PDR”).
- Mrs Macalister finds herself in the current situation due to the failure of, first, her solicitors and, second, the HDC Planning Department, to inform her when they should have that PDR had been removed from Wesley House.
- The installation of the solar panels on Wesley House without planning permission was, therefore, not a deliberate flouting of the Planning Authority by Mrs Macalister, but an innocent mistake brought about by the failures of her solicitors and the Planning Department.
- Mrs Macalister has submitted Planning Application No. 13/00800/FUL for retrospective permission for the solar panels on Wesley House.
- The Planning Department proposes to recommend refusal for two reasons: first, the effect on the appearance of the area; and, second, the effect on Wesley House as a Non-Designated Heritage Asset.
- If Mrs Macalister is required to remove the solar panels from Wesley House she will reinstall them on the roadside roofs of the neighbouring properties, Colton House and Little Worsall as she is entitled to do under PDR for those properties. (As this matter is the subject of litigation, Mrs Macalister is required by the Courts to do this in order to mitigate her loss. There is no market for second-hand solar panels.)

First Argument why retrospective permission should be granted:

1. The purpose of the Government Legislation which permits the installation of solar panels in a Conservation Area on a property with PDR is to encourage households to pursue alternative sources of energy to fossil fuels both to reduce the Nation’s dependence on foreign imports and to reduce the impact on the environment.
2. As solar panels can be installed on any property in Husthwaite with PDR, and are increasingly being installed in Husthwaite, it is illogical to hold that solar panels on Wesley House have an adverse impact on the appearance of the area.
3. There is nothing special about Wesley House as a Non-Designated Heritage Asset compared to other buildings of its period (particularly Colton House and Little Worsall either side and upon which solar panels can be installed), especially after all the alterations permitted to Wesley House since 1998, to single it out as a building upon which solar panels should not be installed.
4. The solar panels have been in situ for over two years and, like all new installations designed to serve the community (be they telegraph poles, communication aerials, street signs etc.) whilst perhaps an unwelcome sight at first they become recognised and increasingly accepted as a necessity.
5. In the circumstances, Mrs Macalister’s retrospective planning application for the solar panels on Wesley House should be granted.

Second Argument why permission should be granted:

1. Mrs Macalister owns the two other properties in Hushwaite, Colton House (her main residence) and Little Worsall, being either side of Wesley House (save for the Wesley Chapel between Wesley House and Little Worsall).
2. Enquiries 13/00759/RDE and 13/00761/RDE (together with the Planning Department's email of 18 September 2013) confirm that solar panels can be installed under PDR on the south facing roof elevations which front the highway of Colton House and Little Worsall.
3. Both Colton House and Little Worsall possess greater architectural and heritage characteristics for designation as Non-designated Heritage Assets than Wesley House, especially having regard to all the alterations permitted to Wesley House since 1998.
4. Whilst Mrs Macalister maintains that she should be allowed to retain the solar panels on Wesley House pursuant to the First Argument, as the Planning Department seems fixed on the opinion that solar panels have an adverse impact on the appearance of the area and its heritage assets, Mrs Macalister has offered to desist from putting solar panels on both Colton House and Little Worsall if she is allowed to retain the solar panels on Wesley House.
5. Whilst the Planning Department has stated that it rejects this Second Argument and maintains that it will still recommend refusal of Mrs Macalister's retrospective application for the solar panels on Wesley House, with respect, Mrs Macalister's offer is both sensible and practical in planning terms and should be accepted by the Planning Authority.

Relevant to both the First and Second Arguments

It is respectfully submitted that the Planning Authority should have clearly in mind when considering the above arguments that Mrs Macalister finds herself in this position due to the failures of the HDC Planning Department to inform her during any of its communications (letters, emails or discussions) concerning her planning application No. 11/02651/FUL for the conversion of Wesley House into a garage and flat, or in that planning consent itself, that PDR had been removed from Wesley House. Had the Planning Department informed her of the removal of PDR, Mrs Macalister would have applied for permission for the solar panels and the present situation would have been avoided.

It is further respectfully submitted that the Planning Department's recommendation of refusal of Mrs Macalister's retrospective application for the solar panels on Wesley House (when the solar panels will then be reinstalled on Colton House and Little Worsall) is a highly subjective recommendation to achieve a sensible outcome in planning terms and that, therefore, bearing in mind how the Planning Department was instrumental in the present situation coming about, the Planning Authority should reject the Planning Department's recommendation.

The Planning Department's Email of 22 May 2014:

1. You have again raised the issue of re-installing some solar panels on the front of Wesley House to the rear of Wesley House.
 - a) As stated in Mrs Macalister's letter of 2 October 2013, the report by NSEAS stated that the space to the rear of Wesley House only allows for 6 of the 16 solar panels to be re-sited (the remaining 10 needing to be re-sited to Colton House/Little Worsall);
 - b) As stated in Mrs Macalister's letter of 2 October 2013, the report by NSEAS also stated that those 6 solar panels, if re-sited to the rear roof areas of Wesley House, would not be practicable in terms of energy generation and return on investment due to shading. It is pertinent to mention that Mrs Macalister has recently been contacted by British Gas (her energy supplier) who have informed her that the solar panels already installed on the rear roof areas of Colton House are disappointing in terms of

electricity generation. As the rear of Wesley House is overshadowed to a greater extent the situation would be worse.

c) Even if the external aspects to the rear of Wesley House were suitable, the internal room reaches into the rafters, which are boxed in, and so it is by no means certain or easy to ascertain that the roof structure could support the solar panels.

2. You have also raised the possibility of solar panels on Wesley House being re-sited to the rear roof areas of Colton House and Little Worsall.

a) This was dealt with in the course of the Enquiries 13/00759/RDE and 13/00761/RDE. There are no available roof spaces to the rears of Colton House and Little Worsall besides those which face north, which make them unsuitable.

b) In any event, as it is agreed following the Enquiries that solar panels can be installed under PDR on the south facing roof elevations which front the highway of Colton House and Little Worsall it would make no sense for Mrs Macalister to put solar panels on the rear of those properties where they would be highly inefficient.

3. You have, again, referred to the Condition that: "The panels are, so far as practicable, sited so as to minimise their effect on the amenity of the area."

a) The Conditions in the Legislation were the subject of Mrs Macalister's letter dated 15 August 2013 and as was pointed out then in relation to this Condition it was not the Government's intention that HDC Planning Department could insist, as you appear to be trying to do, that a property owner should first put solar panels on roof slopes which are the least efficient in order to satisfy this Condition, presumably in the Planning Department's hope that the property owner runs out of money before he/she can install solar panels on the roof slopes which are most efficient.

4. You have sought clarification of the number of solar panels which Mrs Macalister intends to install on both Colton House and Little Worsall.

a) Mrs Macalister is yet to have a survey carried out by an installer as to how many solar panels it is sensible to install on the south facing roof elevations which front the highway of Colton House and Little Worsall. It is anticipated, however, that the number will be in excess of the 16 solar panels currently on Wesley House. No survey has yet been carried out as Mrs Macalister is awaiting the final decision of the Council on her Application in respect of Wesley House; in particular for this point, whether the Council will accept her compromise offer to desist from installing any solar panels on Colton House and Little Worsall as contained in her Second Argument.

The Current Views of the Parish Council and Others

1. Mrs Macalister attended the Parish Council meeting on 20 May 2014. She was led to believe that the Parish Council was of the view that the solar panels were best left where they are on Wesley House rather than solar panels be installed on Colton House and Little Worsall.
2. Mrs Macalister is aware of three parties who have objected in writing to the HDC about her applications for retrospective permission for the solar panels.
 - One objected about Mrs Macalister's original Application No. 12/00800/FUL, but was silent about her present Application No. 13/00800/FUL. She has now been led to believe that they are of the view that the solar panels are best left where they are rather than solar panels be installed on Colton House and Little Worsall. They stressed it would be pointless to move the solar panels up/down the street.

