

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 26 June 2014. The meeting will commence at 1.30pm.

Further information on possible timings can be obtained from the Committee 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 26th June 2014

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	14/00611/FUL Mrs H Laws Easingwold Page no. 59	Demolition of bungalow and garage; replacement detached 4 bedroom house, double garage and new vehicular access For: Mr & Mrs M Blackburn At: Laxton Bungalow, Tanpit Lane, Easingwold RECOMMENDATION: GRANTED
2	14/00630/FUL Miss A Peel Easingwold Page no. 67	Construction of 7 dwellings with associated garages and new private access road For: Daniel Gath Homes Ltd At: Clayhithe, York Road, Easingwold RECOMMENDATION: GRANTED
3	14/00602/FUL M J Howe Exelby, Leeming and Newton Page no. 74	Change of use of part of site for caravan parking For: Enterprise Inns PLC At: Green Dragon Inn, High Row, Exelby RECOMMENDATION: GRANTED
4	14/00974/FUL Mr T Wood Leeming Bar Page no. 79	Construction of a warehouse and distribution building For: Cawingredients Ltd At: Cawingredients, Conygarth Way, Leeming Bar RECOMMENDATION: GRANTED
5	14/00681/FUL Mrs H Laws Shipton Page no. 86	Retention of two dwellings located within outbuildings to the rear of Framfield House For: Mrs Mary Johnson At: Framfield House, Main Street, Shipton by Beningbrough RECOMMENDATION: REFUSED
6	14/00103/FUL Mrs B Robinson Snape with Thorp Page no. 92	Change of use from ancillary accommodation to separate dwelling and new parking arrangements For: Mr & Mrs T Morton At: Land to the rear of Rose View, Ings Lane, Snape RECOMMENDATION: GRANTED
7	14/00714/OUT Mrs J Low Stokesley Page no. 102	Housing development (Use Class C3) up to 183 dwellings, landscaping, means of access and associated infrastructure works For: Northumbrian Land Ltd At: White House Farm, Stokesley RECOMMENDATION: GRANTED

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14/00920/MRC
Mrs H Laws
Sutton-under-
Whitstonecliffe

Page no. 127

Variation of condition 2 of planning consent 11/01989/FUL to allow an increase in the permitted number of caravans from 11 to 34

For: Evergreen Park Ltd
At: Hollin Barn Park, Sutton Road, Thirsk

RECOMMENDATION: **REFUSED**

Parish: Easingwold

Ward: Easingwold

1

Committee Date : 26 June 2014

Officer dealing : Mrs H M Laws

Target Date: 9 May 2014

14/00611/FUL

Demolition of bungalow and garage; replacement detached 4 bedroom house, double garage and new vehicular access as amended by plans received by Hambleton District Council on 12 May 2014.

**at Laxton Bungalow Tanpit Lane Easingwold North Yorkshire
for Mr & Mrs M Blackburn.**

1.0 PROPOSAL & SITE DESCRIPTION

1.1 The application site lies on the southern side of Tanpit Lane within the Easingwold Conservation Area. The site is currently occupied by a detached brick and slate bungalow with associated garage and outbuildings and garden area surrounded by mature hedgerows. Access into the site is from Tanpit Lane on the north eastern corner of the plot, onto the end of a shared driveway with neighbouring properties.

1.2 Members deferred consideration of the application at the meeting on 29 May 2014; concern was expressed regarding the size and height of the dwelling; its impact on the Conservation Area and the potential impact on neighbours.

1.3 The existing bungalow lies towards the north western corner of the plot (which covers an area of 912.6sqm), with the associated outbuildings towards the eastern boundary within the centre. It is proposed to remove all the buildings from the site and construct a two storey detached four bedroomed dwelling more centrally within the plot with a detached double garage /store at the western side. It is proposed to close the existing access and plant a hedgerow across the existing gap and create a new access at the western end of the frontage onto Tanpit Lane. This would require the removal of approximately 6.5m of the existing holly hedge.

1.4 The proposed dwelling would be of a traditional double fronted design, finished in brickwork with stone quoins and a welsh slate roof and timber framed windows. A timber framed porch is proposed for the front elevation; two chimney stacks are proposed, one on each gable. The dwelling is L-shaped with a more contemporary design for the rear offshoot comprising more glazing and some cedar boarding. Grey powder coated windows and doors are proposed for the rear of the dwelling.

1.5 The proposed scheme has been amended since its original submission (but prior to the 29 May Committee). The amendments are listed as follows:

- The overall height of the dwelling has been reduced by dropping the eaves height by 300mm. The agent has also confirmed that the ground levels of the proposed dwelling can be reduced further;
- Removal of roof terrace and replacement with Juliet balconies
- Agreement that the window in the south elevation of the first floor will be removed if required and replaced with a west facing roof light

1.6 The applicants also highlight that the proposed dwelling will cover 250 sqm of the garden which is 27.4% of the site area and sits centrally to the site leaving garden area all around the house.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

2.1 75/1624/FUL - Extension To Existing Dwellinghouse And Construction Of Private Double Garage. Permission granted 27/11/1975

2.2 75/0750/FUL - Siting Of 1 Ton Propane Storage Tank. Permission granted 29/1/1976

2.3 76/1630/FUL - Extension To Existing Private Garage To Form Covered Caravan Standing And Greenhouse. Permission granted 26/8/1976

2.4 06/01546/OUT - Outline application for the construction of a dwelling and detached domestic garage. Application withdrawn 22/9/2006.

3.0 RELEVANT PLANNING POLICIES

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP8 - Development Limits

Development Policies DP28 - Conservation

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation

Development Policies DP32 - General design

National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Easingwold Town Council - wish to see approved in principal but is concerned at the roof height and how such an imposing property will fit in with the immediate street scene. Following receipt of amendments the Town Council confirmed they wished to see the application refused:

- a) The council is content to see the existing property demolished and a new property built. However the original and amended proposals from the applicant are for a substantial property which the council feels is too high (tall) in relation to the street scene.
- b) The council wishes to see the existing holly hedge retained as it has amenity value.

4.2 NYCC Highways - The proposed new access does not have adequate visibility (stopping sight distance) as defined in "Manual for Streets". However the existing site access is very substandard and as the proposed new access represents an improvement, the Highway Authority cannot object to this proposal. Conditions are recommended.

4.3 HDC Conservation Officer - The proposal involves the removal of some of the holly hedge, but also the filling in of the existing access with new holly hedging. In my opinion, this new hedging closing the existing access will have a positive effect on the character of the street scene when viewed from the east. This will also help in some way by screening the new dwelling to a small degree.

The proposed dwelling has been designed to reflect traditional Georgian properties in the area with the use of brick, timber painted windows in a sash style, natural Welsh slate roof and stone water table. An oak and glass porch would also be in keeping with the area. The dwelling is sited quite close to the front of the site, but no further so than the existing bungalow. Properties along Tanpit Lane set a precedent for this form of development. I do however feel there may be scope to reduce the height of the proposed dwelling somewhat to minimise its prominence within the site.

To the rear, more contemporary materials are proposed such as the painted render and cedar cladding. The cedar cladding would be at ground floor level and therefore not visible to the setting of the Conservation Area. Neighbouring properties would see little if any of this and therefore I cannot find reason for objection.

4.4 Environmental Health Officer - no objections

4.5 Site notice/advert/local residents - comments have been received from 5 sets of local residents, which are summarised as follows:

- a) To replace a bungalow with a large house would be out of keeping with the existing local properties and the outlooks for this area
- b) It would be overpowering and reduce views and the openness of our present siting
- c) Loss of trees would adversely affect skyline and openness of views
- d) Privacy would be affected
- e) Other effects include noise, values
- f) The HDC Local Plan of 1989 stated that "existing trees, woodlands and hedgerows will be conserved and where possible a requirement that they are retained in new developments." In addition the Easingwold Conservation Area Assessment 2000 in the section on Townscape Analysis refers to Tanpit Lane (among others) and states "These lanes are characterised by dense holly hedges with holly trees." Our first comment is that the proposed development totally ignores these planning constraints and seeks the removal of some sections of holly hedge and of two trees one of which is a holly tree.
- g) Such a high roof will dominate the neighbouring properties of Tudor Rose Cottage and The Bungalow and will tower over the Parish Rooms across the road. We cannot see any justification for such a high ridge height and ask the Council to consider restricting the ridge height of any new building to 7 metres or less.
- h) We feel the height set at over 8metres is far too high and not in keeping with the surrounding area, and will dominate the adjacent properties, i.e. The Bungalow, Tudor Rose Cottage, The Garth and the Parish rooms etc.
- i) The proposed development lies within Easingwold conservation area, and feel the design of the property is out of character with the rest of the surrounding dwellings.
- j) We would have hoped the above site, would have remained a bungalow, and stayed within the street scene
- k) Principle of replacement is acceptable but the size and scale is too large and too tall and the roof terrace would overlook adjacent property;
- l) Large amount of holly hedge, which is a type that is relatively rare and should be preserved
- m) The scale of the proposal in respect of footprint, roof ridge and eaves height will significantly overwhelm the surrounding dwellings
- n) The ridge height will be between 2.5m and up to 3m higher than the surrounding properties. This is a very substantial building with considerable mass
- o) The first floor terrace is going to be intimidating to the adjacent properties as users will have a commanding view into gardens and rooms
- p) The site slopes west to east thereby exacerbating the imposing scale and height of the proposed building
- q) The scale and mass of the building demonstrates a total lack of empathy to the conservation area of Easingwold
- r) Congestion is almost certain to increase when the redevelopment of the present Tanpit Lodge takes place and any town centre parking proposals are affected
- s) Despite two slow signs on the roadway approaching the junction the speed of motorists can be best described as excessive
- t) The proposal to stop up the existing access with an infill hedge must have regard to the need to ensure that the already difficult visibility for users of the private lane is not further impaired
- u) The new access point will involve the removal of some 6m of mature holly hedging and one mature holly tree
- v) A further length will be removed to provide a pedestrian access to the front door, which would be dangerous for pedestrians exiting straight onto the roadway
- w) Cedar cladding is reminiscent of large log cabins and oversized garden sheds; is it really consistent with the ideals of the Conservation Area?
- x) Concerned about the industrial nature of the proposed grey powder coated metal fascia board and stanchions and the glass balustrading
- y) If the planning authority gets this wrong now then the amenity of Tanpit Lane will be damaged for the foreseeable future
- z) Attention is drawn to the conclusions of an appeal inspector in 1999 "I consider the substantial holly

hedge to the frontage of Laxton Bungalow makes an important visual contribution to the character of Tanpit Lane....this action (part removal) would have a significant impact on the visual character of the street scene and therefore on the Conservation Area."

The following comments were made regarding the amended plans:

- a) Removal of first floor terrace and restricted use of flat roof together with replacement Juliet balconies are welcome
- b) The new topographical elevation drawing illustrates the actual height differences are even more dramatic and overwhelming than initially envisaged
- c) The ridge height of the garage appears only to be about 1m lower than the ridge height of The Garth; its mass would be ameliorated if it were a hip design rather than a gable
- d) The ridge height of the rear extension is greater than that of The Garth
- e) The ridge height of the main building appears to be considerably higher than that of The Garth; to make any significant impact it should be at least 1m overall from a combination of reduced brick courses and shallower roof profile
- f) If approved we will be faced with a brutal and overwhelming building totally out of character with the conservation area
- g) Tanpit Lane is a very busy one way system with no footway and considerable parking congestion to the north side
- h) The architect justifies the use of self coloured render by referring to white paint on Tudor Rose Cottage, a building some 200 years old Rendering on a new build in a conservation area is out of character
- i) Use of cedar cladding and the galvanised fascia supported on steel posts may be understandable on an industrial building but is very questionable on a house in a conservation area.

5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of demolishing the dwelling; the siting and design of the proposed replacement dwelling; its impact on the character and appearance of the Easingwold Conservation Area; the impact on the amenity of neighbouring residents and highway matters.

5.2 The proposal is to replace an existing dwelling, which is within the Development Limits of Easingwold and therefore the principle of replacing a single dwelling with another is acceptable. The existing bungalow is not considered to be of architectural or historic merit and due to its position it makes little positive contribution to the character and appearance of the street scene. The Easingwold Conservation Area Appraisal SPD confirms that 'the development of The Spinney and the adjacent bungalows are at odds with much of the character of the town'. As such there are no objections to its proposed demolition and replacement.

5.3 The replacement of a bungalow with a two storey dwelling would clearly result in a development with a greater visual impact on the street scene. The proposed replacement is a relatively large property but is set within a relatively large plot. The site covers an area of 0.9ha; the dwelling has a footprint of 250.5 square metres, which is 27% of the plot. It is not considered that this is an overdevelopment of the site, especially a site that is in such close proximity to a town centre. A more than adequate area of amenity space would be available for the residents.

5.4 The surrounding properties are modern in design rather than traditional; the existing bungalow, which as stated above is of little merit, is unobtrusive to reflect its low degree of importance within the Conservation Area. The proposed dwelling would be more prominent in the street scene than the existing property and would be clearly visible along the approach along Tanpit Lane from the west and from the east. The proposed building, being more prominent, alters the character of the site and introduces a dwelling the scale of which suggests a greater importance within the street scene. The height of the dwelling has been reduced by 300mm, which drops the eaves to just above the windows and reflect more of a cottage-style of character to the dwelling, which is less dominant and overbearing than other larger properties within the Conservation Area such as nearby Oriel Lodge, but remains in keeping with the local vernacular.

5.5 The proposed dwelling has been designed to reflect traditional Georgian properties in the area with the use of brick, timber painted windows in a sash style, natural Welsh slate roof and stone water table. An oak and glass porch would also be in keeping with the area. The dwelling is sited quite close to the front of the site, but no further so than the existing bungalow. Properties along Tanpit Lane set a precedent for this form of development. The height of the dwelling has been reduced in an attempt to minimise its prominence within the site and the ground levels, which could be reduced on site, can be controlled by planning condition. The distances between the proposed dwelling and the neighbouring properties of at least 14m, are considered to be significant and would not result in the dwelling being dominant and overbearing within the street scene or in relation to adjacent properties. One of the characteristics of a Conservation Area is of dwellings of different sizes and heights creating a dynamic street scene.

5.6 To the rear, more contemporary materials are proposed such as the painted render and cedar cladding. The cedar cladding would be at ground floor level and therefore not visible to the setting of the Conservation Area. Neighbouring properties would see little if any of this and therefore is acceptable. The painted render to the rear may be more visible but would not be prominent and have a negligible impact on the Conservation Area. There are other white painted properties within the locality and therefore the absence of brick on the rear is not totally out of character with the area. There are no objections to the more contemporary design and use of materials at the rear of the dwelling.

5.7 The two storey part of the dwelling lies approximately 13m and 14m respectively from Tudor Rose Cottage and The Bungalow to either side and therefore lies far enough from the boundaries of the site and these neighbouring dwellings for it not to have an overbearing impact on the occupants. First floor windows are proposed in the east elevation facing Tudor Rose Cottage but would not seriously impact on privacy due to the distance and the positioning of a rear section of the neighbouring property. Photographs have been submitted to illustrate the relationship. The first floor window in the west elevation serves a bathroom and would be obscure glazed.

5.8 The main two storey part of the dwelling lies 17m from the rear boundary with the dwelling at The Garth and therefore would not be an imposing structure. The rear section that is at a lower height would be significantly higher than the garden and floor level of The Garth and lies within 9.5m of the rear boundary. This section overlooks the side of the dwelling and rear garden of the property. Notwithstanding the higher ground level of the proposed dwelling, the section that lies closest to the rear boundary is a gable with a width of 6.5m and would not therefore be a dominant mass overwhelming the views from the neighbouring property. The proposed dwelling lies to the north of The Garth and therefore would not seriously impact on sunlight. The balcony has been removed from the rear elevation of the proposed dwelling, which has been of some concern with regard to the effect on the privacy of neighbours, and it is also proposed to remove a window from the rear elevation, if required.

5.9 The holly hedge and tree at the front of the site are attractive features within the Conservation Area. The hedge currently has no protection and could be removed without the permission of the Local Planning Authority; the tree has an element of protection and could be additionally protected by a Tree Preservation Order. Although of some merit it is not considered to be so important as to warrant a TPO. The loss of part of the hedge must be balanced against the provision of an improved access for the plot. A stretch of 6.5m would be removed and a stretch of 4m would be planted to close off the existing access. The latter could be holly if required as such by planning condition. Additional tree planting can also be required by condition. The closure of the existing access by the planting of a hedgerow would improve the appearance of the site from an easterly direction. It is suggested therefore that on balance the proposed scheme would result in an improvement in highway safety and the appearance of the site from the east and is therefore acceptable.