- One objected consistently about the solar panels and they have now expressed the view to Mrs Macalister that they would prefer to see all solar panels removed from every property in Husthwaite whether the property has PDR or not. But they also accepted it would be pointless to move the solar panels up/down the street.
 - One objected about Mrs Macalister's original Application No. 12/00800/FUL, but was silent about her present Application No. 13/00800/FUL. Circumstances are such that out of respect Mrs Macalister has not felt it appropriate to make direct enquiries of this party.
3. For completeness, Mrs Macalister believes that the party which wrote to HDC in support of her Application No. 13/00800/FUL remains in support.

For the Planning Authority's consideration, photos from different angles illustrating solar panels on/off the respective properties are attached.

3

13/02282/OUT

**Revised outline application for the construction of 25 dwellings
at the Former Arla Foods site, Romanby Road, Northallerton, North Yorkshire
for Arla Foods Ltd**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Outline planning permission is sought for the means of access, from Romanby Road, and layout of 25 dwellings. All other matters are reserved for future approval. An indicative master-plan showing plot positions, landscaping, roads and footpaths has been submitted with the application. The proposed layout equates to 35.7 dwellings per hectare.
- 1.2 The site measures approximately 0.7ha in size and is situated on the edge of Northallerton between the town and Romanby village. Northallerton town centre is located approximately 800m to the east along Romanby Road. Northallerton Railway Station and associated car park are located immediately opposite to the south. The site is bordered by the East Coast Main Line, which runs along an elevated embankment to the north-east, and by a freight line to Teesside, which runs along the north-western boundary. Romanby Road makes up the site boundary to the south.
- 1.3 The indicative proposal suggests a mix of dwellings comprising 2, 3 and 4 bedroom units arranged in terraces and semi-detached pairs to reflect local character. These properties would not exceed 2 storeys plus roof, although some may have accommodation within the roof space and the precise details of each house-type (including elevational treatment) would be submitted at the reserved matters stage.
- 1.4 Public realm within the development would be primarily hard landscaped, although a planted green-space is proposed adjacent to the site entrance. Landscaping is a reserved matter but indicative drawings show semi-mature trees at key locations within the site layout but these are limited in number.
- 1.5 Gardens fronting Romanby Road would be bordered by 1.2m hawthorn and holly hedges and rear gardens would be laid to grass with 1.8m close boarded fences providing privacy and security. Rear or side gardens bordering public realm would be enclosed by 2m metre high brick walls. A 3m high acoustic fence is proposed on the western boundary, adjacent to the freight line.
- 1.6 A single point of vehicular access is proposed onto Romanby Road, close to the junction with Ainderby Road, both of which form part of the B1333, a secondary, but well used route into Northallerton from the west.
- 1.7 With regard to indicative car parking, smaller townhouses with two bedrooms would have identified provision of 1 space per household, some of which may be located in on-street bays. Larger family homes would have 2 spaces. Wide drives (3.3m) are shown throughout the development.
- 1.8 The site was previously used as a commercial dairy, which ceased to operate in 2010. The densely packed creamery buildings were demolished shortly afterwards, although their concrete bases are clearly visible on site. Some demolition rubble has been retained on site to temporarily support the existing retaining structures, including the embankment of the adjoining East Coast Main Line.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 There were several planning application relating to the former dairy but none are relevant to this application for redevelopment of the site.
- 2.2 12/02236/OUT - Outline application for the construction of 25 dwellings (Withdrawn on 7 June 2013 in order to allow for further work on viability)

3.0 RELEVANT PLANNING POLICIES

The National Planning Policy Framework – March 2012

- 3.1 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government’s planning policies for England and how these are expected to be applied. Whilst the NPPF should be read as whole, Section 6 “*Delivering a wide choice of high quality homes*”, Section 7 “*Requiring Good Design*” and Section 8 “*Promoting Healthy Communities*” are considered particularly relevant, due to their reference to housing delivery, affordable housing and recreation facilities and paragraphs 66 and 215 in relation to public consultation and implementation respectively.
- 3.2 The NPPF is supplemented by the online National Planning Policy Guidance.
- 3.3 The relevant policies of the Development Plan and any supplementary planning policy advice are as follows:

Core Strategy Development Plan Document – Adopted April 2007

- 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 CP6 - Distribution of housing
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP9 - Affordable housing
- Core Strategy Policy CP17 - Promoting high quality design
- Core Strategy Policy CP18 - Prudent use of natural resources
- Core Strategy Policy CP19 - Recreational facilities and amenity open space
- Core Strategy Policy CP20 - Design and reduction of crime
- Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies Development Plan Document – Adopted February 2008

- Development Policies DP1 - Protecting amenity
- Development Policies DP2 - Securing developer contributions
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP6 - Utilities and infrastructure
- Development Policies DP8 - Development Limits
- Development Policies DP12 - Delivering housing on "brownfield" land
- Development Policies DP13 - Achieving and maintaining the right mix of housing
- Development Policies DP15 - Promoting and maintaining affordable housing
- Development Policies DP29 - Archaeology
- Development Policies DP32 - General design
- Development Policies DP33 - Landscaping
- Development Policies DP34 - Sustainable energy
- Development Policies DP36 - Waste
- Development Policies DP37 - Open space, sport and recreation
- Development Policies DP39 - Recreational links

Other Relevant Documents

Affordable Housing SPD
Public Open Space, Sport & Recreation SPD
Sustainable Development SPD
Statement of Community Involvement

4.0 CONSULTATIONS

Romanby Parish Council

- 4.1 Confirmed no objection to the application.

NYCC Highways

- 4.2 The access to the site has been sited to maximise the available visibility at the proposed access. This is welcomed; however this does bring the access closer to the level crossing. In matters relating to level crossings the Local Highway Authority (LHA) is guided by the advice of Network Rail. In this instance they have raised no objection in principle but sought mitigation in the form of “yellow box” markings at the level crossing. The LHA would not wish to see any additional measures beyond those required by Network Rail.

- 4.3 The Transport Statement submitted in support of the application has indicated that many facilities lie within reasonable walking distances of the site although no account has been taken of the lengths of sub-standard footway on Romanby Road between the site and Northallerton High Street. This has been weighed against the level of proposed development and the anticipated number of pedestrian trips which could be generated in the peak hours based on Romanby ward travel census data. Consequently it is considered it would be disproportionate to seek improvements to the footway network between the site and Northallerton High Street. The imposition of a number of conditions is recommended.

HDC Environmental Health Officer

- 4.3 The application site is located between two busy railway lines and is severely affected by noise from these sources.
- 4.4 A detailed noise report is submitted with the application which reports the current levels of noise and vibration from the site. As this application is an outline application it is understood that the actual layout of the dwellings is not finalised.
- 4.5 It is clear from the AECOM noise assessment that whilst it appears acceptable internal and external noise levels are achievable, complex noise mitigation measures, both at the site boundary and of the windows will be required, including the internal arrangement of noise sensitive rooms relative to the noise sources in some of the dwellings. These measures are likely to vary dependent upon the orientation and location of the building facades. In addition, as opening windows will not be possible as a means of ventilation (as they would not achieve the desired sound insulation) mechanical ventilation will be required in some cases.
- 4.6 Given the likely complexity of the noise mitigation measures, it is recommended that a condition is imposed to allow noise insulation details to be submitted and approved and that on completion a selection of properties are subjected to noise testing and a validation report provided.

HDC Housing Services Manager

- 4.7 The Council's affordable housing target for this site is 40%. This equates to 10 affordable homes. To

meet local housing needs the affordable homes should be a mixture of two and three bedroom homes for general needs.