5.10 The closure of the existing access onto the shared driveway would improve the safety for existing users as it would remove the vehicles currently using this access so close to the junction. The visibility onto Tanpit Lane would be unchanged for the existing users. The new access would be positioned directly opposite the parish rooms; users of this building that arrive by car, park along this part of the road and therefore may be more restricted as a result of the creation of a new access. Adequate space would remain for turning into and out of the plot.

5.11 There is some evidence of bats at the site and although there is no evidence of bat roosts the existing bungalow does have potential for providing a suitable habitat. There is also suitable vegetation within the garden that would provide nesting habitats for breeding birds. No further survey work is recommended but precautionary methods should be followed during the demolition. A condition is recommended to ensure this is undertaken.

5.12 The proposed development is acceptable and approval of the application on the basis of the amended plans received on 12th May 2014 is recommended.

6.0 SUMMARY

6.1 The proposed development is in keeping with the character and appearance of the Conservation Area and adjacent properties in respect of siting and design and will not have an adverse impact on residential amenity or highway matters. The scheme is in accordance with LDF Policies.

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

7.0 RECOMMENDATION:

7.1 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. 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. Detailed drawings of the windows to include size of glazing bars, mouldings and sections shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are begun and the work shall be carried out in accordance with the approved details.
4. The flat roofed section at the rear of the dwelling shall at no time be used as a balcony.
5. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, including details of a holly hedge to be planted across the existing access boundary, has been submitted to and approved by the Local Planning Authority. The dwelling shall not be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of the dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
6. The development hereby approved shall not be undertaken other than in accordance with Drawing number 1589/5/c that shows the finished floor level of the development at 50.00, other than with the prior approval in writing by the Local Planning Authority.
7. The package of mitigation and compensation measures as detailed within the Bat Survey produced by MAB Ltd and received by Hambleton District Council on 14 March 2014, shall be carried out in full to the satisfaction of the Local Planning Authority.

8. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (ii) The crossing of the highway verge shall be constructed in accordance with Standard Detail number E6. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
10. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference D413010/04 Rev C). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
11. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority 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.
12. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation.
13. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered D413010 04C, 05C, 06E, 07D, 08E and 010A received by Hambleton District Council on 14 March and 12 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. 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. To ensure the appearance of the windows is appropriate to the character and appearance of the Easingwold Conservation Area in accordance with LDF Policies CP16 and DP28.
4. To protect the amenity of local residents in accordance with LDF Policy DP1.
5. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with LDF Policies CP16 and DP28.

6. To ensure the building is in keeping with the character and appearance of the locality in accordance with LDF Policies CP17 and DP32.
7. The package of mitigation and compensation measures as detailed within the Bat Survey produced by MAB Ltd and received by Hambleton District Council on 14 March 2014, shall be carried out in full to the satisfaction of the Local Planning Authority.
8. In the interests of highway safety in accordance with LDF Policies CP2 and DP4.
9. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience in accordance with LDF Policies CP2 and DP4.
10. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP2 and DP4.
11. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety in accordance with LDF Policies CP2 and DP4.
12. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area in accordance with LDF Policies CP2 and DP4.
13. 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.

Parish: Easingwold
Ward: Easingwold
2

Committee Date : 26 June 2014
Officer dealing : Miss A J Peel
Target Date: 16 May 2014

14/00630/FUL

Construction of 7 dwellings with associated garages and new private access road as amended by plans received by Hambleton District Council on 23 May 2014. at Clayhithe York Road Easingwold North Yorkshire for Daniel Gath Homes Ltd.

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 The site is located on the east side of York Road, Easingwold and accommodates a two storey detached dwelling. To the south of the site outline permission has been granted for a food store and petrol filling station and other associated facilities. To the north of the site full planning permission has been granted for the construction of 4 dwellings and works have commenced on site. The nearest residential neighbours to the site are located to the south west, The Old Police House and Marrel, and to the north east, St Crispin.
- 1.2 The proposal is for the demolition of the existing dwelling and for the construction of 7 dwellings, 4 three- bedroom and 3 four- bedroom. The scheme has access from York Road with 4 units fronting onto York Road and 3 units to the rear, forming a cul-de-sac. Each of the dwellings would have front and rear gardens, a driveway and either a single or double garage. There is a proposed visitor parking area alongside the access road.
- 1.3 The application was amended to include minor alterations to the layout of the site. The dwelling on plot 7 is now 8 metres from The Old Police House (previously 5.9 metres), plot 5 has been re-orientated and the house type changed, and visitor parking has been provided on the northern side of the access road. The location plan has been amended to include the other proposed developments and existing neighbours.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 No relevant history for this site.

3.0 RELEVANT PLANNING POLICIES

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

National Planning Policy Framework - published 27 March 2012
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping

4.0 CONSULTATIONS

- 4.1 Easingwold Town Council - Wish to see refused because of the following concerns:
- a) Plots 6 & 7 create a solid wall for the neighbouring existing private property, reducing light and destroying the amenity space.
 - b) An additional access road on to York Road is going to increase congestion and risk. The applicant owns the adjacent property, St Crespin (13/01413/FUL), and the council would like the applicant to consider merging the developments to make one access road for both. In turn this could result in a better layout of the sites removing the issues at bullet one. Increased traffic near to the school where significant residential development is ongoing and planned for the future.
 - c) Effective management of foul sewerage and surface water drainage.
- 4.2 The Town Council's views on the revised scheme are awaited.
- 4.3 NYCC Highways - No objections, conditions recommended.
- 4.4 Yorkshire Water - Suggested conditions to ensure satisfactory and sustainable drainage at the site.
- 4.5 Kyle and Upper Ouse Internal Drainage Board - Awaiting comments.
- 4.6 Network Rail - No observations to make.
- 4.7 Environmental Health Officer - I have checked the application on behalf of Environmental Health and have no objections. However, the west of the site is adjacent to York Road, which, at the location has a 40mph speed limit. A short period sound level reading taken close to the highway at the location showed elevated noise levels from traffic and I would therefore recommend a condition for a noise survey.
- 4.8 North Yorkshire Building Control Partnership - No comments.
- 4.9 Drainage engineer - Awaiting response.
- 4.10 Neighbours consulted and site notice posted. Responses have been received from 5 nearby neighbours who made the following observations:
- a) Land unsuitable for building on. Will this result in increasing levels at the site.
 - b) Drainage problems.
 - c) Concerns regarding the original positioning of the dwellings and the overbearing and overshadowing impact on The Old Police House.
 - d) No contact from the developer before submission of the application.
 - e) The development is cramped and out of character with the area. Inadequate space between the dwellings and too much hardstanding.
 - f) The house types do not fit with the area.
 - g) Loss of public open space and the development does not include any.
 - h) The Redrow development, St Crespin, Clayhithe and superstore development gives the overall appearance of a city suburb which is harmful to the character and appearance of the area.
 - i) Lack of public consultation.
 - j) Details of proposed housing developments not included on the plans.
 - k) Too many dwellings being built in Easingwold.
 - l) Potential damage to properties during construction.

- m) Concerns about the comments raised by the Town Council suggesting the development is accessed from the St Crespín development. Noise and disturbance from 11 dwellings rather than just the 4 proposed at St Crespín.

4.11 Neighbours' comments on the revised plans:

- a) Levels at the site should not be increased above existing.
- b) Suggest landscaping along the south boundary of the site to help screen and lessen the impact on the development.
- c) Suggest render to the south elevation of the dwelling at plot 7 to lessen the impact of a large dark wall.
- d) Drainage/sewerage system problems with additional dwellings and any damage to existing systems.
- e) Retention of existing trees.
- f) Details of boundary treatments.

5.0 OBSERVATIONS

- 5.1 The issues to be considered include the principle of a residential development in this location, scale and design of the dwellings, visual impact on the street scene and surroundings, any impact on neighbour amenity, access and highway safety and the provision of public open space.
- 5.2 The National Planning Policy Framework (NPPF) aims to create more sustainable patterns of development by focusing new housing development primarily in locations that are accessible by public transport to jobs, education, shopping, leisure and other services and facilities. The proposal is for the construction of 7 dwellings within the Development Limits of Easingwold, which is defined as a Service Centre in the Core Strategy. The site is within walking distance of the centre of Easingwold where there is a range of facilities such as a shops, pubs, cafes and schools and with easy access to public transport; therefore it is considered to be within a sustainable location subject to general support from LDF policies. It is therefore considered that the proposal is acceptable in principle.
- 5.3 The proposed layout with the single point of pedestrian and vehicular access from York Road would reflect the layout of the neighbouring development to the north. The possibility of linking the access road from the northern development should through to this, creating one housing development with a single access point, was explored with the applicant. However, they confirmed that they would like to avoid this where possible as works had already commenced on the access road on the development to the north. NYCC Highways has confirmed that the access is acceptable in terms of highway safety hence there are no objections to the access arrangements for the site and road layout.
- 5.4 The proposal includes a mixture of house types, with a variety of heights, designs, and orientations which is considered to be good design and appropriate to this location. The materials proposed can be controlled by condition. The proposed layout achieves adequate levels of space about the proposed dwellings in order to provide sufficient amenity space and the necessary separation distances. The existing ground levels at the site, the proposed ground levels and the finished floor levels are similar to the levels at the neighbouring development at St Crespín. The dwellings are not considered to be excessively high and prominent. The boundary treatments comprise of open frontages, hedges, feature shrub planting and 1.8 metre close boarded fences between neighbouring properties. It is considered that the development is acceptable in terms of design and the proposal meets with the requirements of the NPPF and Policy DP32 of the Hambleton Local Development Framework.
- 5.5 Policy DP3 requires there is a minimum level of car parking which is commensurate with road safety. Policy DP4 requires that development proposals must ensure safe and easy access is available to all potential users. NYCC Highways have no objections to the proposal and have suggested conditions relating to details and construction of the road and footway layout, surface water facilities, formation of visibility splays, highway improvement work, on site facilities for construction traffic and closure of the existing access. The parking is provided by single and double garages, forecourt parking and a visitor

parking bay. The level of provision is considered to be acceptable and is considered that the development will meet with the requirements of Policies DP3 and DP4.

- 5.6 Policy DP1 of the LDF requires that all developments must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight. The nearest residential neighbours are sited directly north and south of the site. The plans have been amended to re-position the dwelling on plot 7 to provide a greater distance between the proposed unit and The Old Police House to the south. The distance of 8 metres is considered acceptable given that the window on the neighbouring property is to the kitchen which is a non-habitable room. The dwelling at plot 1 would be sited next to the garage of the neighbouring dwelling to the north, St Crespin. There would be adequate separation distances between the proposed dwellings on this plot and those at the proposed development at St Crespin.
- 5.7 Whilst it is not a material planning consideration, potential damage to adjacent properties from the proposed works is a matter of concern to neighbours. The agent for the application has provided additional information about his, stating "the foundations designed on the adjoining site by a structural engineer and approved on site by North Yorkshire Building Control and these are simple shallow strip foundations. There will be no reason to think that the adjoining site, where a desk top study has been carried out, will be any different and as such the foundations will have no effect on the neighbours' property. The pair of semi-detached houses has been moved further away from their house as revised plans. Notwithstanding the aforementioned, we are legally obliged to comply with the obligations of The Party Wall act if it was applicable, which due to the separation distance does not apply in this case." In view of this it is considered that the proposal would not cause unacceptable harm to the amenities of the nearby neighbours and the proposal therefore meets with the requirements of Policy DP1.
- 5.8 Yorkshire Water has confirmed that the details supplied by the applicant are not adequate and further details would need to be provided prior to commencement of the development. Yorkshire Water has suggested conditions to control the drainage issues. Further details of how the developers intend to deal with foul and surface water drainage facilities have been requested at this stage due to existing issues near to the site.
- 5.9 Policy DP33 requires that landscaping of new development must be an integrated part of the overall design which complements and enhances development. The site plan shows indicative landscaping of hedgerows, trees and ornamental shrub planting. A full landscaping scheme is appropriate for a development of this scale and this can be secured by condition. It is considered that the proposal is able to comply with Policy DP33.
- 5.10 Policy DP37 of the LDF requires the provision of public open space with all new residential development. No provision has been included within the application. The applicant has indicated that a contribution towards off site provision would be forthcoming should permission be granted and a unilateral undertaking has been completed by the applicant confirming that a payment of £26,462.40 would be made towards the provision of public open space in the locality on commencement of the development, which is in accordance with Policy DP37.
- 5.11 There are concerns from a nearby neighbour that there was insufficient public consultation. The neighbours adjacent to the land were notified by letter and a site notice was posted adjacent to the site to advise all other interested parties for the proposal. This met the Council's statutory obligations and is considered an appropriate level of consultation given the scale and nature of the scheme.

6.0 SUMMARY

- 6.1 Subject to additional details regarding drainage and subsequent responses from consultees it is considered that the application is acceptable and is acceptable and is in accordance with the National Planning Policy Framework and the Hambleton Local Development Framework. It is considered that the development is acceptable in design and scale and would not give rise to harm to highway safety, residential amenity or landscape harm.

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

7.0 RECOMMENDATION

7.1 Planning permission is **GRANTED** subject to additional drainage details meeting with the requirements of consultees and the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. No part of the development shall be brought into use until the access to the site has been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: (i) The access shall be formed as a dropped kerb crossing of the footway and verge, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 10 metres into the site shall be constructed in accordance with Standard Detail number A1. ii) Any gates or barriers shall be erected a minimum distance of 10 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.
4. No part of the development shall be brought into use until the approved vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference Proposed Site Plan drawing no. 14:15:03 Rev.E). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
5. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) on plots 3, 6 and 7 shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
6. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
7. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to

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

8. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
9. 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.
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 completion of the approved foul drainage works.
11. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
12. No street lighting shall be installed other than in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented and retained.
13. Notwithstanding the provision of any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' no windows shall be constructed in the south west elevation of the dwelling at plot 7 hereby permitted, other than those shown on drawing number 14:15:06A, without the prior written consent of the Local Planning Authority.
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
15. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 14 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.
16. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 14:15:04, 14:15:06A and 14:15:07A received by Hambleton District Council on 21 March 2014 and 14:15:01A, 14:15:03E and 14:15:05B received by Hambleton District Council on 23 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. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In the interests of highway safety and the general amenity of the development.
4. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
5. 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.
6. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
7. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
8. In the interest of satisfactory and sustainable drainage
9. To ensure that the development can be properly drained.
10. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.
11. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
12. In order to protect the amenity of local residents in accordance with LDF Policy DP1.
13. To safeguard the amenities of occupiers of adjoining residential property in accordance with Policy DP1 of the LDF
14. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
15. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
16. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17 and DP32.

Parish: Exelby, Leeming And Newton
Ward: Leeming
3

Committee Date : 26 June 2014
Officer dealing : Mr J E Howe
Target Date: 13 May 2014

14/00602/FUL

**Change of use of part of site for caravan parking as amended by plan received on 10th June 2014.
at Green Dragon Inn High Row Exelby North Yorkshire
for Enterprise Inns Plc.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This is a retrospective application for the siting of 12 touring caravans, which are used by workers on the A1 Leeming Bar to Barton upgrade works, at the Green Dragon Inn. A similar scheme was permitted in 2010 (renewed in 2011) when the Dishforth to Leeming Bar works were undertaken. A statement submitted in support of the application indicates that: "The workers are employed by Carillion and are working on the motorway upgrade of the A1 and the building of the associated service road north of Leeming Bar. As such they occupy the caravans Monday to Friday during non-working hours."

1.2 The Green Dragon is located to the eastern side of the B6285 on the northern approach into the village. It has a large car park area and the area sought for the current use is set back 25m from the road to the north of the public house complex and screened by existing hedging such that it is not visible from the highway. The units on the site have been laid out in plots with footpaths to each unit and the caravans are connected to the drainage system of the pub with water also supplied to each unit. The Green Dragon has a large curtilage and an area has been identified to the rear for use for parking by the caravan occupiers which does not prejudice the access into the site or the more general use by Green Dragon patrons.

1.3 Prior to the 2010 permission the site was used previously as a 'Certificated Location' for up to five caravans with a licence exemption from The Caravan Club.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 Four applications for alterations to the Inn were permitted during the 1980s. An application for a detached bungalow was refused in 1998.

2.2 09/03664/FUL: Temporary siting of caravans: Permission Granted 2010.

2.3 11/01737/FUL: Renewal of temporary permission for the siting of caravans: Permission Granted October 2011.

2.4 13/00610/ADV: Application for advertisement consent to display 2 externally illuminated signs and 4 non illuminated signs: Granted August 2013.

3.0 RELEVANT PLANNING POLICIES

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

National Planning Policy Framework - published 27 March 2012

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Development Policies DP9 - Development outside Development Limits

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Development Policies DP30 - Protecting the character and appearance of the countryside

Core Strategy Policy CP15 - Rural Regeneration

4.0 CONSULTATIONS

4.1 Exelby Leeming and Newton Parish Council: No objections subject to comments of neighbours. The Council notes that the caravans are occupied on a regular basis and would wish any permission of this nature to be for a defined temporary period only.

4.2 North Yorkshire County Council (Highways Authority): No objections subject to the submission of an additional plan showing car parking for the scheme in relation to the existing Green Dragon Car Park. This plan has been received and final comments from the Highways Authority are awaited.

4.3 Environmental Health Officer: A Site Licence will be required should planning permission be granted. Details of timing and numbers of traffic movements should be provided. A temporary permission for an initial 2 years would be preferred.

4.4 The application was advertised by site notice at the front of the site and the eight closest neighbours were consulted. Two responses were received from neighbours who live directly opposite the site. The comments made relate to the fact that the site has previously been used for earlier A1 works and consequently they consider that the use has become semi-permanent, the current lack of a permanent tenant at the Green Dragon for supervision purposes, concern in respect of waste disposal and refuse collection and the occupiers leaving the site early on a morning causing noise nuisance to residents.

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 site location within a village outside the LDF Settlement Hierarchy (Policies CP1, CP2, CP4 and DP9), the impact on local visual amenity (Policies CP16 and DP30) together with any impact on adjacent residential amenity (Policy DP1) and the, albeit temporary, economic benefits to the public house itself (Policies CP15 and DP25). The contents of the National Planning Policy Framework (NPPF), particularly paragraph 28, are also relevant in this case.

5.2 Exelby is not a village which is identified within the Settlement Hierarchy in Policy CP4 and consequently there should be a specific justification for approval in this case. Policy CP4 states that development should normally take place within the Development Limits of settlements in the hierarchy unless meeting at least one of the six exception criteria set out in the Policy and taking account of Policies CP1 and CP2. In this case criteria i) and vi) in CP4 refer to support for a sustainable rural economy and the social and economic regeneration of rural areas. Reference is made in paragraphs 5.4 and 5.6 below of the business benefit to the Green Dragon resulting from the existence of the proposed site. The need for the proposed site is more generally, although also directly, related to the provision of the improved A1 Leeming Bar to Barton scheme which itself can be considered to create an economic benefit to the local area. Policy DP9 refers back to Policy CP4 in the consideration of such applications outside Development Limits. Policy CP1 indicates that proposals will be supported if they promote, encourage, protect and enhance a list of 12 criteria which includes "the provision of services to the public". CP1 also refers to the preference for the use of 'previously developed' land rather than greenfield sites. It is noted above in paragraph 1.3 that this site has, previously been used as a certificated touring site. Appropriate conditions restricting the occupation and setting a temporary period only for the use are recommended to prevent any precedent for permanent development being set in this case.

5.3 Policy CP2 seeks to provide services in locations which minimise the need to travel, particularly by private car. The current proposal, although involving car travel from the site is within 4.5km of the site offices of the A1 Scheme contractors. However the contractors are now working on a part of the route further to the north of the contractor's site compound, and this will eventually stretch as far as Junction 56 (Barton) some 17 km from the site. This means that the construction staff would arguably be travelling significantly further than 4.5km. The proposal is therefore less sustainable than with the previous permissions where construction

staff resident at the site were working on a stretch of road in close proximity. Whilst it is possible that an alternative site could be found in closer proximity to where the construction work is taking place, it is unusual to consider travel to work distances in considering proposals. Furthermore, the site is very well screened and unobtrusive and is also established. It is not considered that it would be reasonable to insist upon relocation to an alternative site given the limited length of the construction contract. The site is required for a short, finite, period related to an infrastructure scheme with considerable public benefits.

5.4 The caravans, albeit touring units, are occupied by workers on the A1 upgrade scheme, who normally leave the site, by car only, at weekends. They are, nevertheless, individually serviced, discreetly sited and very well screened by existing planting and are not visible to passers-by or from the closest adjacent dwellings. Vehicle movements to and from the site are by cars only rather than car/caravan outfits as would be the case with a standard touring caravan site, and there is no highway safety objection.

5.5 As with the previous applications referred to above, it is considered that the facility fulfils, and has previously fulfilled, a genuine need to house temporary workers on the A1 with no significant adverse impact on local amenity for the temporary periods previously granted. The occupation of the caravans brings in revenue to the Green Dragon, a local facility, which assists its viability, particularly out of the high season. It is currently estimated that the A1 improvements will be completed by the early summer of 2017. A temporary 3-year permission is considered to be appropriate in view of this. Although the applicants has indicated that the caravans are only occupied Monday to Friday there may be occasions when the workers wish to stay over the weekend and it is consequently considered that it would be unreasonable to condition occupation to weekdays only. Nevertheless, a restriction to occupation by A1 contract workers would be appropriate and, together with the 3- year temporary permission, would be sufficient to prevent permanent residential occupation.

5.6 Some public comments relate to the past use of the land as well as the continued use now proposed, particularly the alleged disturbance caused by occupiers leaving the site on mornings and refuse disposal. Even though the site was used for a period of almost 2 1/2 years between 2009 and 2012, and the current proposal would involve a further 3 years, the current layout is an improvement on the earlier use (the units being laid out in plots and serviced) the site is discreetly located and has no visual impact on the village or neighbours. It is not, therefore considered that a refusal of permission could be sustained on this basis. With regard to early morning disturbance from vehicles leaving the site, although there are 12 caravan units some car sharing takes place and, with a public highway between the site and adjacent neighbours, it is again not considered that this comprises a justifiable reason for refusal. Precise details of the hours worked and numbers of vehicles which use the site throughout the day have, nevertheless, been sought from the applicant and this information will be reported to the meeting. The Green Dragon has its own facility for the collection and disposal of refuse and this element would also be an integral requirement of a site licence to be issued by Environmental Health Officers. Other comments which were made relate to the management arrangements and deliveries to the Green Dragon although these are not relevant to consideration of this application.

5.7 The NPPF makes reference in paragraph 28 to the support of economic growth in rural areas. Amongst elements which are believed to encourage this aim is the desire to "promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship". It is noted in paragraph 5.4 above that the benefits of the caravan site to the Green Dragon are for a temporary period only but, nevertheless, it would help to benefit the viability of the facility.

5.8 As noted above further comments are awaited from the Highway Authority and the recommendation set out below is subject to those comments and to any additional conditions which may be imposed as a result of that response.

5.9 Notwithstanding that in principle the continuation of this use is considered acceptable, it is important that a precedent is not set for either permanent residential occupation of the site or occupation by other construction workers in the area generally. It is therefore recommended that an informative is included in the decision notice to the applicant clearly stating that the site should revert back to the former Caravan Club

“certificated site” use and that a further renewal of permission is unlikely to be forthcoming for permanent occupation by construction workers.

6.0 SUMMARY

6.1 Although the site is located outside of Development Limits it is considered acceptable as an exception to Policy DP9, having regard to Policy CP4 of the Local Development Framework in that the facility fulfils a temporary need for local workers from the adjacent A1 improvement contract with a consequential benefit to the viability of the Green Dragon Inn, with no demonstrable adverse impact on local visual 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

7.0 Permission is **GRANTED** subject to the following conditions:

1. The permission hereby granted shall be for a three year period only from the date of this decision notice and all caravans, associated structures and services shall be removed from the site, and the land re-instated to its former condition on or before that date.
2. Not more than 12 touring caravan units shall occupy the site at any time during the term of this permission. Such units shall be occupied only by workers employed on the improvement works contract to the A1, between Leeming Bar and Barton.
3. No trees or other vegetation shall be removed from the boundaries of the application site unless the prior approval in writing has been obtained from the Local Planning Authority.
4. The permission hereby granted shall not be undertaken other than in complete accordance with the plan and details attached to planning application 14/00602/FUL received by Hambleton District Council on 19th March 2014 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. The use of the site for this purpose is to house workers employed on the temporary contract for the improvement works to the A1 in this area only. The site layout and ancillary facilities are not considered appropriate for a permanent residential use of the land.
2. The use of the site for this purpose is to house workers employed on the temporary contract for the improvement works to the A1 in this area only. The site layout and ancillary facilities are not considered appropriate for a permanent residential use of the land.
3. The existing trees around the site should be retained for screening purposes in accordance with Policies DP1, CP16 and DP31 of the Hambleton Local Development Framework.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with Hambleton Local Development Framework Policies DP1, CP16 and DP30.

Informative

1. This permission is granted in recognition of the exceptional case requiring contractors' accommodation during the upgrade of the A1 between Leeming Bar and Barton, expected to finish

summer 2017. It is unlikely that equally compelling circumstances will apply in the future or would apply to any other project.

14/00974/FUL

**Construction of a warehouse and distribution building.
at Cawingredients Limited Caw House Tutin Road Leeming Bar Industrial Estate
for Cawingredients North Site.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site is to the north of the applicant's existing factory at the Leeming Bar Industrial Estate to the immediate east of the A1(M). To the south of the proposed building is the site of a proposed warehouse and distribution building (14/00053/FUL) that was approved by the Council following the March 2014 Planning Committee and further to the south is the route of the approved new access road to the Cawingredients site. To the north is the link road between the A1(M) and Leases Road. East of the land is the existing Leeming Bar Industrial Estate.
- 1.2 The site for the proposed building was formerly arable land allocated in the LDF for employment development under policy BE1.
- 1.3 The proposal is part of a series of measures to increase the capacity of the Cawingredients factory. The business was established at Leeming Bar in February 2010 and has developed a technically advanced soft drinks production facility.
- 1.4 The scheme is to create a warehouse of 3757.5 square metres, including staff welfare facilities of 59.7 square metres. The Design & Access Statement describes the proposal:
- "The brief is to create new warehouse facilities to supplement the expanding manufacturing processes in the existing factory of Cawingredients Ltd; to free area and enable increased production within the existing building. The processes carried out on site will remain unchanged; being the production of soft drinks from raw materials imported to the site and stored in external storage silos. The soft drinks are bottled using bottles manufactured on site. The finished product will be stored within the facility and distributed by road."
- 1.5 The site has been levelled following the approval of the earlier scheme (14/00053/FUL). The proposed building is shown to span the former changes in level by a cut and fill approach. The hedgerow to the eastern boundary has been retained.
- 1.6 Security fencing (2.4 metres high 'paladin fencing') is shown to be erected around the boundary of the site and the existing stone on the western boundary with the A1(M) is to be extended.
- 1.7 The building is to be formed with silver cladding system to match the existing factory and approved warehouse. It is to be 45m x 83.5m and 14.5m high.
- 1.8 New surface water balancing ponds were proposed at both the southern and northern ends of the site to control surface water and as part of a landscaping scheme that includes mixed shrub and tree planting as well as grassed areas as approved for the previous scheme for the Phase 1 warehouse and distribution building.
- 1.9 Access to the site is proposed to be via the recently approved link road to Conygarth Way (13/01613/FUL).

- 1.10 The proposed development includes a contribution to the footpath and cycleway along the Wensleydale Railway corridor between Bedale and Leeming Bar as sought by LDF Allocations Document Policy BC3. The contribution proposed by the applicant relates to the floor area of the built development taking account of the B8 Use Class and the anticipated number of jobs created by this proposal. The proposed sum of £10,453 is made in respect of the proposed building that is anticipated to generate about 40 daily trips.
- 1.11 The initial concepts of the scheme were included in the public consultation event on 28 November 2013 at which the automated warehouse proposal (application 13/02660/FUL) was also displayed.
- 1.12 The applicant states that 10 full time jobs would be created as a result of the development; this would be in addition to those created through the recently approved warehouses (13/02660/FUL & 14/00053/FUL) and the expansion of production within the main factory building.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 13/01613/FUL - Formation of a new vehicular access, car park (including associated road and landscaping) and construction of a cold store - granted 11 October 2013
- 2.2 13/02660/FUL - Warehouse, mixing hall, dispatch area and associated works – granted 6 June 2014.
- 2.3 14/00053/FUL - Construction of a warehouse and distribution building with associated landscaping - granted 6 June 2014.

3.0 RELEVANT PLANNING POLICIES

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

National Planning Policy Framework - published 27 March 2012

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP11 - Distribution of new employment development

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP18 - Prudent use of natural resources

Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies DP1 - Protecting amenity

Development Policies DP2 - Securing developer contributions

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP6 - Utilities and infrastructure

Development Policies DP16 - Specific measures to assist the economy and employment

Development Policies DP29 - Archaeology

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Development Policies DP34 - Sustainable energy

Development Policies DP36 - Waste

Allocations Document Policy BE1 - North West of Leeming Bar Industrial Estate, Leeming Bar - adopted 21 December 2010

Allocations Document Policy BC1 - Safeguarded Route of the Bedale/Aiskew/Leeming Bar Relief Road - adopted 21 December 2010

Allocations Document Policy BC3 - Footpath and Cycleway Along the Wensleydale Railway Corridor Between Bedale and Leeming Bar - adopted 21 December 2010

4.0 CONSULTATIONS

- 4.1 Aiskew Parish Council – No observations.
- 4.2 NYCC Highways – Comments awaited.
- 4.3 Highways Agency – No objection
- 4.3 Environmental Health Officer – Potential impacts from noise and odour from the proposed development have been considered and there are no objections to the proposed development.
- 4.4 Yorkshire Water – Recommend conditions to be attached to any planning permission that may be granted, including approval of the drainage system. They advise that the submitted Flood Risk and Drainage Impact Assessment is not satisfactory because Yorkshire Water will not permit an outfall to the public sewer from a pond, which is one of the two options being considered for surface water disposal.
- 4.5 HDC Economic Development – Supports the development. Notes that the development will create additional skilled employment opportunities in Hambleton. The consultation exercise that was undertaken prior to the applications being submitted received positive feedback. The further development of the business will continue to contribute to the economic prosperity of Hambleton. The high standard of construction on previous developments by Cawingredients is carried through in this application and makes a significant contribution to the extremely positive image of food and drink businesses in the District.
- 4.6 Health & Safety Executive – The building is outside the consultation zone and the use of the standard consultation procedure is not required.
- 4.7 SABIC Pipeline operator – Notes that the developer has discussed the proposal with them in respect of the location of the access road (approved in October 2013). No objections are raised to this proposal.
- 4.8 Environment Agency – Comments awaited.
- 4.9 Sustainable Development Officer – Encourages the use of grey water systems, reducing the building's running costs by using a high standard of insulation installing renewable energy technologies, supports the use of travel plan and fleet route management software to maximise efficiencies in distribution and reduce fuel use and carbon emissions. Encourages the approach of waste minimisation by the use of a waste management strategy for the business and following the hierarchy of reduce, re-use and recycle. Signposts the Hambleton Business Waste Handbook www.hambleton.gov.uk/businesswastehandbook.
- 4.10 Network Rail – No observations.
- 4.11 Publicity – No responses as a consequence of neighbour notification, press notice (expiry of consultation 23 June 2014) or site notice.

5.0 OBSERVATIONS

- 5.1 The site lies within an area shown in the LDF Allocations Document for employment development (allocation BE1). The allocation flows from the Core Strategy (particularly CP11 which identifies Leeming Bar as an appropriate location for new employment development, and CP12) and Development Plan policies (particularly DP16). The NPPF similarly supports new commercial development provided that, to paraphrase, "they do not result in significant harm".
- 5.2 Policy for Leeming Bar Industrial Estate has emphasised the development of the "food cluster". The extension of the soft drinks business assists in concentrating the commercial development on this sector. Although this proposal is for a warehouse and distribution use it is made explicit within the supporting documentation that the warehouse is to be used on conjunction with the existing soft

drinks factory. Developments which enhance the role of the "food cluster" are supported by the LDF policies.