- 4.8 Initially an Economic Viability Appraisal (EVA) was submitted by the Applicant which did not offer any affordable housing. This was reviewed by the Council's Consultant Surveyor and the Applicant offered one affordable dwelling (4%). Advice from the Council's Consultant Valuer suggested that the applicant's offer might be increased to two units (8%). Whilst this figure falls well short of the Council's target, the Housing Manager is satisfied that an independent EVA has evidenced that only this level of provision is achievable. However, in view of the low level of affordable provision the Housing Manager requests 1x two bedroom and 1 x three bedroom house, both for social rent.
- 4.9 As this is only an outline application the type, mix, tenure and location of the affordable homes must be further agreed with the Housing Manager at the reserved matters stage when they should be clearly coloured up by tenure on a site layout plan. This should be accompanied by a schedule confirming plot numbers, property types/sizes/tenures and transfer prices as well as floor plans of the affordable homes indicating the size/dimensions of rooms and showing furniture layouts. The minimum size and transfer prices of these homes must accord with the schedule contained in the Council's Affordable Housing SPD i.e:

2 bed affordable home - minimum size 70 sq. m - Transfer Price £65,200

3 bed affordable home - minimum size 90 sq. m - Transfer Price £79,200

Yorkshire Water

- 4.10 No objections subject to conditions.
- 4.11 The development of the site should take place with separate systems for foul and surface water drainage. Foul water domestic waste should discharge to the 300mm diameter public combined sewer recorded nearby in Ainderby Road. If sewage pumping is required, the peak pumped discharge must not exceed 6 (six) litres per second.
- 4.12 The local public sewer network does not have capacity to accept any additional discharge of surface water from the proposal site. Recommend that the Applicant / Developer investigates surface water disposal to soakaway /watercourse. As a last resort, curtilage surface water may discharge to the public sewer network subject to providing evidence:
- 1) that other means of surface water disposal have been considered (and the reason for rejection)
 - 2) that surface water discharge from the existing site positively communicates with the public sewer (i.e. same points and rates of discharge)
- 4.13 The developer will have to demonstrate positive drainage to the public sewer to the satisfaction of YWS/the LPA by means of investigation and calculation. In the assessment, discharges to the public sewer must be based upon 1 in 1 year rainfall on a like-for-like basis with a 30% reduction.
- 4.14 New drainage design should take into account flood risk and climate change (1 in 30 year return with no flooding of buildings and no flooding at ground level and 1 in 100 year return with no flooding of buildings and retention of floodwater on-site, both subject to plus 20% or plus 30% for climate).

Swale & Ure Drainage Board

- 4.15 The site lies outside the Swale and Ure Drainage district. However it seems inevitable that surface water will discharge to Willow Beck to the north. If there is any increase in paved area then the additional run-off will need to be attenuated at 1.4l/s/ha.

Network Rail

- 4.16 No objection in principle to the development.
- 4.17 However, level crossing safety is a key concern to Network and, since our original response, our concern regarding level crossing safety has increased. The entrance to the development should be wide enough for 2 vehicles to pass so there is no risk of blocking back onto the level crossing. It is also essential that, during and after construction, no part of the development shall cause the level crossing sight lines, road traffic signs and markings, or the crossing itself to be obstructed. This includes the parking of caravans, machines and equipment etc. together with the erection of signs, fences and the planting of trees/hedges.
- 4.18 As such, given the access point is within the normal standards for proximity to level crossings we would request the developer pays for the provision of yellow box markings of the crossing (cost £1K), as a positive contribution to level crossing safety.

NYCC Education

- 4.19 Based on the current proposal to build 25 two or more bedroom properties, a developer contribution of £84,975 would be sought to fund 6 additional school places at Romanby Primary School. If the density of the site were to change the figure would need to be recalculated.

Pre-Application Consultation

- 4.20 A two-day public consultation event was held on Friday 13 and Saturday 14 May 2011, prior to submission of application 12/02236/OUT, to ensure that all residents had an opportunity to attend. The event was publicised through a press release which was sent to The Northern Eco, North Yorkshire News and Star Radio. Posters promoting the event were also supplied to the local Post Office and Food Store (the Co-Operative) The event was held within a double-decker bus, purposefully fitted out to accommodate exhibitions of this nature. The bus enabled the team to move between sites. Initially the bus was located on the former Creamery Car Park on Ainderby Road between the hours of 9.30 and 10.30am on both days. It was then relocated to the town centre's Applegarth Car Park, where it was parked and set-up between 11.30am and 3pm on both days. Due to the buses flexibility and the local demand from Romanby residents, the bus remained in Romanby on the Saturday morning until 11.30am, before relocating to the town centre.
- 4.21 The exhibition was attended by approximately 80 people and 44 completed questionnaires. The applicant has summarised and appended the responses received to the Statement of Community Involvement. The applicants have included analysis of the responses and commented on the issues raised. They note that of those who responded 56% preferred residential development on the site and 11% said yes to residential but with reservations about traffic/road safety or the housing mix. A number of people commented on what aspects of local character should be considered in the design. Three options were presented for the development of the site and the feedback showed preference for a scheme somewhere between Option 1 and Option 2.
- 4.22 In September 2012 a flyer which set out the master plan proposed for the development, which explained the queries and feedback raised at the public consultation and which supplied answers to the concerns raised and the rationale for the proposals, was posted to all of the residents in Romanby. The comments received from the exhibition and the flyer are analysed in the applicant's Statement of Community Involvement and the scheme evolved taking into account local comments. The planning application was submitted in 2012 but later withdrawn due to the need to revise the layout due to issues of noise and vibration from the mineral railway bordering the western edge of the site. The current application was submitted in October 2013.

Public Comment

- 4.23 The application was advertised by site notice and directly to the neighbouring residents. The notification period expired on 2 December 2013 and one objection has been received which raises

concern about the lack of affordable housing and highway safety due to congestion and increased vehicle movements close to the level crossing. It is suggested that the site would be better utilised as public open space or another community initiative.

5.0 OBSERVATIONS

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

- a) Location of New Housing
- b) Design & Density
- c) Noise Impact
- d) Sustainable Construction
- e) Highway Safety & Car Parking
- f) Drainage & Flood Risk
- g) Affordable Housing and Viability
- h) Public Open Space
- i) Education

Location of New Housing

- 5.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF replaces all the previous national planning policy guidance notes.
- 5.2 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through the planning system. For decision taking, this means approving development proposals that accord with the development plan without delay.
- 5.3 Policy DP8 of the Development Policies DPD states that *"Permission for development will be granted within the settlement Development Limits as defined on the Proposals Map, provided that it is consistent with other LDF policies"*.
- 5.4 The application site is located within the Development Limits of Northallerton as defined on the Proposals Map of the Allocations DPD. In addition, the proposed development constitutes reuse of a brownfield site in a location close to existing services and amenities. Consequently, the proposed development is considered to be acceptable in locational terms.
- 5.5 The application site is bounded by the high-level East Coast Main Line (ECML) to the north-east and the low-level freight-line to the north-west. These factors could have a significant impact on the living environment for future occupiers.
- 5.6 In view of the information provided by the applicant and the advice of the Environmental Health Officer, it is considered that this challenge can be overcome via the implementation of imaginative design solutions. The Design & Access Statement explains that the buildings and their internal space would be orientated to achieve good quality living standards, e.g. positioning habitable rooms to the rear. Furthermore, the effective use of public realm, boundary treatment and landscaping would soften views into and out of the site and help to achieve the high standard of design required by Policy DP32.
- 5.7 It is also important to note that much of Northallerton's new housing stock has been developed on former employment sites adjacent to the railways. Two recent examples being Allerton Way on Romanby Road and Forrester Park on Springwell Lane which adjoin the ECML, as does the former York Trailers site on Yafforth Road, now under construction. This application follows that trend and would bring about significant visual and environmental improvements to a brownfield site. It is recognised that this site is further constrained by its proximity to the freight line to the immediate west. However, in view of the EHO's advice it is considered that noise issues can be managed appropriately through the imposition of conditions.

- 5.8 Consequently, the principle of residential development accords with the Development Plan and the NPPF and should therefore be granted without delay subject to general compliance with other core planning principles and policies.