- 5.4 The main planning issues to be considered are the same as those in the previous applications for the automated warehouse:
- Whether the infrastructure exists or can be provided to support the demands of the business; and
 - The design approach and the impact of the design and use upon the landscape and neighbours.

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

Infrastructure and Environmental impact

- 5.5 The site is shown to be accessed via the new road forming an extension to Conygarth Way that was granted planning permission in 2013. The new access is under construction, and would provide the access for construction and operational traffic. The highway network and the new access were designed to accommodate the needs of this development.
- 5.6 Surface water attenuation is shown within the scheme and the method of disposal by infiltration is considered to be acceptable and can be made the subject of a planning condition. Foul sewers are available to accommodate 'domestic' flows from the site. No significant volumes of commercial waste are anticipated from a storage and distribution facility. Provided that the new drainage infrastructure is installed it is considered that the development can be undertaken without causing harm to the environment. The response of Yorkshire Water as statutory undertaker is reported above and does not raise objection to the proposed development provided it does not result in the disposal of surface water via the public sewers. A flood risk assessment has been submitted and the response from the Environment Agency is awaited.

Design

- 5.7 The design of the warehouse is relatively unconstrained but needs to address:
- The proximity of the A1(M) and the need to avoid creating a distraction to drivers;
 - The proximity of RAF Leeming to avoid creating an obstacle to radar or aircraft; and
 - The potential impact upon the wider landscape including residential neighbours to the west of the site.
- 5.8 The landscape context is considered in a report prepared in support of this and the previous warehouse and distribution building application; it considers the impact of the proposed development and measures that would be appropriate to mitigate those impacts.
- 5.9 The landscape planting proposals are intended to soften the impact from public vantage points to the north and west by introducing tree planting on the periphery of the site. The warehouse is a large structure and could not be hidden by landscaping but is proposed to be set within a mix of hard and soft landscape treatments on and close to the boundary of the site, which would serve to break up its appearance and provide a suitable setting for it.
- 5.10 The design of the building repeats much of the design detailing of the existing factory and previously approved and adjoining warehouse building and so achieves a degree of conformity with the existing built environment.

Amenity of neighbours

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

Economic impact

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

Highway impact

- 5.13 The proposal involves the use of the recently approved access from Conygarth Way. The application site is linked to the existing Cawingredients site and pedestrian and cyclist access can be provided via the existing access to Tutin Road and Portland Way to create a short route to Leeming Bar.
- 5.14 Developments within the Bedale, Aiskew, Leeming Bar area are under the requirements of LDF Allocations Document BC3 to contribute to the cost of providing a sustainable transport link between the allocated sites in the three settlements. Under the provisions of DP2 a contribution is therefore required from this development. A methodology relating to the traffic generation has been prepared following monitoring of the numbers of movements and lead to contributions in respect of the extended factory and the Phase 1 warehouse and distribution building. The same methodology results in an offer from the development of £10,453 in respect of this proposal. The contribution is consistent with those from other recent developments at the Cawingredients site and is considered proportionate and members are recommended to accept the sum.

6.0 SUMMARY

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

7.0 RECOMMENDATION

Planning permission is **GRANTED** subject to:

- The satisfactory completion of a Planning Obligation to secure a contribution to the construction costs of the Aiskew, Bedale and Leeming Bar footway and cycleway; and
 - The conditions set out below
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 3. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan drawing numbers MR 14-017/101 and 102 received by Hambleton District Council on 7th May 2014 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 4. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed

ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

5. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
6. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 5 above.
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.
8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 7344-010-Rev E). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
10. No external lighting equipment shall be used other than in accordance with details previously approved in writing by the Local Planning Authority.
11. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
 - (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; 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.
12. Prior to the development being brought into use, the existing Travel Plan for the overall Cawingredients site shall have been revisited and rolled out to all new employees associated with the development. The monitoring and surveys in the Travel Plan shall be updated accordingly.
13. The external appearance of the new building must feature a largely plain facade as shown on the drawings 7311 030 Rev E. The exterior of the building must not feature images projected on to any of the elevations, flashing lights, multi-coloured patterns, advertising hoardings or billboards, or flagpoles.
14. 10% of the energy load of the building is to be met by renewable energy sources or alternative equivalent energy saving measures that have been submitted to and approved in writing by the Local

Planning Authority. The measures shall be implemented and retained to achieve the minimum requirements of the approved scheme.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order to assist in the assimilation of the development in the landscape and reduce the visual impact of the development on the occupiers of neighbouring land in accordance with the LDF Policies CP1, CP16, DP30 and DP32.
4. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
5. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
6. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43
7. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal to prevent pollution of the water environment or flooding in accordance with Hambleton LDF Policies CP1 and DP6.
8. In accordance with Policy CP1, CP2, DP3, DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
9. In accordance with Policy CP1, DP3, and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
10. In accordance with Policy CP1 and in the interests of highway safety and visual amenity.
11. In accordance with Policy CP1, DP3 and DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
12. In accordance with LDF Policies CP1, DP3 and DP4 and to establish measures to encourage more sustainable non-car modes of transport.
13. To maximise the safety of the Strategic Highway Network by ensuring that the new building does not present an undue distraction to drivers and in accordance with the LDF Policy CP1.
14. The use of technologies to minimise energy use will enhance the quality of the development and support the aim of reducing that harm caused by wasteful and polluting use of energy set out in LDF Policy CP18 and DP34.

Committee Date : 26 June 2014

Parish: Shipton

Ward: Shipton

Officer dealing : Mrs H M Laws

Target Date: 28 May 2014

5

14/00681/FUL

Retention of two dwellings located within outbuildings to the rear of Framfield House as amended by plan received by Hambleton District Council on 11 June 2014. at Framfield House Main Street Shipton By Beningbrough North Yorkshire for Mrs Mary Johnson.

1.0 PROPOSAL & SITE DESCRIPTION

- 1.1 The site lies to the rear of Framfield House, a substantial dwelling on the western side of the A19 in the centre of Shipton. Framfield House lies on the corner of the Main Street and Burrells Lane, an unadopted access track serving several residential properties and agricultural land to the west.
- 1.2 The application site comprises a group of single storey buildings originally used for ancillary domestic purposes in association with Framfield House accessed from Burrells Lane. The outbuildings are arranged along two sides at the rear of the host dwelling, forming a courtyard. A brick boundary wall forms the western boundary with the adjacent dwelling Burrell Cottage. The outbuildings are divided into three units known as Annexe, Cottage 1 and Cottage 2. The application relates to Cottage 2 and Annexe, which are the subjects of two enforcement notices served in 2013.
- 1.3 The units each provide a single bedroom, bathroom, kitchen and living room. The area between the units is available for parking (3 spaces proposed) and amenity space.
- 1.4 Cottage 1, which is occupied as an independent dwelling following the grant of planning permission in 1976, does not form part of this application.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 2/76/131/0024 - Conversion of existing outbuildings to dwellinghouse. Permission granted 20/5/1976 subject to the following condition:

The proposed unit shall constitute an annexe only to Framfield House and shall not be sold off or let as a separate dwelling unit

The reason for the condition was "The site is not considered suitable for general residential development".

- 2.2 2/77/131/0024A - Change of use of existing dwellinghouse to a guest house. Permission granted 24/11/1977.
- 2.3 2/79/131/0024B - Extensions to existing guest house to include 3 garages. Permission granted 25/4/1979 subject to the following condition:

Once the extension, hereby approved, is occupied, no paying guests shall be accommodated in bedrooms within Framfield House.

The reason for the condition was "The proposed extension, together with guest accommodation in Framfield House would not allow adequate parking and turning space within the site and this could result in parking on the trunk road which could create a hazard on the trunk road".

- 2.4 2/88/131/0024C - Change of use of existing guest house to a dwelling. Permission granted 1/8/1988.
- 2.5 13/01248/CLE - Application for Certificate of Lawfulness for use of guest accommodation as 3 separate dwellings. Application refused 2/10/2013 for the following reason:

The evidence submitted does not sufficiently identify the units of occupation or the nature and length of occupancy in each case. It is the applicant's responsibility to provide sufficient and precise information to enable the Council to decide the issues on the balance of probabilities. In the event that such information is not provided the Council is justified in refusing to grant a Certificate. It is the Council's conclusion that the information provided in this case is not sufficient or precise to allow it to conclude that the use of three one bedroom cottages as separate residential dwellings has been continuous for a period of four years immediately prior to the Application being made.

- 2.6 Enforcement notices were served on two units, Annexe and Cottage 2 (which are the subject of the current planning application), on 17 December 2013 and became effective on 24 January 2014. They require the use as a separate dwelling house to cease and the property to return to use as ancillary guest accommodation to the main dwelling at Framfield House. The reason for serving each notice was:

To retain control of the use of the land to ensure an acceptable level of residential amenity for existing and future occupiers; to provide appropriate levels of parking; and to ensure provision of infrastructure to meet the public open space, sports and recreational facilities needs of future occupiers.

3.0 RELEVANT PLANNING POLICIES

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP8 - Development Limits
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP37 - Open space, sport and recreation
National Planning Policy Framework - published 27 March 2012
Supplementary Planning Document - Open Space, Sport and Recreation - February 2011
Affordable Housing - Supplementary Planning Guidance - June 2008

4.0 CONSULTATIONS

- 4.1 Shipton Parish Council - Since the major issue is the parking of vehicles on Burrells Lane and the obstruction that this causes, any approval must include a condition that adequate vehicle spaces and turning space within the curtilage of the property be provided for both residents of the cottages and all the applicants' vehicles. It should be a further condition of any approval that no vehicles are parked at any time on Burrell's Lane.
- 4.2 NYCC Highways - The applicant still has not fully demonstrated that parking and turning can take place within the curtilage. This would take up most if not all of the available space so there would be little amenity space remaining and would need swept path analysis to show how it would operate. Whilst I could not object to vehicles reversing onto or parking on the private lane (Burrells Lane), I reiterate what I wrote (previously) on this matter that it would be for the owners of Framfield House to ensure that they have vehicular rights (including a right to park and turn vehicles) and that those rights are transferable to other users. The lane is a public right of way footpath (reference 10.129/1/1) and it

is an offence to drive a motor vehicle along a public footpath without lawful authority. I am concerned that vehicles appear to park on the carriageway or footway of the A19 (as shown in the photos you forwarded) so it is important that in-curtilage parking details are submitted and approved.

4.3 Yorkshire Water - no comments.

4.4 Environmental Health Officer - no issues.

4.5 Site notice/local residents - 16 letters have been submitted in support of the proposed development (including 6 correspondents living in York and 4 living in or to the rear of Framfield House), the comments of which are summarised as follows:

1. As I live opposite Burrells Lane, I have seen vehicles parked up Burrells Lane for over 20 years. So making parking spaces within the property for the dwellings in question would improve the situation on Burrells Lane.
2. The two existing dwellings located within the outbuildings of Framfield have been there for several years, I can see no reason why they should not continue be used as two cottages.
3. I understand there is an ongoing disagreement about the residents parking their cars down Burrells lane but the lane has been used for many years for car parking and I myself and my family have parked our cars there as did the previous owners of Framfield
4. There have been people occupying the cottages behind Framfield House for at least 7 years.
5. 100% support this, these properties have always been lived in for as long as I can remember and people from all houses do park on the lane it is not just residents of Framfield.
6. I have on many occasions reversed a 8m x 2.3m vehicle up Burrell's lane from the A19 in to Framfield rear garden easily. On one occasion a police vehicle passed on my inside with no difficulties while I was carrying out this manoeuvre.
7. Many vehicles park in Burrells lane from many different houses. They do this rather than blocking the A19.
8. I am very aware that people on Main Street do park on Burrells lane due to no parking space on the a19 and I think it is far safer and that is why I fully support this application.
9. (The applicant) ran a business from offices behind their home and her staff would always park on the lane. Similarly, when the Tate family had parties their guests would park on the lane. I do not feel that having cars parked on Burrell's lane is in any way obstructive as cars are more than able to drive up and down the lane without any hindrance.
10. Before Mrs Johnson had Framfield house it was a bed and breakfast and the guests used to park along Burrells lane too.
11. I lived in the cottages from 2006-2012 and the lane was used not just for parking by residents but by other people parking their cars. Most of the time I lived there were only 2 cars parked on the lane which belonged to owners of Framfield House.
12. They have long been cottages and long been lived in. I don't really understand why all of a sudden they could cease to be allowed to be so. Where is the common sense in the expense already incurred on this matter?

4.6 5 letters have been received objecting to the proposed development on behalf of three neighbouring properties and a local farmer, the comments of which are summarised as follows:

1. I am writing to object to the above planning application because it will stop all agricultural vehicle access. We own a large block of arable land at the bottom of Burrells Lane and require access at all times of day [and night at harvest periods] and believe this to be shown on our deeds when we purchased the field.
2. On the planning application submitted, it shows the lane with a width of 6 metres, and a proposed parking area of 3 metres, leaving 3 metres. I suggest this is totally unsuitable for any vehicular access of any type.
3. Our only other access is via the Community Centre through the children's play area, which I am sure you agree is totally unsuitable. Also the road surface around the Community Centre is not capable of carrying agricultural machinery.
4. No objection to the principle of conversion of the outbuildings, it is important to ensure the

proposed parking and turning associated with the outbuildings and host dwelling is retained within the curtilage of the buildings and restricted from using Burrells Lane itself.

5. It would assist if the applicant is asked to provide a suitably scaled plan showing how cars using the outbuildings and Framfield House (including visitors) will enter the site, turn round and safely exit in a forward gear. These manoeuvres should take place within the site and be possible when one or more vehicles are already parked within the courtyard. In the event that parking and turning is not capable of being accommodated within the site then planning permission should be refused.

6. The use of Burrells Lane for parking associated with the proposed conversion is not acceptable and will result in access issues along the lane for existing residents as well as safety issues for pedestrians.

7. Framfield House has recently become dependent on Burrell's Lane for Resident's Parking and also reliant on 3rd-party private land to turn vehicles to allow forward egress onto the A19 Highway. The immediate previous owner of Framfield House always parked within their boundaries and acted to prevent others from parking on Burrell's Lane other than for short visits in the neighbourhood.

8. Even those electing to Support the extensions to Framfield House have all informed Planning that the use of Burrell's Lane for Parking is a communal resource used by all in the neighbourhood for transitory parking, access & egress by residents, visitors, contractors & deliveries.

9. North Yorkshire Building Control will also be required to be consulted for Safety and for the need for re-designed surface water & leisure water drainage. Building Control required WRA Travel's surface water to be diverted to a new soakaway within the grounds of Burrell Cottage. To date the equivalent controls have not been implemented for Framfield House and its extensions.

10. Queries regarding red and blue lines on the application site plan.

11. There has been no material change in circumstance since the two enforcement notices were served. The reasons for their service is the level of amenity for existing and future occupiers, levels of parking and provision of infrastructure to meet open space and recreational needs.

12. The proposed parking does not appear to take into account the parking of the camper van at the premises.

13. The lack of space for parking will inevitably lead to parking on Burrells Lane, which is a footpath and carriageway not maintainable at public expense.

14. Burrells Lane serves as a means of access to large scale arable agricultural land to the west, a BT Telephone Exchange, 3 areas of private open land, Rubicon, Burrell Cottage, WRA Travel and Ashfield House. The mixture of uses places demands on the road, which often lead to conflict with user uses of the highway.

15. Consideration of building technical and safety controls have yet to be determined by North Yorkshire Building Control Partnership, which will need to include consideration for drainage soakaway facilities to remove the current reliance on a land drain which was diverted to a soakaway in the garden of Burrell Cottage as part of controls required as part of WRA Travel offices a decade ago.

16. The harm has been recognised in the service of the enforcement notices.

17. The house is now lined in the required "blue" being part of the same property, but the NE and SW corners of the Framfield House outbuildings should also be "blue". The difficulties presented by planning & building controls on Framfield House with just one owner demonstrate the impossibility of regarding the various parts of Framfield House as "separate" with a multiplicity of owners.

5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of additional residential units in this location, the impact on the amenity of local residents, highway safety and the provision of affordable housing and public open space.

5.2 The principle of additional dwellings in this location is accepted as the NPPF aims to create more sustainable patterns of development by focusing new housing development primarily in locations that are accessible by public transport to jobs, education, shopping, leisure and other services and facilities. The proposal is for the construction of a dwelling within the Development Limits of Shipton, which is defined as a Service Village in the Core Strategy. The site is in the centre of the village and within walking distance of facilities such as the school and the pub and with easy access to public

transport; therefore it is considered to be within a sustainable location. It is considered that the proposal is therefore acceptable in principle.

- 5.3 Not all sites in such locations are suitable for development and consideration must be given to the siting and layout and the potential impact of a proposal on features of acknowledged importance such as the amenity of neighbouring residents and highway safety.
- 5.4 The application for a Certificate of Lawfulness, considered in 2013, concluded that there was insufficient evidence to demonstrate that all three units the subject of the application had been occupied as independent accommodation continuously for 4 years prior to that date. Following this the Council served Enforcement Notices in respect of the two units that lacked sufficient evidence of continuous residential occupation and which are therefore considered to be unauthorised. The application relates to those two units and whilst it is retrospective, the issues must be considered in the same way as a planning application for proposed development.
- 5.5 The units lie immediately adjacent to, and in close proximity to, neighbouring residents. The buildings are single storey with no windows overlooking adjacent properties. There is no adverse impact on residential amenity as a result of overlooking or loss of privacy. The courtyard area is available for use as amenity space. Although the number of independent units would increase if approved it is not anticipated that noise and disturbance to neighbouring residents would increase to an unacceptable level, particularly bearing in mind the location of the site within the centre of the village and the number of properties in the vicinity. In this regard it is noted that none of the objections reported above relate to matters of residential amenity.
- 5.6 Final comments of the Highway Authority regarding the proposed parking layout have now been received. There is significant concern from nearby residents regarding parking that takes place on Burrells Lane. The Highway Authority has no controls over this land as it is an unadopted highway and the Planning Authority cannot exercise control over it as it does not lie within the application site boundary or within the control of the applicant. Whilst several objectors have made a connection between the occupation of these units and parking on Burrells lane, it has to be recognised that the uncontrolled nature of the Lane means it is possible for anybody to park there, regardless of their place of residence. The Highway Authority wishes to ensure that on street parking on the Main Street (A19) does not increase as a result of the proposed development and therefore wishes to ensure that parking for all the properties is available within the courtyard to the rear.
- 5.7 The issue relating to surface water drainage is a matter that would be dealt with under Building Control Regulations and would not affect the determination of this planning application.
- 5.8 LDF Policy CP9 requires the development of 2 or more dwellings to make provision for an element of affordable housing and in this part of the District the proportion of affordable housing required is 50%. Whilst the dwellings are small and at the lower end of the market the policy requirement is absolute and a proportionate contribution is therefore required. In this instance it is not suggested that the unit should be provided on site but rather that a financial contribution be made towards the provision of affordable housing in the locality. The agent has confirmed that the applicant is unwilling to make a contribution as the two dwellings are not new. In the context of the planning application, however, the units are new as they do not have planning permission and are therefore subject to adopted planning policies. Without a contribution therefore the proposed development is contrary to LDF Policy CP9.
- 5.9 Policy DP37 of the LDF requires new housing to contribute to the provision of public open space and sport and recreation facilities. No provision has been included within the application and it is indicated that no financial contribution would be forthcoming. The agent argues that as the dwellings are already in existence and already occupied there would be no need for a contribution, which is required to address a deficit caused by the development. The deficit would have occurred when the units were created rather than at this time. The same argument applies as is stated above; the development does not have planning permission, there was no opportunity to achieve a contribution when the use of the units commenced and therefore if no contribution is made at this time, the proposal is contrary to LDF Policy DP37. The creation of two single bedroom units would require a

contribution of £2205.20, should permission be granted towards the provision of public open space in the locality, which would be in accordance with Policy DP37.

5.10 For the above reasons therefore refusal of the application is recommended.

6.0 SUMMARY

- 6.1 Whilst the conversion of these two units to independent residential accommodation might be acceptable in principle, that should be on equal terms with any other residential development. Proportionate contributions in respect of affordable housing and public open space, sport and recreation are therefore required in line with LDF policy and as the applicant is not willing to make those contributions, permission should be refused on principle.
- 6.2 The application provides an opportunity to secure on-site parking, which would address the Highway Authority's concerns about parking on the A19 and residents' concerns about parking on Burrells Lane. It is understood from the Highway Authority's advice that suitable parking and turning could be created but the layout included within the application is not adequate. This could be resolved through revised plans and/or planning condition if the development were acceptable in principle.
- 6.3 The Council will need to consider prosecution for failure to comply with the Enforcement Notices if the recommendation below is agreed.
- 6.4 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. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

7.0 RECOMMENDATION

Permission is **REFUSED** for the following reasons:

1. In the absence of affordable housing provision the proposed development is contrary to LDF Policy CP9, which requires 50% of developments of 2 or more dwellings to be accessible and affordable to those unable to compete in the general housing market.
2. The proposal is contrary to the Hambleton Local Development Framework Policy DP37 and the Open Space, Sport and Recreation Supplementary Planning (adopted 22 February 2011) as it makes no contribution towards the provision of public open space, sport or recreation facilities to meet the increased demand resulting from the development.

Parish: Snape With Thorp

Ward: Crakehall

6

Committee Date : 26 June 2014

Officer dealing : Mrs B Robinson

Target Date: 8 April 2014

14/00103/FUL

Change of use from ancillary accommodation to separate dwelling, new parking arrangements, and change of use to domestic of existing agricultural land, as per amended location plan received by Hambleton District Council on 15th May 2014 and 6th June 2014.

**at Land To The Rear Of Rose View Ings Lane Snape North Yorkshire
for Mr & Mrs T Morton.**

1.0 BACKGROUND

- 1.1 Members will recall that this item was presented to the Planning Committee on 29 May 2014, and a copy of that report is attached.
- 1.2 The Committee resolved to refuse permission because of concerns about the impact of a proposed new access to Ings Lane, including partial demolition of a boundary wall, intended to provide new parking arrangements for Rose View (the donor property) on the character and appearance of the Conservation Area. As the new access was not included in the description of development officers undertook to carry out further investigation of the scope of planning control prior to issuing the decision and to report back to the Committee if necessary.
- 1.3 Whilst the further investigation was underway the applicants submitted amended plans which omit the new access to Ings Lane and show parking for Rose View provided to the rear of the house, utilising the existing access. These amended plans are presented to the Committee for consideration.

2.0 CONSULTATIONS

- 2.1 Notice of the amended plans has been circulated to interested parties including the Parish Council and neighbours. Any responses will be reported to the meeting.

3.0 OBSERVATIONS

- 3.1 The creation of a separate dwelling increases the likelihood of a separate access to Ings Lane being sought and the appearance of this on the previous plans was a matter of concern to the Planning Committee, resulting in the resolution to refuse planning permission.
- 3.2 The amended plans signify an intention to continue the current access arrangements and do not refer to a new access from Ings Lane. In view of this it is no longer appropriate to consider the 3rd and 4th sentences of paragraph 1.5 or the entirety of paragraphs 5.8 and 5.9 of the attached report. References to the proposed access in paragraphs 5.10 and 5.11 should also be disregarded.
- 3.3 All other planning issues remain as set out in the attached report.

- 3.4 The revised parking arrangements shown on the amended plans would involve Rose View and the new dwelling sharing the existing access with a new parking area for Rose View adjacent to the existing driveway, to the rear of the house. Creation of this hardstanding within the curtilage would be permitted development. The occupiers of the new dwelling would have provision for parking as existing.
- 3.5 In each case there is scope for turning within the site, enabling cars to leave in a forward direction without interfering with the parking spaces associated with the other property. The Highway Authority has no objection to the use of the existing access and it is therefore considered that the proposal would not be harmful to road safety.
- 3.6 If the amended proposal is considered acceptable in all other respects, there is scope to impose a planning condition to remove permitted development rights for any new access to Ings Lane, which would then need to be the subject of a separate planning application. A recommended condition is set out below.

4.0 CONCLUSION AND RECOMMENDATION

- 4.1 The amended plans show practicable parking arrangements that would not be harmful to highway safety and which would not have any adverse impact on the character or appearance of the Conservation Area. The material planning issues relating to the principle of the change of use to a dwelling remain as previously set out.
- 4.2 It is therefore recommended that permission is **GRANTED** subject to the following revised conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered HDC/1245/02B; HDC/1245/03 and HDC/1245/05 received by Hambleton District Council on 14 March 2014, 15 May 2014 and 6 June 2014 unless otherwise approved in writing by the Local Planning Authority.
 3. The dwelling shall not be occupied unless within 6 months of the date of this permission, unless otherwise agreed in writing with the Local Planning Authority, the related parking facilities have been constructed. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 4. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to permitted development, the village green shall not be used to provide a new vehicular or pedestrian access to Ings Lane from the existing or proposed dwelling without express permission on an application made under Part III of the Town and Country Planning Act 1990.

The reasons for the above conditions are:

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17, DP32.
3. 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.
4. The Local Planning Authority would wish to retain control over the any formation or alteration of accesses to Ings Lane in the interests of the character and appearance of the Conservation Area, in accordance with Local Development Framework Policies CP16 and DP28.

Attention is drawn to the following Informative:

1. The site adjoins a Registered Village Green and/or Common Land and accurate information can be obtained from County Searches Information. For information, a plan of the registered Village Green and/or Common Land is enclosed. No works may be carried out on a Registered Village Green or Common Land until such time as consent has been granted under Section 194 of the Land and Property Act 1925. Any enquiries in respect of this should be directed to: Commons Commissioners, Zone1-05B Temple Quay House, 2 The Square, Bristol BS1 6EB for application forms in relation to Village Greens; or Countryside Division, Common Land Branch, Zone 1-05A Temple Quay House, 2 The Square, Bristol BS1 6EB in relation to Common Land.

14/00103/FUL

Change of use from ancillary accommodation to separate dwelling, new parking arrangements, and change of use to domestic of existing agricultural land, as per amended location plan received by Hambleton District Council on 15th May 2014. at Land To The Rear Of Rose View Ings Lane Snape North Yorkshire for Mr & Mrs T Morton.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site includes a building which is part two storey and part single storey, located to the rear of Rose View. The building is part stone, part render, part brick and part timber clad and has an L shape, with the short 'leg' being two storey, and furthest from Rose View. It is accessed by a drive, 38 metres long, which runs past the west gable end of Rose View. There is a hard surfaced area in front of the building, with space for parking and turning vehicles, and a timber outbuilding. Beyond the site, to the south-east there is a paddock in the same ownership which is used in association with the annexe.

1.2 The drive is bounded by a hedge more than 2 metres high on the east boundary (ie on the boundary with the garden to Rose View), and to the west by a close boarded timber fence, 2 metres high. On adjacent land to the west of the application site, there is an agricultural style shed.

1.3 Rose view is a two storey house, and has an open grassed frontage to the footpath, and there is a further grassed verge to the roadside.

1.4 The location is at towards the east end of the village. Most of the properties nearby are dwellings. The village school lies to the east of the site, approximately 40 metres along the road. Part of the site is within Snape Conservation Area. Ings Lane is an unclassified road. Snape is a service village, and has a shop, pub, village hall in addition to the school. There is a limited bus service between Bedale and Masham, and access to a schools bus service.

1.5 The proposal is to change the use of the building from its approved use as a domestic annexe, to an independent dwelling. The proposal is retrospective and the applicants report that they moved into the annexe when it was completed. The submitted details show the existing access being retained by the new independent dwelling, and new access formed to the east of Rose Cottage. The new access is shown as giving onto a hard surfaced parking area for two cars, enclosed from the highway by gates within the existing boundary wall. . .

1.6 The scheme has been amended to include the 17 metres of land at the rear of the house, currently in use as part of a domestic curtilage.

RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 06/02989/FUL Alterations to existing domestic outbuilding to form ancillary accommodation. Granted. 15.02.2007

2.2 07/03684/FUL Application for alterations to existing domestic outbuilding to form ancillary accommodation. Granted. 29.01.2008
(This application provided the two storey wing at the further end of the building)

2.3 This application arises from an enforcement case ref 14/00012/CAT3, relating to the occupation of the house as a separate dwelling.

RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Development Policies DP37 - Open space, sport and recreation
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policies DP30 - Protecting the character and appearance of the countryside

National Planning Policy Framework – para 55

4.0 CONSULTATIONS

4.1 Snape with Burrill Parish Council - Wish to see refused, for the following reasons:

1. The proposed driveway is immediately opposite a T junction - safety considerations
2. The proposed driveway would also be in very close proximity to the school where there is congestion with parking at the start and end of the school day - safety considerations
3. The current driveway could be used as a shared driveway - this occurs elsewhere *in the village - it is unclear why there is a need for a separate driveway*
4. There would be further loss of the green in the village
5. The original application for the barn conversion at this property was for a workshop and accommodation and for the accommodation to be ancillary to the main residence; the Parish Council would want to understand why HDC would allow residential use/build outside the planning limits in this case when there have been numerous other applications in recent years when this has not been allowed. This would set a precedent for other applications including any others approved for ancillary accommodation

4.2 NYCC Highways – Comment that the verge is village green, and the developer will need to ensure the relevant permissions are in place. Conditions requested

4.3 Neighbours and site notice - Observations from one address received.

i) Redline of block plan and application description does not include the new access and query whether part of the application.

ii) If the new access is included, construction of a new access will:

- Have a negative effect on landscape quality and reduce green space,
- Remove a high stone wall which is an attractive feature in the Conservation Area
- Increase intensity of use having an impact on amenity noise levels and privacy
- Have an impact on highway safety - close to village school and opposite T junction

In addition there is a workable solution already existing in the form of a shared access, as currently exists.

4.4 Conservation Officer – Is of the opinion the conservation area would not be compromised by this proposal. The view is that while this is a nice stone wall, it is not a prominent feature of the area and is set back from the street and is not typical either. Gates as proposed or taller gates in timber would be acceptable.

5.0 OBSERVATIONS

Policy Principles

5.1 The site is outside the development limits of the settlement, and the first issue is whether the proposal is acceptable as an exception to the principles of CP1 and CP2.

5.2 CP4 sets out criteria for developments which are potentially acceptable as an exception to CP1 and CP2, ie development which is necessary to:

- i. meet agricultural or other rural need for a dwelling;
- ii. secure a significant improvement to the environment or conservation of important features;
- iii. provide affordable housing to meet a need not able to be met in a sustainable location;
- iv. re-use an existing building without substantial alteration or reconstruction which would help to support a sustainable rural economy or for affordable housing;
- v. provide renewable energy;
- vi. for social and economic regeneration.

Of the above, criteria iv. is relevant to the proposal, in that it is a re-use of a sound building without substantial alteration or reconstruction.. It is not, however, an economic use that would provide direct support to the rural economy, or provide affordable housing..

5.3 Paragraph 55 of the NPPF states that “To promote sustainable development in rural areas, housing should be located where it will maintain or enhance the vitality of rural communities” and it further states that “local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances”. This is not an isolated location and therefore the NPPF can be read as lending support to the proposal if the increase in population it would bring about would help sustain the vitality of the village.

5.4 At a recent appeal at Tollerton (ref 13/00803/OUT - Land off South Back Lane and rear of Westfield, Main Street) the Inspector allowed the appeal and used the reasoning that in a location outside but close to the development limits of a sustainable settlement, the proposal was in accordance with CP4 iv, and notes that the development policies need to be interpreted in a manner that takes account of the Local Development Framework’s policies regarding sustainable settlement.

5.5 A further recent appeal decision at Sutton on the Forest (ref 13/00468/OUT – Field House South Back Lane Stillington) employed similar reasoning where the site represented a rounding off of the built environs of the village, outside but close to development limits, and notes that in a small way it would support the services of the village.

Policy Conclusion

5.6 The site is very close to village facilities. Whilst outside of the defined Development Limits for the settlement the building concerned forms part of the existing built up environs of the village. Approval of the change of use of the existing building would not materially undermine policy principles of sustainability and following the lead of the NPPF and the precedent of the appeal decisions referred to above, can be considered acceptable..

Other issues

5.7 The building is already suitable in design (CP17, DP32) to residential use, and would not have any material impact on the rural surroundings (CP16, DP30) or the character of the Conservation Area (CP16, DP28) different from the present position and the remaining issues for consideration are the effect of the new access on the Conservation Area (CP16, DP28), amenity (CP1, DP1), highway safety and public open space (CP19, DP37).