Design & Density

- 5.9 Policy DP32 stipulates that “the design of all development must be of the highest quality. Attention to the design quality of all development will be essential... Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings and promote local identity and distinctiveness.”
- 5.10 This approach has been strengthened by paragraph 56 of the National Planning Policy Framework (NPPF) which states that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 5.11 In terms of density, a minimum range is no longer quoted within planning policy. Nonetheless, local planning authorities should have regard to: the characteristics of the area; the desirability of achieving high quality, well-designed housing and the current and future level and capacity of infrastructure, services and facilities. The proposed scheme equates to a density of 35.7 dwellings per hectare, which in the context of the site’s location and the nature of the accommodation proposed is not considered to represent over-development of the site.
- 5.12 Because only access and layout are submitted for approval at this stage, a full design assessment will only be possible at the reserved matters stage. However, the illustrative material shows that proposed dwellings reflect the more traditional vernacular of the Romanby area but would meet modern standards of accommodation whilst sufficient car parking and private amenity space would be provided. Furthermore, the indicative drawings demonstrate that a layout can be achieved with adequate levels of space about the proposed dwellings in order to avoid problems of overlooking and overshadowing between the proposed properties.
- 5.13 The broad principles of the site layout, as shown on the submitted master-plan, have had regard to local comments and are considered to be acceptable. The Applicant has therefore demonstrated that a well-designed and appropriately scaled development can be achieved in accordance with the requirements of the NPPF and Policy DP32 of the Hambleton Local Development Framework.

Noise Impact

- 5.14 Policy DP1 requires all development proposals to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, odours and daylight.
- 5.15 A Noise Assessment has been submitted with the application, which assesses the rail noise and vibration impacts on the proposed residential development at the application site. The report concludes that noise mitigation measures would be required to provide a suitable level of acoustic amenity at the proposed residential properties. Noise mitigation methods would involve a combination of acoustic glazing and ventilation, acoustic noise and barrier/bunds, single aspect design and layout, set-back distances and vibration isolation within the foundations.
- 5.16 Possible vibration annoyance to future residents has been assessed based on the vibration measurements undertaken. The calculated day and night VDV’s (vibration dose value) are below the threshold of low probability of adverse comment for residential buildings. This suggests that adverse comment due to perceptible vibration is not expected.
- 5.17 In the light of these findings, the Council’s Environmental Health Officer has raised no objection to the application but has recommended a condition requiring the implementation of a scheme of mitigation including subsequent validation and testing prior to occupation of the dwellings.

Sustainable Construction

- 5.18 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.19 The Applicant has confirmed that a detailed Energy Use Assessment will be completed at the detailed design stage (reserved matters) to consider the use of renewable energy and design measures to reduce energy consumption to meet the requirements of Policy DP34.
- 5.20 Consequently, in the event that Members are minded to grant planning permission, it is recommended that a suitably worded condition be applied to secure a scheme for suitable design improvements and/or the installation of suitable renewable energy technologies.

Highway Safety & Car Parking

- 5.21 A Transport Statement (TS), produced by AECOM, was submitted with the application. The TS examines the transport related impacts of the proposed redevelopment. This document concludes that the development could generate 18 vehicles using the proposed access during peak hours (17:00 to 18:00). Over the hour this would equate to one additional vehicle movement every 3-4 minutes accessing the local highway network.
- 5.22 Given the small scale of the residential scheme, the proposal would not generate a significant number of new trips by car and the predicted traffic impact on the local road network would be negligible, and well within normal assumed daily variation of traffic flows. It can be concluded that there would not be a material traffic impact on the local highway network as a result of the residential development proposals.
- 5.23 The Highway Authority has considered the application and has recommended approval subject to conditions.
- 5.25 The indicative plans suggest the proposed development would contain 30 car parking spaces, which equates to approximately 1.5 parking spaces per dwelling. In addition, it is indicated that 10 garage spaces would be provided. In having regard to guidance contained within the NPPF, this level of provision is considered to be acceptable, in the interests of avoiding on-street car parking.

Drainage

- 5.26 Yorkshire Water has confirmed that the local public sewer network does not have capacity to accept any additional discharge of surface water from the proposal site. Nonetheless, Yorkshire Water has no objection to the development in principle subject to drainage details being secured via pre-commencement conditions.

Affordable Housing and Viability

- 5.27 Policy CP9 stipulates that housing development of 15 dwellings or more within Northallerton should make provision for 40% affordable housing which is accessible to those unable to compete on the local housing market. Although, the actual provision on site will be determined through negotiations, taking into account viability and the economics of provision.
- 5.28 The Applicant originally considered that the proposed development would be unable to deliver any affordable housing on site due to viability constraints. These constraints are:
- The costs associated with re-building the retaining walls along the railway embankment to the east of the site; and

- The cost of demolition of the existing buildings on the site

- 5.29 An Economic Viability Appraisal (EVA) was submitted by the Applicant which did not offer any affordable housing. This was reviewed by the Council's Consultant Surveyor and the Applicant offered one affordable dwelling (4%) in response. Protracted discussions ensued with the applicants based around the issue of whether or not the costs relating to the provision of new retaining walls and the demolition of the existing buildings should be included in the appraisal. However, recent guidance published by DCLG (the new National Planning Policy Guidance) indicates that historic costs associated with demolition and site clearance can be taken into account in viability appraisals. The Council's legal advisors have confirmed that historic demolition and site clearance costs should be taken into account.
- 5.30 Further advice from the Council's Consultant Valuer suggested that the applicant's offer might be increased to two units (8%) in further negotiation, (although this presumes only £30,000 for Public Open Space and Education, see below). In addition the matter has also been reviewed by Aspinall Verdi, the consultants who prepared the Council's District wide Affordable Housing Study and when the retaining wall and demolition costs are factored in the outcome is the same. Members are therefore advised that the offer of 2 affordable houses and £30,000 to be split between open space and education is reasonable in the circumstances.

Public Open Space and Education Contributions

- 5.31 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development. Contributions will be dependent on increased demand resulting from the development.
- 5.32 Given that no public open space would be provided on site, a commuted sum of £72,395 would be required towards off-site provision in accordance with Policy DP37.
- 5.33 Policy DP2 requires contributions from developers towards additional children's services/facilities where existing services in the area have insufficient capacity to cater for the potential increase in the number of children (criterion v). The Local Education Authority has responded that a figure of £84,975 should be sought from the developer to contribute towards 6 additional places at Romanby Primary School.
- 5.34 The total amount of contributions required is therefore £157,370. The Council's Consultant Surveyor has considered the applicant's viability information and advises that if 2 affordable dwellings are provided, then only £30,000 would be available to be split between the education and open space requirements. The alternative would be to provide one affordable dwelling at the site and increase the amount payable towards Public Open Space and Education.

Contribution to Level Crossing Safety

- 5.35 In addition to the Public Open Space and Education contributions, Network Rail has asked for a contribution of £1,000 towards creating yellow box markings on the level crossing, in the interests of improving safety at the crossing. On this basis they have raised no objections to the scheme, which is in relatively close proximity to the railway crossing. The Highway Authority is in agreement with this requirement in the interests of road safety.

6.0 SUMMARY

- 6.1 For the reasons given above and having regard to all other matters raised, it is recommended that planning permission be granted subject to the completion of a planning obligation to secure two units of affordable housing and a £30,000 contribution to be split between public open space, sport and recreation facilities and education provision, as well as a £1,000 contribution towards the provision of yellow box markings at the railway crossing. The contributions and the quantum of affordable housing

are significantly below the normal expectations in line with LDF policy but in this instance the costs associated with demolition and clearance of the site and stabilising the embankment that supports the ECML are unusually high and the development would only be viable with the lesser amounts specified.

- 6.2 The proposal involves the use of brownfield land within a sustainable location and is appropriate in terms of design, scale and massing to its location without detriment to established residential amenity and therefore complies with the above policies of the Hambleton Local Development Framework.
- 6.3 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in assessing the viability of the development and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

7.0 RECOMMENDATION

7.1 That planning permission is **GRANTED** subject to:

- (a) The consideration of any outstanding consultations and further valuation advice as necessary;
- (b) The satisfactory prior completion of the planning obligation referred to in paragraph 6.1; and
- (c) Appropriate conditions as set out below.