5.8 The proposed new gateway is aligned with the existing boundary wall, and the scheme proposes to keep part of the existing wall and to provide timber gates. The proposal removes part of the existing stone wall, and the view of the Councils Conservation Officer is that due to its set back position of the wall, and its atypical character, the conservation area would not be compromised. The retention of a part of the wall will ensure some continuity with the existing character of the conservation area in this vicinity, and particularly if control is exercised over new gates to ensure they retain the ‘enclosed’ character of the existing wall the

overall effect on the street scene would be very similar to the existing, and will maintain the character of the Conservation Area.

5.9 The making of the new drive will require re-grading and removal of part of the existing green verge. The large green at the centre of the village is a distinctive feature of the settlement and is important to the character of the Conservation Area. The grassed verges along Ings Lane however, are limited in extent and do not have the same importance to the Conservation Area. Consequently, the removal of a limited amount of verge to form the entrance will not be materially harmful to the character of the Conservation Area or the general street scene. As Village Green land, consents will be needed to form the access across the verge, and this will be the responsibility of the developer to obtain, and does not preclude the granting of planning permission, if otherwise acceptable.

Note: As a development on its own, the making of the hardstanding and drive would be permitted development, in planning terms. This does not preclude that other consents may be required.

5.10 The proposed dwelling is 24 metres from the existing house, Rose View, which is sufficient to protect the amenity of the respective occupiers, particularly as the new house is offset from the existing. Each of the dwellings would have access to a private garden area. Access to the new dwelling would be past the gable end of Rose View. Rose View does not have window or door openings on the gable end, and the passage of cars in association with a single dwelling is not likely to cause significant loss of amenity to residents there.

5.11 With regard to highway safety, in this village location, on a no-through road, traffic would be relatively light, and subject to the views of the Highway Authority there is scope to assume that a further access onto the road would not be harmful to road safety. The site is close to a junction with another village road, and to the school, and it is predictable that at school arrival and departure times, traffic movements would be more intense. This would be for a very limited time in the day however, would be well understood and anticipated by residents, and subject to a normal standard of careful driving, the new access would not harm road safety. The Highway Authority do not object to the proposal.

5.12 As a single dwelling the development does not provide for public open space and the applicants have submitted a draft unilateral undertaking to pay a commuted sum of £2205.20, in accordance with the Open Space Sport and Recreation Supplementary Planning Document. The documentation is understood to be close to completion.

Observations of the Parish Council and others.

5.13 The Parish Council and a neighbour have expressed concerns about road safety which are addressed above. The suggestion has been made that a shared access is preferable, however an independent access for each dwelling would avoid the risks attendant on multiple users, and is presumed to be preferable unless advised otherwise by the Highway Authority. The observations of the Highway Authority have been received and make no objection on safety grounds. With regard to loss of green area, for the reason given above, whilst the green verge is an attractive feature, the addition of an access would not be significantly harmful. It is not clear whether the verges have the status of registered village green. If this is the case, it will be the responsibility of the developer to ensure that any other necessary permissions are obtained.

5.14 The Parish Council have commented that the change of use from the approved annex could set a precedent for similar developments, however as is usual in planning matters all applications have to be considered on their merits and for the reasons given above, the development is considered acceptable in this case.

Conclusion

5.15 For the reasons outlined above, the development is considered acceptable and approval is recommended subject to the finalisation of a Unilateral Undertaking to pay a commuted sum in relation to the provision of public open space. The development would not have a harmful effect on the character of the Conservation Area surroundings, the amenities of neighbouring occupiers, or on road safety. Approval of the change of use of the existing building would not materially undermine policy principles of sustainability

and following the lead of the NPPF and the precedent of the appeal decisions referred to above, can be considered acceptable.

5.16 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 the satisfactory completion of the Unilateral Planning Obligation to pay a commuted sum of £2205.20 towards the provision of Public Open Space, in accordance with the Open Space, Sport and Recreation Supplementary Planning Document, that planning permission be **GRANTED** subject to the following conditions

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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered HDC/1245/02; HDC/1245/03 received by Hambleton District Council on 14 March 2014 and 15 April 2014 unless otherwise approved in writing by the Local Planning Authority.

3. 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.

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

(i) The details of the access shall have been approved in writing by the Local Planning Authority.

(ii)(c) The crossing of the highway verge and/or footway shall be constructed in accordance with the Standard Detail number E6.

(iii) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(iv) That part of the access extending 6 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1:15.

(vi) The final surfacing of any private access and parking area within 6 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

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

Highway Authority, and thereafter shall be executed in accordance with the approved details.

(iii) A programme for the completion of the proposed works has been submitted. The required highway improvements shall include:

- a. Relocation of street name plate,
- b. Relocation of SV (safety valve) marker
- c. Details of footway reconstruction and new levels to comply with the Disability Discrimination Act 1995

6. Within 6 months of the date of this permission, unless otherwise agreed in writing with the Local Planning Authority, the related parking facilities shall be constructed. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

7. Notwithstanding the submitted details showing the proposed gate in association with the new parking area for Rose View, received 15 May 2014, no gates shall be erected except in accordance with details previously approved in writing by the Local Planning Authority. The gates shall thereafter be retained in this form, unless otherwise agreed in writing with 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 order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17, DP32.
3. In the interests of highway safety.
4. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
5. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
6. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
7. In the interests of the amenities of the Conservation Area, in accordance with Local Development Framework Policy CP16 and DP28.

Attention is drawn to the following Informatives:-

1. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
2. The applicant is advised that the proposals affect Registered Village Green and/or Common Land and accurate information can be obtained from County Searches Information. For information, a plan of the registered Village Green and/or Common Land is enclosed. No works shall be carried out on them until such time as consent has been granted under Section 194 of the Land and Property Act 1925. The applicant should contact: Commons Commissioners, Zone1-05B Temple Quay

House, 2 The Square, BRISTOL BS1 6EB for application forms in relation to Village Greens; or
Countryside Division, Common Land Branch, Zone 1-05A Temple Quay House, 2 The Square,
BRISTOL BS1 6EB in relation to Common Land.

Parish: Stokesley
Ward: Stokesley
7

Committee Date: 26 June 2014
Officer dealing: Mrs Jill Low
Target Date: 30 June 2014

14/00714/OUT

**Outline application for housing development (Use Class C3) of up to 183 dwellings, landscaping, means of access and associated infrastructure works
At: land at White House Farm, Stokesley, North Yorkshire
For: Northumbrian Land Ltd.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Outline planning permission is sought for the construction of up to 183 dwellings with associated infrastructure, with all matters reserved for subsequent approval, with the exception of access. An indicative master plan showing plot positions, landscaping, roads and footpaths has been submitted with the application, as part of the Design & Access Statement. The application site is an allocated site in the LDF Allocations Document – site SH1, White House Farm and Crabtree Farm, Stokesley.
- 1.2 To the west of the application site lies the main access road to Crab Tree Farm which lies to the north west of the application site and which will be separated from the new development by existing fields. Immediately to the north lies the allocated open space area SC1, which is intended to accompany development of this site and site SH2 and which also currently comprises open fields. To the south lies the B1635, (Westlands) and the buildings associated with White House Farm, and to the east is existing residential development served by Hebron Road.
- 1.3 The application site consists of arable agricultural fields with hedgerows containing a number of trees along the northern and eastern boundaries. The applicants propose to retain the existing boundary vegetation apart from where the new access will be created from the B1635. Levels across the site vary, though the land rises very gently northwards from the B1635 and dips along the north-west boundary. The site is generally open in character. A woodland buffer zone is proposed to be created along the western boundary of the site to help to screen the development from the west and soften what will form the new development limit boundary to Stokesley. The applicant also intends to carry out landscaping both within the site and within the allocated open space area to the north (SC1), but a definitive landscaping scheme would need to be submitted at the reserved matters stage.
- 1.4 The indicative proposal (as detailed within the Design & Access Statement) suggests that there would be a mix of detached, semi-detached, and terraced houses ranging from two, to two and a half storeys in height. The size of the new dwellings would be between two to four bedrooms. The applicant also proposes that some bungalows would be provided as part of the scheme. In addition, although not part of the application site itself, the applicant proposes to provide the greater part of the public open space allocation to the north, identified as site SC1 in the LDF Allocations Document, amounting to 2.76 hectares. (The remaining area of the allocated SC1 site (1.14 hectares) would need to be provided by the developer of the adjoining allocated development site SH2, to the north east of the applicant's site.) The provision of the SC1 public open space would be required by section 106 Agreement.
- 1.5 The applicant also proposes a smaller area of open space (0.965 hectares) within the application site, adjacent to the eastern boundary.
- 1.6 The application site comprises an area of 6.9 hectares and a total of 183 dwellings are proposed. The developable area is 5.3 hectares and this would result in an average net density of 34.3 dwellings per hectare. The applicant has committed to 32% affordable dwellings on site (59), of which they indicate that 29% would be 3 bedroomed, 53% would be 2 bedroomed, 7% would be 1 bedroomed apartments and 11% would be 2 bedroomed bungalows.

- 1.7 The main vehicular access into the site is proposed off Westlands (B1635), via a new roundabout which is proposed to be formed at the eastern end of the southern boundary. An emergency vehicle /pedestrian and cycle access is proposed mid way along the eastern boundary, linking in with Hebron Road. A further pedestrian /cycle access is also proposed linking with Leven Road and crossing the proposed public open space area adjacent to the eastern boundary. Both of these proposed new links would provide easy access for residents of the Hebron Road area to access the new area of public open space to the north, without having to walk along the B1635.
- 1.8 The application is supported by the documents including: a Planning Statement; Design & Access Statement; Transport Assessment and Travel Plan; Flood Risk Assessment; Arboricultural Reports; Ecological Report; Archaeology Report; Statement of Community Involvement; Site Access Plan and a Ground Conditions Desk Study Report; Site Plan; Site Location Plan and an Indicative Layout Plan.

2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

- 2.1 11/01300/OUT – Outline application for the construction of up to 213 dwellings, employment use (class B1) up to 2,900 sq. m including means of access. The housing part of the scheme was refused and dismissed on appeal, on the grounds of insufficient affordable housing and lack of provision of public open space, but the employment proposals were allowed in May 2013.

3.0 RELEVANT PLANNING POLICIES

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

The National Planning Policy Framework – March 2012

- 3.2 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied. Whilst the NPPF should be read as whole, Section 3 "*Supporting a prosperous rural economy*" Section 6 "*Delivering a wide choice of high quality homes*", Section 7 "*Requiring good design*" and Section 8 "*Promoting healthy communities*" are particularly relevant, due to their reference to housing delivery, affordable housing and recreation facilities and the need to promote the retention of local services and facilities and paragraphs 66 and 215 in relation to public consultation and implementation respectively.
- 3.3 The NPPF is supplemented by the National Planning Practice Guidance (NPPG), published online from March 2014.

Core Strategy Development Plan Document – Adopted April 2007

- CP1 - Sustainable development
- CP2 - Access
- CP4 - Settlement hierarchy
- CP5 - The scale of new housing
- CP5a - The scale of new housing by sub-area
- CP6 - Distribution of housing
- CP8 - Type, size and tenure of housing
- CP9 - Affordable housing
- CP16 - Protecting and enhancing natural and man-made assets
- CP17 - Promoting high quality design
- CP18 - Prudent use of natural resources
- CP19 - Recreational facilities and amenity open space
- CP20 - Design and reduction of crime
- CP21 - Safe response to natural and other sources

Development Policies Development Plan Document – Adopted February 2008

DP1 - Protecting amenity
DP2 - Securing developer contributions
DP3 - Site accessibility
DP4 - Access for all
DP6 - Utilities and infrastructure
DP8 - Development Limits
DP10 – Form and Character of Settlements
DP13 - Achieving and maintaining the right mix of housing
DP15 - Promoting and maintaining affordable housing
DP29 - Archaeology
DP30 - Protecting the character and appearance of the countryside
DP31 - Protecting natural resources: biodiversity/nature conservation
DP32 - General design
DP33 - Landscaping
DP34 - Sustainable energy
DP36 - Waste
DP37 - Open space, sport and recreation
DP39 - Recreational links
DP43 - Flooding and floodplains

Allocations Development Plan Document – Adopted December 2010

SH1 - White House Farm and Crab Tree Farm, Stokesley

Other Relevant Documents

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

4.0 CONSULTATIONS

Stokesley Parish Council

4.1 To be reported.

NYCC Highways

4.2 To be reported.

NYCC Education

4.3 Based on current school numbers there would be no contribution sought against this development for either primary or secondary school places. However, should the density of the site change we would have to reassess.

NYCC Development Management Archaeologist

- 4.4 The proposed development lies within an area of high archaeological potential. Archaeological evaluation undertaken on this site by Archaeological Services Durham University in response to pre-application advice revealed archaeological remains as follows:

Archaeological deposits were identified in evaluation trenches mainly in the southern part of the site. Ditches and gullies and a large pit relating to possible medieval enclosures and settlement were recorded in trenches 9 to 12. Flint tools, including an end scraper of probable Late Mesolithic/Early Neolithic date, indicate prehistoric activity in the vicinity. Pottery was recorded dating mainly between the 13th and 15th centuries with one possible Saxon piece, and palaeo-environmental assessment has shown deposits which appear to be typical for a medieval/post medieval settlement.

- 4.5 The evaluation indicates that the southern part of the site has high archaeological potential of significance; therefore ground works associated with the proposed development have the potential to disturb or destroy archaeological deposits across this part of the site. I would therefore, support the recommendations given in the report submitted by Archaeological Services Durham University that a targeted program of excavation, monitoring and reporting be focussed on the southern part of the site followed by post excavation analysis.
- 4.6 The northern part of the site, however, has a lower archaeological potential and therefore I would advise that an archaeological watching brief be carried out on all ground disturbing works associated with this part of the development.
- 4.7 If a programme of geotechnical investigation is proposed on site in due course, I would advise an archaeological response may be appropriate. The Historic Environment Team does not undertake archaeological work of this nature. The applicant/developer is advised to commission a professional archaeological contractor to prepare a written scheme of investigation (WSI) for, and to carry out, the archaeological work. The WSI should follow the Institute for Archaeologists' professional standards and guidance, and be formally approved in writing prior to implementation. I would request that a copy of any resulting reports from the archaeological fieldwork be forwarded to the Historic Environment Record Officer at North Yorkshire County Council for inclusion in the North Yorkshire Historic Environment Record.

NYCC Public Rights of Way

- 4.8 To be reported.

HDC Environmental Health Officer

- 4.9 To be reported.

HDC Sustainable Development Officer

- 4.10 The environmental sustainability credentials of this scheme are un-defined at this stage, as it is an outline application. Homes built must meet the highest possible levels of energy and water efficiency and should also include on-site renewable energy to minimise energy demand, maximise reclaimed material use and minimise new material used during construction, design homes so as to minimise levels of waste in home use, and minimise transport need, make use of rainwater catchment (water butts) for outdoor water use etc.
- 4.11 I would like to see the retention of as much mature hedgerow & trees in the design as possible, for biodiversity, visual appeal and secure boundaries to new private gardens. Also, planting of both public space and residential gardens with native trees and shrubs, some being fruit / nut producing for wildlife, interest and use by development residents. As well as the wetland, drier areas of the public open space (to the north, and some of the area within the development) could be seeded as wildflower meadow. Adhere to recommendations of the habitat, bat & reptile survey.

HDC Leisure Services Officer

4.12 I can confirm that from a community leisure perspective we support the plans for the White House Farm development and the public open space lay out. Following a consultation we facilitated in May 2011 the community wanted the recreation to be used for 'informal' recreation and the following uses were agreed.

- A 'trim track' available to the whole community
- Community allotments
- A picnic area
- An unstructured activity park
- Provision for elderly people
- The inclusion of defined footpaths early in the project's development
- A 'green' amphitheatre
- The planting of natural/fruit hedgerows and indigenous trees where appropriate

The applicant would also need to provide children's play facilities and together with teenager/young person's facilities on the site.

HDC Senior Engineer (Drainage)

4.13 I have examined the Environment Agency's comments and support their observations that the flood risk risks identified in relation to the site can be managed by appropriate design measures.

HDC Housing Manager

4.14 This site lies within Stokesley Sub Area where there is a target for 50% affordable housing on residential development sites.