1. Submission of Reserved Matters

An application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. Commencement

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

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

3. Approved Plans

The permission hereby granted shall not be undertaken other than in complete accordance with the drawing numbered 010-048-003b received by Hambleton District Council on 21 October 2013 and amended drawing numbers 010-048-P010E and 010-048-p011E, received by Hambleton District Council on 22 January 2013 unless otherwise agreed in writing by the Local Planning Authority.

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

4. Boundary Treatments

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

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

5. Boundary Treatment Construction

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

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

6. Levels

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

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

7. Access to Water Main & Sewer

Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 3 (three) metres either side of the centre line of the water main or sewer, which crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times).

8. Separate Drainage Systems

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

Reason: In the interest of satisfactory and sustainable drainage.

9. Foul & Surface Water Drainage

No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained.

10. No Piped Discharge of Surface Water

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

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

11. **Land Contamination**

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

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

12. **Noise Impact**

The development hereby approved shall not begin until a scheme for protecting the proposed dwellings from noise from the railway lines has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the proposed dwellings are occupied.

The scheme shall demonstrate that the following noise levels shall not be exceeded:-

Day Time – external recreational areas and gardens 50 dBLAeq 16hrs 07:00 – 23:00.

The subsequent internal noise levels within habitable rooms with either windows partially open or, if closed acoustically treated windows form part of the noise mitigation scheme, with windows closed and alternative ventilation provided and in use:-

Day Time – Internal habitable rooms; 30dB LAeq (16 hours) 07:00-23:00

Night Time – Internal bedrooms; 30dB LAeq (8 hours) 23:00 – 07:00 and 45dB LA max 23:00 – 07:00.

Before the dwellings are occupied a validation report undertaken at a sample of dwellings and in accordance with a methodology agreed with the local planning authority shall be submitted which demonstrates that the above-stated noise criteria have been achieved.

Reason: In order to provide an acceptable level of residential amenity for the occupants of the dwellings hereby approved, in accordance with policies DP1 and DP32 of the adopted Development Policies DPD.

13. **Detailed Plans of Road and Footway Layout (Outline All Types)**

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

- (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - (a) the proposed highway layout including adoptable turning heads including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and sewerage system
 - (g) lining and signing
 - (h) traffic calming measures
 - (i) all types of surfacing (including tactiles), kerbing and edging.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

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

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

Informative

In imposing condition number above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition. Some adjustments will need to be made to the road layouts within the site to provide a layout which is acceptable to the Local highway Authority for adoption as highway maintainable at the public expense.

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

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

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

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

15. Approval of Details for Works in the Highway

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until the details of the provision of tactile paving and the pedestrian crossing point on Romanby Road have been submitted to and approved in writing by the Local Planning Authority

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

16. Completion of Works in the Highway (before occupation)

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 provision of tactile paving and the pedestrian crossing point on Romanby Road have been constructed in accordance with the details approved in writing by the Local Planning Authority.

Reason: In the interests of the safety and convenience of highway users.

17. Parking for Dwellings

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

Reason: 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.

18. Garage Conversion to Habitable Room

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

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

19. Precautions to Prevent Mud on the Highway

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

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

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

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

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

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

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

21. Sustainable Construction

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

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

22. Crime Prevention

Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

Reason: In order to ensure that the development takes account of the need to reduce opportunities for crime and fear of crime, in accordance with Policy CP20 of the adopted Local Development Framework.

23. Landscaping

Prior to the commencement of work above foundation level, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. The approved landscaping scheme shall be implemented and maintained thereafter in accordance with the approved details.

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

Parish: Skutterskelfe
Ward: Rudby

Committee Date : 24th July 2014
Officer dealing : Miss A J Peel

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Target Date: 13 November 2012

12/01813/FUL

Construction of a utility and garage building as amended by plans received by Hambleton District Council on 6 November 2013. at Hillside View Farm Tame Bridge Stokesley North Yorkshire for Mr J McElvaney

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks consent for, as amended, the construction of a utility building and garage at Hillside View Farm, Tame Bridge. Planning permission was granted in 2008 to change the use of the land from agricultural to equestrian and for the construction of a stable block. In 2011 permission was granted for a private gypsy site for one mobile home, formation of an access track and raised patio.

1.2 The site is located at Tame Bridge to the south of the Hutton Rudby to Stokesley road. Tamebridge is a small linear settlement that has developed along a minor road running west from Stokesley to Hutton Rudby. The site is bound to the north and east by woodland, to the south by a field in pasture and woodland and to the west by the drive to Brawith Farm.

1.3 The revised application proposes a utility building which measures approximately 6.0 metres x 4.5 metres and includes a bathroom, kitchen and utility room. The application also proposes a double garage which measures approximately 6.0 meters x 7.75 metres. The garage is proposed to be sited to the east of the existing static caravan and the utility building is proposed be sited to the south. The agent has confirmed that the utility building is required to improve the living conditions at the site by providing additional bathroom and kitchen facilities. The garage is required for the storage of the applicant's belongings to limit the risk of crime at the site. The agent has suggested that a condition is imposed to limit the use of the building to domestic storage and garaging.

2.0 RELEVANT PLANNING HISTORY

2.1 08/02956/FUL - Change of use of land from agricultural to equestrian and construction of a stable/storage building, approved 2008.

2.2 11/00797/FUL - Retrospective application for a material change of use from agricultural land to a private gypsy site for one mobile home, formation of an access track and raised patio. Granted 12 December 2011.

2.3 11/00054/CAT3 and 11/00063/CAT3: Unauthorised engineering works regarding construction of road with kerbing and concrete road alongside belt of trees to barn area with hardstanding area and unauthorised siting of mobile home. Application submitted in April 2011, reference 11/00797/FUL for retrospective application for a material change of use from agricultural land to a private gypsy site for one mobile home, formation of an access track and raised patio. Approved by Planning Committee 8 December 2011.

2.4 11/00267/CAT3 - Condition 3 and 6 of Application reference 11/00797/FUL for one mobile home and the mobile home unit. The case related to non-compliance with conditions that required the mobile home to be painted dark brown to match existing stable doors. Breach of Condition Notice served 16 April 2013 and time for compliance given was 3 months - 16 July 2013. The applicant has been successfully prosecuted for non-compliance. More than one caravan remains on site which is being occupied by someone other than a member of the applicant's family.

2.5 13/01646/MRC - Application made to remove condition 6 of planning approval 11/00797/FUL relating to the paint colour. Application refused October 2013. Appeal allowed but condition attached for a colour scheme to be approved. Scheme submitted, agreed and mobile home has been painted.

2.6 14/00157/CLE - Application for certificate of lawful use for a stable/storage building which has been built in position different to approved plans. Under consideration.

2.7 14/00158/FUL - Retrospective application for the formation of a concrete hardstanding to be used in connection with existing stable/storage building. Under consideration

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012
Planning for traveller sites: consultation - 13 April 2011
Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP8 - Type, size and tenure of housing
Development Policies DP14 - Gypsies and travellers' sites

4.0 CONSULTATIONS

4.1 Parish Council - The Council recommend refusal. The proposal is outside development limits and not in a sustainable location. Policy 11 of the North East of England Regional Spatial Strategy which states that "strategies, plans and programmes and planning proposals, should support the development of a vibrant rural economy that makes a positive contribution to regional prosperity, whilst protecting the Region's environmental assets from inappropriate development". This is inappropriate development as there are already facilities for one family, received 10 October 2012.

4.2 NYCC Highways - No objection to the proposal, received 5 October 2012.

4.3 Neighbours consulted and site notice posted - No response, expiry 10 October 2012.

4.4 Neighbours consulted on revised plans - Awaiting response.

5.0 OBSERVATIONS

5.1 The issues for consideration include the need for the utility building and garage, the suitability of the design and scale, the visual impact of the proposal and neighbours' amenities.

5.2 The Planning Policy for Traveller Sites states that Planning Authorities should attach weight to applications which promote opportunities for healthy lifestyles, and Policy DP14 of the LDF supports this guidance by promoting acceptable living environments for the needs of the community.

5.3 The Designing Gypsy and Traveller Sites Good Practice Guide states that it is essential that an amenity building is provided on a pitch and that the amenity building must include, as a minimum: hot and cold water supply; electricity supply; a separate toilet and hand wash basin; a bath/shower room; a kitchen and dining area. It is considered that the scale and facilities of the proposed amenity building meets with the Designing Gypsy and Traveller Sites Good Practice Guide.

5.4 The proposed garage is for domestic purposes for the applicant to securely store their possessions and vehicle, particularly when they are away from the site. The building is a standard size for a double garage and it is considered reasonable that a garage and storage facility would be needed on site, as with any other domestic premises. The agent has suggested that a condition is imposed to limit the use of the building to domestic storage and garaging.

5.5 The proposed building has been significantly amended since it was originally submitted. The scale of the utility building and the garage have been reduced, both have been re-designed with changes to materials, and the garage and utility sections completely separated due to concerns regarding its dwellinghouse appearance. It is considered that the scale, materials and design of the buildings are appropriate to their use and will not have a harmful impact upon the surroundings.

5.6 The building will be used for ancillary purposes in connection with the existing use. The neighbours are at a reasonable distance from the site and it is considered therefore that the proposal will not significantly impact upon their amenities.

5.7 Taking into account all of the above, it is considered that the proposal is in accordance with the policies and proposals of the Hambleton Local Development Framework, and the application is therefore recommended for approval.

SUMMARY

It is considered that the proposal is in accordance with the relevant policies in that the proposed utility and garage buildings are considered to be commensurate to the needs of the family and will enhance existing facilities on site. It will not create an adverse impact upon neighbouring properties, or the visual amenities of the surrounding area.

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

6.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The garage/storage area as shown on Drawing no. 12-1053.01A7 will be used solely for the purpose of storage and the housing of motor vehicles by the occupiers of the site and shall not be used as residential living space. The building shall not be used for any other purposes unless agreed in writing by the Local Planning Authority.

4. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) 12-1053.01A7 received by Hambleton District Council on 6th November 2013 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. The Local Planning Authority would wish to carefully examine any alternative use of the garage space to assess whether the development would be acceptable in terms of policy, access and amenity.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP16, DP30, CP17 and DP32.

Parish: Skutterskelfe
Ward: Rudby

Committee Date : 24 July 2014
Officer dealing : Mr J Howe

5

Target Date: 30 July 2014

14/01130/FUL

Construction of day care, education, training and respite facilities for adults with learning and other difficulties.

**at: Noble Fuels Ltd, Skutterskelfe, North Yorkshire
for Yatton House Society.**

1.0 PROPOSAL AND SITE DESCRIPTION

Introduction

1.1 This application is to provide a replacement centre for day care, education, training and respite facilities for adults with learning and other difficulties on a site in the ownership of Noble Fuels south of the C-class road between Hutton Rudby and Stokesley at Skutterskelfe for The Yatton House Society. The Society currently has a site adjoining the burial ground in Great Ayton but is seeking a replacement site in order to accommodate improvements to its service, to provide a more efficient and sustainable facility and because the lease on its current premises may soon come to an end. Full details of the scheme and background to the applicant and the services it provides are set out below.

Background to the Society and its Development

1.2 The applicant's agent has submitted a comprehensive supporting statement that sets out the background to the Yatton Society, its aims, ethos and activities as follows:

"The Yatton House Society was formally established in 1981, then the International Year of the Disabled. However its origins were much earlier and stemmed from a church based youth centre established in 1976 in the village of Great Ayton. The creation of the youth centre followed a plea from the Archbishop of Canterbury (as part of the Year of the Disabled) to help promote better relations and support networks between young people with and without disabilities. The initial objectives of the Society were threefold:

- Firstly it sought to establish a base to provide sheltered training facilities to help those with learning difficulties.
- Secondly it sought to provide a day care facility for the more seriously handicapped members.
- Thirdly it sought to provide respite care to allow carers a holiday, in case of parent's illness or any other type of domestic emergency."

"In September 1981 the Society started to deliver training ... [and] shortly afterwards, the scope of activities undertaken was expanded to involve the care of an allotment. The current base of operations, adjacent to the village graveyard then came forward thanks to the parish council leasing the site for an initial five year period. The first buildings arrived on the site in 1982 and the current site was officially opened at the start of 1983 ... Since that time, there have been several expansions of the facility and the parish's initial 5 year lease has extended into a period that has lasted just over 30 years."

"The Society has been able to deliver an extended training programme and the day care facility has become firmly established. Respite care is the only element of the Society's original intentions that has never come forward... Unfortunately, [accommodation for] this did not materialise and it is ...

unlikely in the foreseeable future... Only a bespoke or very heavily adapted property could properly accommodate [the Society's more disabled members'] needs."

"It is appreciated that the land leased from the Parish Council was always reserved as long term expansion land for the adjacent graveyard. Over time, the graveyard site has continued to serve the needs of the village and is getting close to capacity. Understanding that the parish would eventually need their land back for this purpose lies at the heart of the relocation of Yatton House. Within the next few years, the current extent of the graveyard will be at capacity and the parish will need to extend it or open up a new facility on a peripheral location. It is emphasised that the parish have always supported Yatton House over its whole life and even now have not served notice to quit, hoping that a solution would emerge. The support of the parish has been, and continues to be important to the Society and the decision to relocate was taken by Yatton House without any pressure from the parish. It is hoped that the relocation can be accomplished in a manner that retains the close links and support that have been established between the parish and Yatton House."

Reasons for the Development of a Replacement Facility

- 1.3 The applicant has also indicated in a supporting statement that the buildings on its existing site are second hand modular buildings which were intended for a temporary use only. The core parts are stated to be over 30 years old and showing signs of significant dilapidation. Such buildings were not expected to last for this period of time, nor were they built to accommodate the needs of some of the larger powered wheelchairs which are in use today. It is also stated that in addition to the physical condition of the buildings, the running costs, particularly related to heating, are very significant and greatly exceed those of a modern well-insulated building.
- 1.4 An additional important element which relates to the needs of the facility is the importance attached to the use of the current allotment. It is a heavily used component of both the training programme and the day care activities of the Society. It is unfortunately on the opposite side of a busy road and crossing the road is a hazardous activity requiring constant supervision from support staff. The Society has consequently determined that it requires a site on which a purpose-designed building could be erected that would cater for all future needs. The site needs to be within the same locality as the current site, to retain the links with the wider community and to continue to provide care to the current range of members. The new site also needs to be safe and secure and, as noted, to have within its grounds sufficient space for a safe horticultural area to replace the current allotment. It also requires sufficient private amenity space around the building. The present building has a generous external area which is regularly used to the full during fine weather, including a recently established and locally significant "apple walk" containing a wide variety of apple trees.

Description of the Proposed Site and its surroundings

- 1.5 The site lies approximately 1.8 miles to the west of Stokesley and 1.2 miles to the east of Hutton Rudby with the hamlet of Skutterskelfe approximately 0.5 miles to the west. The application site area extends to approximately 1.1 hectares, being a currently unused part of the Noble Fuels Depot and access from the road would be shared with the depot. The site is generally level throughout. The site was in the past used to house an intensive poultry unit which consisted of a series of large sheds and the remains of these can still be seen on site in the form of the concrete aprons that ran between the buildings. The buildings were cleared from the site approximately 30 years ago and part of the land occupied by the buildings was planted up with mainly coniferous trees, albeit with some hardwood trees around the edge. This was supported by the Forestry Commission (FC) under an approved planting scheme. The softwood areas within the scheme are now nearing the end of their commercial life and some trees have been removed pursuant to a felling licence granted by the Forestry Commission.
- 1.6 Permission for the establishment of the fuel depot was originally granted in 1984 and comprised the construction of an oil distribution depot with ancillary office accommodation. The permitted application area covered the area of the current application site and, consequently, no overall increase to the permitted/developed area is proposed.

- 1.7 There are two dwellings some 100m to the north of the site boundary and several 60-120m to the east although the building itself would be set in the south-eastern corner of the site and mainly screened by existing planting. The Noble Fuels Depot and offices are some 70m to the west.