4.15 As well as being a high demand area for family housing Stokesley has a relatively high proportion of older people (34% of households are aged 65 plus). Like Hambleton's other service centres it is a popular location for home-owners seeking to downsize and purchase more 'manageable' homes (including 2 bedroom bungalows) on the open market. Data from Homechoice also shows a high demand for affordable 2 bedroom bungalows for older people.

4.16 This site was been the subject of a previous planning application which was refused by the Council in May 2012, one of the reasons being the failure to deliver a sufficient level of affordable housing without reasoned justification. The application went to appeal in May 2013 and was dismissed. Since then the developer has reviewed its position regarding the affordable housing contribution.

In this new outline application the developer is proposing 32% affordable housing on the site. Based on a total 183 of homes 59 would be affordable.

4.17 The proposed mix of affordable homes is as follows:

29% 3 bed houses
53% 2 bed houses
7% 1 bed apartments
11% 2 bed bungalows

4.18 The offer of 32% affordable housing is considerably lower than the target of 50% but is accepted since it has been evidenced through a viability appraisal which has been reviewed by the Council's independent consultant.

4.19 The mix of affordable house types is supported and the applicant's willingness to offer some 2 bedroom bungalows for affordable housing on the site is particularly welcomed as this will assist older tenants to downsize and enable RP partners to make better use of their existing stock.

- 4.20 At the detail stage the affordable homes must be clearly coloured up on a site layout plan indicating their tenure and submitted with a schedule confirming plot numbers, property types/sizes/tenures and transfer prices. Their tenure should comprise a mixture of social rented and intermediate tenure (normally 70/30 split) and the homes should be 'pepper-potted' throughout the development in clusters of no more than 8 dwellings. Older people's bungalows should be pepper-potted across the development to promote a sense of community.
- 4.21 The minimum size and transfer price of the affordable homes must accord with the schedule contained in the Council's Affordable Housing SPD. Based on research undertaken by the Housing team there is also evidence to support the provision of some small open market bungalows on the site to improve the housing 'offer' for existing home owners wishing to downsize. Housing would ask that a small percentage of the open market homes are 2 bedroom bungalows.

Northumbrian Water

- 4.22 Having assessed the proposed development against the context outlined above we have the following comments to make:

The developer has made a pre-development enquiry to NWL which we responded to on 22nd February 2011. In this response, we stated that a sewage pumping station which this development discharges to requires an upgrade before it can accept any further flows. Until the upgrade has been carried out on this pumping station, we would request a condition requiring that development shall not be occupied until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority.

The Environment Agency

- 4.23 Outline planning permission could be granted if a planning condition is included which requires that before each phase of development is approved, no development shall take place until such time as a scheme to mitigate against surface water run-off has been submitted to, and approved in writing by, the Local Planning Authority. This scheme should include:
1. The design for a detailed surface water drainage scheme.
 2. Calculations for the site's current greenfield run-off rate. This rate should be applied to the impermeable area of the proposed development so sufficient surface water storage capacity can be identified
- 4.24 The scheme should be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. Please note that, although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to the properties at the proposed development or other properties in the Stokesley area
- 4.25 Whilst part of the proposed development is located within flood zone 3, our latest modelling shows that the site would only be affected in the extreme flood event (1 in 1000 year) in the defended scenario. As the depth and velocity of the flood water through the site during the extreme events are low, the risk to life and property is reduced.
- 4.26 Finished floor levels have been set above the 1 in 1000 year flood event with 150mm freeboard so that the properties are not flooded during the extreme event. Compensatory storage is not required on site as any displaced flood waters which occur as a result of landscaping and raised areas should flow towards the River Tame flood plain to the north west of the site. The increase in depth of the lying flood waters to the north west of the site will not cause an increase in flood risk to the site or elsewhere.

- 4.27 We recommend that the developer uses the depth and velocity information available to work out the danger rating at each of the access points to the site. This will help inform emergency planners when assessing the application. Surface water storage has been considered in the FRA however conditions are recommended

Police Architectural Liaison Officer

- 4.28 The layout of this estate looks reasonable and I am pleased that there are no rear parking courtyards which facilitates car crime.
- 4.29 Recommendation 1: I would simply recommend that these houses actually attain Section 2 of Secured by Design Certification, and not just conform to the principles of Secured by Design, (SBD), which has shown in the past to be vastly different. Secured by Design status reduces burglary by over 70%.
- 4.30 Recommendation 2: I would recommend that any footpaths / cycle paths forming part of this estate be 3m wide with a 1m buffer zone on each side. The paths should be as short and straight as possible and have lighting.
- 4.31 Recommendation 3: I would recommend that the perimeter fencing for this estate is fencing 1.8m high. This would reduce the potential for crime for those dwellings located near the periphery of this intended estate, as well as vehicles parked there as well.
- 4.32 Recommendation 4: Play areas - whilst there is no specific mention of any play areas at this stage of Planning, should there be a play area provided several criteria that should be adhered to are recommended.
- 4.33 Recommendation 5: Security during the construction phase - at this venue I am very concerned with the crimes that will be committed during the construction phase of 6years. Adequate security must be in place. This should include robust perimeter fencing of the site and a monitored alarm system for the site cabins, including those cabins housing materials. Security of plant equipment and security of any fuel storage should be demonstrated. There should be a dedicated secure area in which contractors can park their vehicles, which may have a significant value of tools stored in them when the contractor is working on site. Theft from such vehicles in these circumstances is not uncommon and should be addressed. The name of the contractor and signage with an emergency contact telephone no. should be displayed at several places on the perimeter fencing. This allows the public to report suspicious circumstances.

Natural England

- 4.34 The proposal is unlikely to affect any statutorily protected sites or landscapes. Standing Advice should be used to enable an assessment to be made of protected species survey and mitigation strategy. The application may provide opportunities to incorporate features into the design such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The application may also provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably and bring benefits for the local community through green space provision and access to and contact with nature.
- 4.35 If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Ramblers Association

- 4.36 No objections, subject to a contribution towards the Stokesley/Great Ayton cycleway.

Network Rail

- 4.37 No observations.

Northern Gas Networks

- 4.38 No objections to the proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail.

Pre-Application Consultation

- 4.39 The applicant distributed leaflets to over 1700 households and businesses in Stokesley describing the proposals and explaining how to access a dedicated website regarding the scheme and how to make comments. A public exhibition was held at Stokesley Town Hall on 10th March 2014, whereby Town and District Council Members were given the opportunity to view the plans between 2pm and 3 pm with a public drop-in session from 3pm to 7pm.
- 4.40 The exhibition was attended by approximately 30 people who also completed questionnaires. The applicant acknowledges that this is a very low turnout but believes it is reasonable to assume that this is because the application site is well known locally and allocated for development in the Local Development Framework. The applicant has summarised and appended the responses received to the Statement of Community Involvement. The applicant has included analysis of the responses and commented on the issues raised. They note that of those who responded 40% did not object to residential development on the site. Of those who objected, 55% lived within 0.3 miles of the site. Thirty eight per cent of respondents did not object to the emerging proposals although a number of residents cited concerns regarding flooding and perceived impact on traffic.

Publicity

- 4.41 The application was advertised by site notice and directly to the neighbouring residents. The consultation period expired on 23 May 2014 and at the time of writing the report 23 representations objecting to the scheme have been received, and 1 letter of support, which are summarised below:
- a) **Effect on infrastructure and Services** – Swamping Stokesley is not a credible option. Medical and Education facilities would be inadequate. Primary school, doctor and dentist are full to brimming.
 - b) **Spoil Character of Stokesley** - Adverse impact on character of lovely and unique Market Town. Stokesley will eventually resemble Guisborough, the heart of which has been torn out by the constant building of large new estates. If Tanton Rd also goes ahead there will be 500 new dwellings and possible increase in population of 20%. Stokesley will struggle to maintain its identity of a rural market town.
 - c) **Emergency Access** - Hebron Road is already over-parked and we would be surprised if any emergency vehicles could manoeuvre safely if called upon to do so. I am also not happy that they are building a emergency exit into the estate from Hebron Road, there should be enough infrastructure already built into the estate, rather than having to have an emergency entrance from Hebron.
 - d) **Inadequate Access** - The entrance to the development is on to an already busy road, with a blind corner (near the White Swan). We feel if the plans were changed and the entrance moved further along Westlands Road, after the large trees next to the Farm Track this would benefit the elderly residents of Leven Road.
 - e) **Bicycle /Pedestrian Routes** - The developers have indicated a bicycle /pedestrian route to the rear of some Leven Road/Hebron Road properties. As residents we have checked and found that the proposed cycle route is across the rear garden of a house on Hebron Road and not a through footpath as depicted on the plans.
 - f) **Impact on elderly residents** - We feel greater consideration should be given to the elderly residents and the impact on their peaceful enjoyment of their homes as this would be severely

compromised by this development. We feel the developers could change their plans to alleviate some of the problems by putting the open landscaped, public amenity and woodland buffer immediately behind the existing Leven Road/Hebron Road properties.

- g) **Transport /Traffic/Parking** - We were also told that the developers had carried out a transport consultation and were satisfied that the current public transport would be adequate for the new and existing residents. When questioned it transpired that they did not know that the bus services have been reduced by 50% as the consultation had been carried out prior to the reductions. There is no public transport from 6pm and no transport whatsoever on a Sunday. B1365 cannot cope with any more traffic – is a narrow twisting road with bends and has many accidents. Parking in Stokesley is already difficult especially on Fridays and Saturdays. High Street gets snarled up at busy times. This development will not only cause chaos to the rush hour access to and from Stokesley via Westlands, it will impact on the infrastructure of the Town, which is at capacity already. The main route for contractor vehicles to attend the site will either be through Stokesley, Seamer or Hutton Rudby - none of which could cope with heavy construction traffic. Could easily place an extra 500 vehicles on the local road network, with associated noise, pollution and increased accident risk.
- h) **Public Consultation** - We are also concerned that the invitations to the so called Public Consultation were only distributed to some of the residents of Hebron and Leven Roads and delivered on the Friday evening prior to the meeting on the following Monday i.e. 2 days notification only. We feel that this was a deliberate ploy to discourage and minimize attendance and are concerned that the owner/occupiers on Riverslea Estate were not informed at all and this proposal will impact greatly on their one entrance and exit onto Westlands Road.
- i) **Cumulative Impact** - concerned that the current proposals do not take into consideration other developments in and around Stokesley and hope that our issues will be thoroughly investigated and taken into account when you are considering this latest proposal.
- j) **Flooding/ inadequate sewerage capacity** – Site is prone to flooding. Just building the houses with a higher floor level is not reasonable. Can the existing sewage and drainage arrangements support a new development? I live in Hebron Road and we already have problems with drainage, and I am not happy that these houses are proposed to be built higher than ours - thus possible issues with drainage could ensue. The applicant has failed to address the issues on flooding adequately, on the one hand they state there is no risk, however, they further propose to elevate their properties above what is considered normal, thus while protecting their own development, this does little or nothing to address the risk to properties on Hebron Road et al. Also if there is no risk of flooding why does the application talk of evacuation route to the east and why does this development need a very wide emergency access from Hebron Road.
- k) **Anti-Social Behaviour** - I have a cut through to Sowerby Crescent next to my home which still causes unsociable behaviour with youths going into and out of town - I cannot see it getting any better with the building of more houses nearby
- l) **Green Energy** – Is there anything that will make these houses greener to produce energy and offset the carbon?
- m) **Affordable Housing** - This plan is written in a manner to "get around" the Rural Development Plan that requires 50% of new build to include "affordable housing". This plan is written in such a manner as to down-play this requirement, whilst giving no indication as all as to what % of affordable housing will be built within the scheme. Given this is the main reason the last plan was rejected by the District Authority and the Central Government Appeal Officer. The commitment to 44% affordable housing has been reduced to 33%. The original application was for 50% affordable housing, I understand this has been considerably reduced, also the determination of affordable is also seriously flawed. The town plan insists on no migration from the so called Tees Valley area of Durham, so to access affordable housing, should mean the average gross wage for Stokesley agriculture area, which would be less than £25K per annum, so based on 3.5 times the gross earning for mortgage purposes would see houses at £75K plus 10% for deposit purposes. No consideration should be given to "help to buy" in determining affordable status. The make -up does not address the housing needs of the town. At the very least they should be a third exec/family homes, a third 'affordable' and a third 'first-time buyer', therefore positively contributing to the diversity and sustainability of the community. As it presently stands the proposal does not even meet the minimum needs of affordable housing alone and should therefore be turned down. People who grew up here should be able to buy a

property at an affordable price but I doubt very much that this development would provide that option.

- n) **Increase commuting** –Will become a commuter suburb of Middlesbrough
- o) **Overdevelopment** - Too many dwellings planned for the land space, will devalue properties in the area and is not in keeping with the local area. Excessive development on the edge of a typically small rural market town. 183 is far too many.
- p) **Loss of Fields/Impact on wildlife** - Object to the loss of green areas. Will destroy natural habitat and wild life. Loss of primary agricultural land.
- q) **Other Objections**
 - There is not a housing shortage in the area so why build more houses?
 - There is not a need for this estate;
 - An established tree and hedge have already been removed where construction traffic would need to enter the site;
 - Should make use of brown field land; and
 - We need our arable land to grow food.

4.42 In addition, 1 letter of support for the scheme have been received, from CPRE commenting that CPRE (Hambleton District) has no objection to this development at White House Farm. As always there is a demand for affordable housing, and also ground floor accommodation for elderly people, who have a difficulty in climbing stairs, which may delay their release from hospital.

5.0 OBSERVATIONS

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

- a) The principle of the development in relation to the LDF Allocations Document
- b) Housing mix, type & tenure
- c) Affordable housing
- d) Public open space
- e) Education
- f) Highways issues
- g) Drainage & flood risk
- h) Design & layout
- i) Sustainable construction
- j) Landscape & visual impact
- k) Trees & ecology
- l) Archaeology
- m) Ground conditions
- n) Impact on residential amenity
- o) Other developer contributions
- p) Infrastructure & services
- q) Community engagement

The Principle of the Development

5.2 The application site is allocated for development in the LDF Allocations Document, adopted December 2010. This site was chosen for development in preference to other potential sites because it –

- With site SE2, is capable of accommodating all the required uses (housing, employment and recreation);
- Respected the existing settlement form of Stokesley
- Provided the most sustainable development option on available land
- is located near to existing public transport routes, close to local shops and services
- Is accessible from existing transport routes and are within reasonable walking / cycling distance of Stokesley Town Centre
- Has satisfactory access to the road network with opportunities for pedestrian links to the town centre; and

- Is available in the short to medium term.

- 5.3 It is important to distinguish that the previous planning application (11/01300/OUT) which was refused on appeal, differs from the current proposal in that it proposed mixed-use development incorporating housing development on site SH1 (the current application site) and employment development on SE2 (south of Westlands). The current application proposes housing development on SH1 only. It is anticipated that development of the SE2 site will be the subject of further discussions and will come forward at a later date.
- 5.4 Policy SH1 requires that the development should be at a density of at least 35 dwellings per hectare on the net developable area and it was estimated at the time that this would give rise to at least 213 dwellings of which 50% should be affordable. The Policy also requires suitable and safe access to be provided from Westlands with a secondary access point from Hebron Road sufficient to serve the developments at SH1 and SH2. In addition, the Policy identifies that contributions should be made towards providing improved cycle and footpath links; that the land at SC1 should be provided and equipped as public open space and the potable water network may need to be upgraded. Finally the Policy requires that no residential development should take place within areas of potential flooding and that significant landscaping should be provided along the western boundaries.
- 5.5 For reasons relating to flood risk, (see paragraph 5.22 below) the net area proposed for housing development in this application has been reduced to 5.33 hectares. This means that the number of dwellings overall has had to be reduced from 213 to 183 dwellings. The density of development proposed is now 34.3 dwellings per hectare, which is slightly below the 35 dwellings per hectare required by Policy SH1, but it is considered close enough to be acceptable.
- 5.6 The application provides vehicle access into the site from Westlands as required by Policy SH1. Whilst the proposed access road running through the site would adjoin the red line site boundary to the north east of the site, it does not directly adjoin the boundary with site SH2. This means that there would need to be negotiations between the applicant and the adjoining land owner at SH2 to provide access into that site. The Planning Authority cannot use a planning condition to require the applicant to make the access road meet the boundary with the adjoining land. It is intended that the applicant agree by way of a section 106 Agreement that any future developer of site SH2 be permitted to access the site utilising the new access road from Westlands but any negotiations between the two developers regarding ransom strips would be a private matter. Although the application does not strictly follow the requirements of Policy SH1 in this respect, it is likely to comply with it in that a 3m wide emergency access to Hebron Road is to be provided and this constitutes a secondary access. The comments of the Highway Authority regarding this are still awaited, but it is likely that it will consider the emergency access to be a reasonable alternative.
- 5.7 The other requirements of Policy SH1 are considered in detail below. However, in general terms the proposal is in accordance with the Allocations DPD which allocates this site as being appropriate for residential development.