Details of the Proposed Development

- 1.8 The application proposes a two stage development. Phase 1 comprises a two storey element relocating the existing facilities currently provided in Great Ayton whilst Phase 2 would comprise a single storey addition to provide 4 respite bedrooms, enabling the Society to fulfil its original aspirations as set out in paragraph 1.2 above. The main building complex would be located towards the southern boundary of the site with access from the existing entrance from Stokesley Road which serves the Fuel Depot. Although the existing access is adequate to allow two tankers to pass at the point of entry some minor widening works would take place within the site to improve internal circulation. Car parking would be provided to the north of the building with 13 spaces provided as part of the phase 1 development and ten additional spaces to be provided in phase 2. Cycle parking and two spaces for minibuses would also be provided.
- 1.9 The total floor space of the whole development would be 970 sq. m of which around 250 sq. m would comprise the (Phase 2) respite care element. The building has been designed with a contemporary appearance, constructed in a mixture of facing brickwork, render and timber cladding with a raised seam roof. The phase 1 building would be 7m high to the eaves and 9m to the maximum ridge. The attached phase 2 element would be 3.5m to the eaves and 5.5m to the ridge. Significant areas of glazing are proposed to take advantage of both views to the south and also to achieve an energy efficient building needing minimal artificial lighting.
- 1.10 The current facility in Great Ayton has approximately 20 Society members who attend on a regular basis These members come from North Yorkshire (Northallerton, Hutton Rudby, Ingleby Greenhow, Great Ayton and Stokesley areas) and the Tees Valley (Redcar, Stockton and Middlesbrough) areas. There are also eight support staff who all live within a 20-mile radius of the current facility. The Society's core hours are 08.30 to 4.30 weekdays. The facility is not normally open at weekends although a number of open days and fund-raising events do take place. Members from within the North Yorkshire catchment are brought to, and taken from, the site via private minibuses leased by Yatton House from the County Council. Members from outside the North Yorkshire catchment are brought to the site by private arrangements made by their carers. None of the members use public transport, nor is it considered safe for them to do so. The route past the proposed site is currently used regularly by vehicles travelling to the existing site and the vehicle movements that would be generated by the proposed development should be considered in that context.
- 1.11 In the statement submitted in support of the scheme the applicant indicates that significant thought has been given to how the building can be best accommodated on the site to take advantage of existing features, particularly the extensive tree cover. A full arboricultural report has also been submitted. Some trees would be lost as part of the development but attempts have been made to minimise this by using the more open areas of the site as far as possible. Additional planting is proposed to compensate for those trees to be felled.
- 1.12 The building would be screened from most public views from the adjacent highway by existing trees with additional tree planting to take place in due course. Adjacent residents, especially those to the north of the site would have some restricted views of the building through the tree cover. Residents to the east would also have restricted views of the proposed development although there is screening between them and the proposed building. The closest building in this direction is some 80m from the corner of the proposed single storey building.
- 1.13 In addition to the building and associated car parking, several external features would be provided including a new allotment area immediately outside the southern elevation, a woodland walk and seating area amongst the existing trees and two fenced tennis courts in the north east corner of the site which could be used when necessary as overflow car parking. Recycling facilities would also be

provided close to the south west corner of the building.

Statement of Community Involvement

- 1.14 The applicant has stated that a series of three separate community consultations took place initially as well as a meeting for the Society's members and carers prior to the submission of the application. One set of meetings took place at the current Yatton House base in Great Ayton on and enabled feedback from members, carers and local residents. A second event took place on 5 June 2013 and consisted of a presentation to the Stokesley and Villages Community Regeneration Group. A final meeting took place at Hutton Rudby Village Hall on 6 June 2013 and was attended by residents living around the proposed site as well as parish and ward representatives from around Hutton Rudby. As the inclusion of respite care was not included within the original presentations a further meeting was held in April 2014.
- 1.15 The applicant has stated that as a result of the consultations there was, understandably, strong support for the retention of a facility to serve the existing members and the local area from the existing membership and the Community Regeneration Group. It is indicated that a number of comments made by local residents in respect of the proposed site were incorporated into amendments made to the submitted scheme including re-siting the building further to the west away from Wardley Grange, 'handing' the building to ensure that the single storey element was the closest part to adjacent dwellings, and the erection of appropriate fencing at the site boundaries.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 None. There were several applications relating to the former fuel depot in the 1980s but they are not relevant to the current application.

3.0 RELEVANT PLANNING POLICIES

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

Core Strategy Policy CP3 - Community assets
Development Policies DP5 - Community facilities
National Planning Policy Framework - published 27 March 2012
National Planning Practice Guidance
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Development Policies DP9 - Development outside Development Limits
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP32 - General design
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside

4.0 CONSULTATIONS

- 4.1 Skutterskelfe Parish Council: Response awaited.
- 4.2 Highway Authority: No objection subject to conditions.
- 4.3 Environmental Health Officer: No objections are raised in respect of potential nuisance/disturbance to neighbours as a result of noise or activity from the proposed development. Conditions to remediate any potential impact arising from previous land contamination are recommended.
- 4.4 Northumbrian Water: No comments.
- 4.5 North Yorkshire County Council (Adult Services): Response awaited.

- 4.6 North Yorkshire County Council (Education Services): Response awaited.
- 4.7 The application has been advertised in the local press, by site notice at the entrance to the site and the eight closest neighbours/businesses were notified. The date for the receipt of representations expires on 21st July 2014. Two responses objecting to the proposal have been received to date. The objections received relate to a significant extent to differences which are alleged to have occurred between the information presented at the consultation exercises and the details shown in the submitted application. However, the objections may be identified as concerns in respect of the scale of the buildings and associated activities, the loss of tree cover proposed and potential impact on drainage from rot disturbance of trees, an alleged use of part of the building for commercial cafe purposes and extended hours of operation of the facility into weekends and longer hours than the 9am-4.30pm stated, resulting in additional traffic, noise and disturbance.

5.0 OBSERVATIONS

Policy Background and Suitability of the Location

- 5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the development of such a facility outside the limits of a sustainable settlement (Policies CP1, CP2 and DP4), the scale, design and materials proposed (Policies CP17 and DP32) together with the impact on local visual amenity and landscape character (Policies CP16 and DP30), the impact, if any on the amenity and privacy of adjacent residents (Policy DP1) and the retention, by way of relocation, of an important local community asset (Policies CP3 and DP5). The contents of the National Planning Policy Framework (NPPF) paragraphs 69 and 70 are also particularly relevant in this case.
- 5.2 The site is located outside any recognised settlement identified in the hierarchy contained within Policy CP4 which requires that most development should take place within such identified settlements. The Policy goes on to say that "Development in other locations (in settlements or in the countryside) will only be supported where an exceptional case can be made for the proposals in terms of Policies CP1 and CP2 and, in addition, comply with at least one of six exception criteria included within the Policy. The most relevant exception criterion in this case is considered to be: "iii) it would provide affordable housing or community facilities which meet a local need where that need cannot be met in a settlement within the hierarchy".
- 5.3 It has been noted above that the existing site in Great Ayton has been leased from the Parish Council for many years due to the Parish's support for the facility but that, reluctantly, the Parish Council will, in the not too distant future, require the land for one of its statutory functions. It is stressed by the applicant, however, that the Parish Council still strongly supports the facility and hopes that a solution may be found prior to its land being required for burial.
- 5.4 It is a fact that a site of the size and type required by the Society has not been identified or acquired within a settlement since by its very nature such a site would also be suitable for housing or other more commercial uses and the Society is not able to compete financially in such a market. The submission of the current application was brought about by the offer of a local benefactor who has previously been involved with the Society and offered to make available both the proposed site and assistance with its development. It is understood that simultaneously raising the funds to acquire a site and build a new facility would be very demanding for the Society and would create a risk that its services would have to be suspended if the more demanding fundraising exercise for this could not be completed before the current site is needed by the Parish Council. Therefore it is accepted that no suitable alternative sites are currently available within the designated Stokesley area settlements to serve the wide catchment area to accommodate the charity's requirements for this use, including horticultural activities.
- 5.5 In addition to a potential compliance with the exception criterion referred to it is considered that Core

Strategy Strategic Objective 3 is also relevant in this case, which states that LDF Policies are intended "To support thriving and sustainable communities by locating development where it will enable people to access jobs and key services, such as education, training and healthcare, recreation and other facilities." Most importantly, the justification to this objective goes on to state that "The whole community including disabled people should have good access to services and facilities, whether in the market towns or smallest hamlet." Notwithstanding the precise location of the application site outside a recognised settlement, it is considered that, in view of its proximity to the existing facility, and the nature of the transport modes required to serve it, it does comprise an appropriate location bearing in mind the area from which the people it serves are drawn and the strong local relationship and support which it has developed with the nearby community.

- 5.6 Policy CP1 states that the use and development of land will be assessed against the community's housing, economic and social requirements, protection of the natural and built environment and minimisation of energy consumption and the need to travel. The environmental aspects of the development, particularly visual amenity and landscape character, are appraised below. The application makes reference to the high and inefficient levels of energy use at the existing site and how the design of the proposed new building would significantly reduce energy use. The Policy goes on to say that proposals will be supported if they promote and encourage, or protect and enhance a list of 12 criteria of which two are particularly relevant in this case. Firstly point iii) "the health, economic and social well-being, amenity and safety of the population and, secondly, "the provision of essential services to the public". The current application is considered to genuinely meet these criteria. The Policy concludes by requiring that development should utilise previously developed land where that land is in a sustainable location, in preference to greenfield sites. Paragraph 5.4 above refers to the sustainability aspects of this case and it has also been noted that this site was previously used for poultry rearing and is also part of the curtilage of the existing Noble Fuels complex.
- 5.7 Policy CP2 requires development and the provision of services to be located so as to minimise the need to travel. It has been explained above that the specialised needs of the proposed facility does not lend itself to the use of public transport or, by Society Members, to the use of footpaths and cycleways. It is therefore considered that the relocation of the facility from Great Ayton to the proposed site should have a neutral effect upon local journeys and vehicle movements. A Travel Plan would ensure private car travel is minimised.
- 5.8 Policy CP3 states that support will be given to proposals which protect, retain or enhance existing community assets, or lead to the provision of additional assets that improve community well-being. It has been indicated above that the existing facility in Great Ayton is very strongly supported locally and the continuation of the Society's services is to be welcomed. The provision of a more efficient and sustainable complex including an additional service in terms of respite accommodation, which has long been an aspiration of the Society, would result from this development. Policy DP5 also states that support will be given to the provision and enhancement of community facilities, and to their retention, where these comprise important contributions to the quality of local community life. The evidence which has been presented with the application indicates in this case that whilst the Society's existing facility would be lost, the proposed new facility would ensure a continuation and enhancement of the benefits provided to the local community. It is considered that those benefits would be maintained in view of the relatively short distance involved in the relocation.
- 5.9 The National Planning Policy Framework, as noted above, also supports the provision of community services and facilities and the role they play in promoting healthy and inclusive communities. Paragraph 69 refers to the need to facilitate social interaction and create healthy, inclusive communities. Paragraph 70 states that local authorities should plan positively for the provision and use of community services and goes on to say that they should guard against the unnecessary loss of valued services and facilities particularly where this would reduce the community's ability to meet its day-to-day needs. Although the proposed scheme relates to a specialised facility it is considered that its development as a replacement for the site in Great Ayton is entirely relevant to these NPPF aims.

The Scale of the Development

5.10 The scale, design and materials proposed for the development have been described in some detail in paragraph 1.9. The building, together with its ancillary services and related facilities comprises an attractive and compact complex which has been designed to fit into the local landscape with minimal visual impact on the surrounding area. The design of the building itself is simple, modern and functional and will be significantly more sustainable in terms of energy use than the existing facility. The site itself is well landscaped and additional planting is proposed to compensate for losses of some trees which are necessary to facilitate the development.

Impact on adjacent Amenity

- 5.11 The relationship of the facility to adjacent dwellings has also been referred to above. Access into the site is via the existing entrance serving the Noble Fuel complex and the level of traffic anticipated will have no discernable adverse impact on local amenity. The activity generated by the facility is, similarly, low in impact and no noisy or disruptive works or processes will take place. Although some restricted views to adjacent properties may be available it is not considered that the overall impact would warrant a refusal of permission on amenity grounds.
- 5.12 The comments which have been received from two local residents, as noted in paragraph 4.8 above refer partly to changes noted between the consultation exercises carried out by the applicants with the local community prior to the submission of the application and the details subsequently submitted. In response to the comments received regarding the scale of the building it is considered that the building proposed, as described in para 5.9 above, is a well-designed structure set well within the application site which seeks to make the best use of existing tree planting which will be supplemented by additional planting to be undertaken. The hours of operation would be, as a matter of course, 9am until 4.30pm Monday to Friday. It is understood that weekend opening would not be a regular occurrence although the occasional event, for example for fund-raising, may take place.
- 5.13 Reference has been made in the objections to the possibility of catering being provided for passing cyclists and walkers. This matter has been discussed with the applicant and it appears that at the existing site in Great Ayton a group of retired cyclists visit the premises on, at most, a weekly basis and this group has expressed a wish to continue to be able to visit the new site on the same basis. These visits are seen as part of the benefits which the Yatton Society members gain from contact with the local community and similarly the visitors wish to continue this contact. The premises would therefore not comprise a commercial café and the applicant has confirmed that catering would not be advertised for general public use. An appropriate condition could be imposed to cover this element.
- 5.14 Reference was also made to potential disturbance to drainage in the area as a result of the loss of some trees within the site. In view of the consultation response from Yorkshire water, and the nature of the site, this is considered unlikely.
- 5.15 It has been noted in paragraph 4.7 above that the application was advertised in the local press. This was done because the application was considered to potentially be a Departure from the Development Plan. The responses to advertisement which have been received to date (the period for the receipt of representations expires on 21 July) relate to comments from neighbouring occupiers in respect of potential impact on their amenity rather than development Plan considerations. The appraisal of the Council's own LDF Policies and the content of the National Planning Policy Framework as set out above concludes that the proposed development is in accordance with the policies examined, albeit taking into account relevant exception criteria in some policies. Consequently, subject to the receipt of no additional responses by 21 July which raise Development Plan or sustainability issues it is concluded that further Departure procedures are not appropriate in this case.

6.0 SUMMARY

- 6.1 It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy, the Development Policies document and the contents of the National Planning Policy Framework in that the scheme provides a replacement location for an important and

well-used local facility which comprises an integral element in the local community and which will create few additional private vehicular traffic movements and no demonstrable adverse impact on local visual amenity, landscape character or adjacent residential amenity.

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

7.0 RECOMMENDATION

Planning permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on the drawing marked Project Number 12098 Drawing Number 1007 REV P1 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times
3. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
4. The development shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority
5. The building shall not be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 4 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.
6. Prior to the development being brought into use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include: (i) the appointment of a travel co-ordinator; (ii) a partnership approach to influence travel behaviour; (iii) measures to encourage the use of alternative modes of transport other than the private car by staff and any other regular visitors associated with the current application site; (iv) provision of up-to-date details of public transport services; (v) continual appraisal of travel patterns and measures provided through the travel plan; (vi) improved safety for vulnerable road users; (vii) a reduction in all vehicle trips and mileage; (viii) a programme for the implementation of such measures and any proposed physical works; and (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance. The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.
7. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings (Ref 1007 Rev.P1; 2003 Rev.P1; 2004 Rev.P1; 2005 Rev.P1) attached to planning application 14/01130/FUL received by Hambleton District Council on 29th may 2014 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In accordance with Hambleton LDF policy DP3 and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
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 Policies DP1 and DP30.
4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with the Local Development Framework Policies CP1, DP1, CP17 and DP32.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with the Local Development Framework Policies CP1, DP1, CP17 and DP32.
6. In order, as far as practicable, to reduce the use of private transport to and from the site.
7. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP16 and DP30.

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