Housing Mix, Type & Tenure

- 5.8 Policy CP8 of the adopted Core Strategy states that “Proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure of dwellings. These needs will include appropriate provision for all sectors of the community, for example including the needs of elderly people...”
- 5.9 The applicant’s Planning Statement indicates that a mix of 2 - 4 bed dwellings (market housing) would be provided. The applicant has indicated that some elderly persons’ accommodation (e.g. bungalows) could be provided as part of this scheme. It would be appropriate for an appropriate proportion of accommodation within the site to be designed to meet the needs of elderly people, in line with the identified need. The Council supports mixed communities and would seek appropriate provision for elderly people if permission were to be granted, in line with LDF policies CP8 and DP13.

Affordable Housing

- 5.10 The applicant has offered to provide 32% affordable housing on site. This does not meet the Policy CP9 50% target. However, since the site was allocated for development, the Environment Agency has updated its 'undefended' flood maps for the Stokesley area which now show a proportion of the application site in Flood Zone 2 (all of the remainder being in Flood Zone 1). As well as having the effect of reducing the developable area, the applicant, in developing the scheme, will need to carry out mitigation measures including raising floor levels of the dwellings, which will add to the costs of the scheme. This has been taken into account in considering the viability of the scheme overall and the 32% affordable housing provision is considered reasonable in this case, following a review of the figures by the Council's independent consultant. The affordable housing offer within this application is significantly improved on that of the last application, which originally included a 0% affordable housing offer, which was increased to 10%, then 15% and to 20% at appeal. The Inspector agreed with the Council that none of these offers was acceptable and dismissed the appeal accordingly.
- 5.11 The applicant, at the time of writing this report, is in the process of preparing a draft Section 106 Agreement which includes the provision of 32% affordable housing, (59 units), distributed throughout the development, with tenure mix and types in accordance with the Housing Manager's comments. Twelve bungalows are to be included as part of the scheme with 6 of these being affordable units.

Public Open Space

- 5.12 Policy DP37 of the adopted Development Policies DPD requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in recreation provision related to the development.
- 5.13 Section 4 of the Open Space, Sport & Recreation Supplementary Planning Document (Open Space SPD) identifies that developments of between 80 and 300 dwellings should make provision for amenity green space, public parks, play areas and facilities for teenagers on site. In addition, off-site contributions will normally also be sought to ensure Policy DP37 Standards are met, because the Council's evidence base indicates significant shortfalls in the amount of amenity space in all sub areas (see paragraph 4.12 of the Open Space SPD).
- 5.14 The applicant has confirmed that they would provide and equip site SC1, to the north of their development in association with the developer of the adjacent SH2 site, as required by the Allocations DPD. A smaller area of Public Open Space is also to be provided adjacent to the eastern boundary within part of the area which is now within Flood Zone 2. A commuted sum for off-site outdoor sports facilities is also required, together with a sum for maintenance costs. At the time of writing this report the applicant is considering how best to deal with the future maintenance of the open space areas and a further report will be made on this and the sum agreed as a contribution to outdoor sports facilities at the meeting. A Section 106 Agreement will be necessary to secure the future provision of the Public Open Space, in accordance with a scheme to be submitted to and agreed in writing with the Council, in consultation with the local community, prior to implementation.

Education

- 5.15 Policy DP2 of the adopted Development Policies DPD stipulates that contributions will be sought where necessary to ensure the achievement of sustainable development, including the provision of additional infrastructure whenever there is a need generated by the new development. This includes, amongst other things, provision of additional children's services/facilities where existing services in the area have insufficient capacity to cater for the potential increase in the number of children, or are appropriately placed to serve a development, having regard to the need to minimise travel, consistent with Core Policy CP2.
- 5.16 In addition, Policy DP5 of the Development Policies DPD advises that support will be given to the provision and enhancement of community facilities with a view to maintaining sustainable communities. Policy DP6 on utilities and infrastructure seeks to ensure new development is capable

of being accommodated by existing or planned services

- 5.17 NYCC Children and Young Peoples Service has confirmed that in this instance a contribution towards schools in Stokesley would not be required.

Highways Issues

- 5.18 A Transport Assessment (TA) and a Travel Plan have been submitted with the application. The TA examines the transport related impacts of the proposed development. Access to the site by all modes of transport has been fully considered with both positive and negative impacts identified. The TA concludes that the additional generated traffic can be readily accommodated on the local road network such that no mitigation measures for capacity or safety reasons are required.
- 5.19 The Highway Authority is still reviewing the Highway aspects of the scheme and a verbal report will be made on this at the meeting. However, the Highway Authority did not object to the allocation of this site or the previous larger outline application, which involved the same access arrangements now proposed, so there is no reason to expect adverse comment.

Flood Risk & Drainage

- 5.20 Policy DP43 of adopted the Development Policies DPD outlines the Council's approach to development and flooding and states that development will only be permitted if it has an acceptably low risk of being affected by flooding assessed against the Environment Agency's flood zone maps, other local information and where all necessary mitigation measures on or off site are provided.
- 5.21 Policy DP6 of the adopted Development Policies DPD stipulates that new developments must be capable of being accommodated by existing or planned services, and must not have a seriously harmful impact on existing systems, worsening the services enjoyed by the community. These systems include surface water drainage and sewage disposal.
- 5.22 At the time that the site was allocated for development in the Local Development Framework, the Environment Agency advised that the site was in Flood Zone 1 and as far as it was aware from its records the site had not actually flooded. However, improved modelling for predicting floods used by the Environment Agency shows that the part of the application site is predicted to be at risk of flooding from a 1:1000 year event and as such measures are required to be adopted to make the development safe, appropriate and also not to exacerbate flooding offsite. This raises the issue of the Sequential Test, required by the National Planning Policy Framework, whereby sites that are not prone to flooding should be used for development in preference to sites which are at risk. In this instance the Sequential Test was carried out at the Allocations stage of the LDF process using the Environment Agency's original advice. The new National Planning Policy Guidance advises "The Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test." In this instance the applicant has submitted a Flood Risk Assessment (FRA) with their application which seeks to mitigate any flood risk and which states:

"It is evident from the information provided by the EA, and subsequently agreed with the EA representatives that the site is affected by predicted flooding for the 1:1000 year defended scenario from the South East corner entering the site at around 66.00m AOD and then falling gradually off to the North West of the site where it leaves the proposed development footprint at or around 65.00m AOD to the large predicted flood area of the River Tame.

It is further evident from the information supplied by the EA that the flooded depth entering the site under the 1:1000 year event is shallow, between 0.0 and 0.15m maximum at low flow velocities. It is considered whilst this area is predicted to flood, the depths and predicted velocities would be such that they could be managed on site by careful flood routing through the development and this strategy was subsequently agreed with the EA.....By increasing site levels above the predicted flood levels and creating a flood corridor through which the predicted flood waters can safely pass through

the site it is estimated that 6770m³ of flood waters would need to be displaced from the site to accommodate this. This displaced volume would, by the very nature of the site topography, be displaced to the flooded area of the River Tame.”

5.23 The following recommendations are made in the FRA:

- Off-site surface water discharges should be restricted to green-field run-off regardless of the final detailed design of the surface water drainage systems. All flows will be attenuated.
- Floor levels to all dwellings on the site are to be set at or above 66.150m AOD. This will ensure even at the highest predicted level of the most extreme event 1:1000 years that sufficient freeboard exists to all habitable properties.
- The flood route is adopted and maintained at the design levels required to ensure flow through the site is unimpeded for the 1:1000 year event. Levels for the flood route will follow as closely as possible the existing topographic levels from 66.0m AOD South East down to 65.00m AOD North West to facilitate the flood route. Land will be re-profiled adjacent to ensure properties are maintained above the 66.15m AOD level.

5.24 Whilst the site may be at some risk of flooding, the risk is relatively small as the scenario that is being planned for is a 1 in 1000 year event as opposed to a 1 in 100 year event which is more commonly planned for by Flood Risk Assessments. Both the Environment Agency and the Council’s Senior Drainage Engineer are unaware of any previous flooding at the application site and they are satisfied that the measures proposed in the submitted FRA would deal adequately with any future flooding issues.

Design & Layout

5.25 Policy DP32 states that the design of all developments must be of the highest quality. Attention to the design quality of all development will be essential. Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness.

5.26 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.” The NPPF also emphasises, in paragraph 66, the importance of public engagement in evolving good design. That is considered later in this report.

5.27 The application is submitted in outline form and therefore the detailed design (including the impact on neighbours) and density would be determined at a later date through the submission of reserved matters applications.

5.28 Notwithstanding the need for future reserved matters applications, an indicative master plan has been submitted with the application and shows how a development of approximately 183 dwellings could be designed.

5.29 The broad principles of the illustrative layout are considered to be acceptable. However, the principle and broad scale and form of development must be settled first and the Council would expect further pre-application discussions to take place, concerning external appearance, design and layout, in advance of any reserved matters application being granted planning permission.

Sustainable Construction

5.30 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. This could be achieved by

means of a suitably worded condition to secure a scheme for suitable design improvements and/or the installation of suitable renewable energy technologies.

Landscape & Visual Impact

- 5.31 Policy DP30 of the adopted Development Policies DPD seeks to protect the character and appearance of the countryside. The design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views. The landscape and visual impact of the development in the area was considered at the time that the site was allocated for residential development. It is considered that the site would not have a significant impact upon any important landscape features or character areas.
- 5.32 The application notes that whilst there would be a loss of agricultural land as a result of the development the applicants intend to keep most of the existing landscape features such as the hedgerows and trees along the boundaries. In addition, in accordance with the requirements of the LDF Allocations Document, a new Woodland Buffer is proposed to be created along the western boundary which would soften the appearance of the site when approaching along the B1365 from the west.
- 5.33 Views from houses looking onto the site would inevitably be adversely affected by the development, for those properties with open views. However, loss of a private view or outlook is not a material planning consideration.

Trees & Ecology

- 5.34 Policy DP31 of the adopted Development Policies DPD states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'. In response to the requirements of this policy, the applicants have submitted an Arboricultural Assessment, and an Ecological Appraisal. A survey and assessment of existing trees has been carried out in accordance with British Standard 5837:2012 '*Trees in Relation to Design, Demolition and Construction - Recommendations*' (BS5837).
- 5.35 The applicant proposes the retention of the majority of boundary trees, integrating them into the landscape buffer margins at the edges of the site. Overall, the Arboricultural report concludes that the proposed new development would retain the majority of trees on the site and that these should be adequately protected during construction works.
- 5.36 The Ecological Appraisal concludes that no habitats listed within the UK Biodiversity Action Plans are represented on site. It is recommended that mature trees are retained for their intrinsic ecological value. No evidence was found of badgers, otters water voles or protected bird species. However, habitats capable of supporting protected reptiles were recorded, all of which were well connected. A reptile survey of the site completed between March and May 2011 did not record any reptile activity on site. The report concludes that it is considered unlikely that reptiles are resident within the development area. There is also a resident population of pipistrelle bats in the farm buildings on the SE2 site opposite the application site, which use the site for foraging.
- 5.37 Potential impacts of the development in order of conservation significance are:
- Loss of hedgerow vegetation and trees that may be used by breeding birds and as a commuting and foraging route for bats;
 - Loss of an area of good quality reptile foraging habitat and patches of tall ruderal vegetation; and
 - Loss of a mature sycamore tree with a medium bat roost risk.
- 5.38 The report proposes a number of mitigation measures to deal with these issues and suitably worded conditions could be imposed to secure the implementation of these mitigation measures.

Archaeology

- 5.39 Paragraph 128 of the NPPF states that “Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate Desk-Based Assessment and, where necessary, a field evaluation.”
- 5.40 The applicant has submitted an archaeological report which presents the results of an archaeological evaluation based on the excavation of 12 trenches across the site. It is recommended that the potential impact of the development on the archaeological resource is mitigated by a targeted programme of archaeological excavation, monitoring and reporting, focused on the southern part of the site. The County Council Archaeology Team have recommended that appropriate conditions be applied to require this

Ground Conditions

- 5.41 The applicant has submitted a desk study Ground Conditions Report which concludes that significant contamination is unlikely to be present and that any made ground encountered will be isolated and relatively shallow. The study recommends that a Phase 2 intrusive investigation be carried out prior to development taking place. Environmental Health Officers recommend conditions for assessment of the risks posed by contamination and a requirement for remediation works to be carried out, should permission be granted.

Impact on Residential Amenity

- 5.42 There are a number of residential properties which back onto the application site. Issues in respect of overlooking and loss of privacy would be considered at reserved matters stage if outline permission were granted. The applicant has submitted sufficient information in the illustrative layout to show that a scheme could be designed such that impacts could be minimized.
- 5.43 A letter received on behalf of residents of Leven Road has suggested that the proposed roundabout and vehicle access into the site should be moved further along Westlands away from residential properties. These concerns are noted, though there is really only one property likely to be affected by the siting of the roundabout entrance. The principle of the location of the access was agreed when the previous application was considered on appeal. The proposed location would involve the loss of 3 trees along the frontage to Westlands and if it was moved further west it would be likely to involve the loss of further trees. Inevitably there will be some loss of amenity to the occupants of the nearest residential property, but this needs to be weighed against the need to provide a suitable and safe access to the site with minimum loss of trees. The access is not a reserved matter and if permission is granted the location will be fixed. The comments of the Highway Authority are still awaited and a further report will be made on this matter at the meeting.
- 5.44 A comment has been made that one of the bicycle/pedestrian routes shown on the indicative plan passes through the rear garden of a property on Hebron Road. This matter has been raised with the applicant and an update will be made at the meeting.
- 5.45 Some residents have commented that the proposed woodland buffer zone to the eastern boundary should be provided along the western boundary to provide a buffer between the new development and Hebron Road residents. The woodland buffer to the east is a specific requirement of Policy SH1. At the detailed planning stage consideration will be given to the layout to ensure that any loss of amenity to residents is minimised. However, the allocation did not foresee a need for a buffer on the eastern boundary, where gardens of new dwellings are expected to abut gardens of existing dwellings.
- 5.46 A number of comments have been made with regard to traffic, parking and transport. The comments of the Highway Authority are still awaited and a report on these issues will be made verbally to the

meeting. However, the traffic generation of this development would be less than envisaged in the allocation of approximately 213 dwellings and proposed in the previous application for the same number, which was considered acceptable in that regard.

Other Developer Contribution Requirements

- 5.47 During the development of the Allocations DPD a need was identified for footpath and cycle-way links between Stokesley and Great Ayton. Therefore contributions towards the cycle-way would be required from the development, in line with policies DP2 and CP2. Details of the scheme can be found in the Stokesley and Villages Regeneration Group Cycle-ways Report (August 2010). The applicant has agreed to pay £54,964, towards the cost of the first phase of the proposed cycle route and this is to be covered by a section 106 Agreement.
- 5.48 Policy SH1 requires a contribution towards the upgrading of the potable water network if necessary to enable a suitable supply to be made available to the new development. The applicants have allowed for this in their viability assessment. However, Northumbrian Water has not confirmed whether or not this will be necessary. In the event that it is not required, the funding for this should be put towards additional on-site affordable housing provision. These matters will need to be covered by a Section 106 Agreement.

Infrastructure & Services

- 5.49 Policy DP5 of the Development Policies DPD on community facilities advises that support will be given to the provision and enhancement of community facilities with a view to maintaining sustainable communities. Policy DP6 on utilities and infrastructure seeks to ensure new development is capable of being accommodated by existing or planned services
- 5.50 Local residents have raised concerns about the impact on existing and planned services. Whilst the concerns of local residents are acknowledged, service providers tend to adopt a reactionary approach to service delivery rather than a pro-active approach and generally allocate resources when the need arises. Whilst the aim of the planning system is to promote sustainable development and economic growth, it can only go so far in co-ordinating service delivery. Ultimately, it is the responsibility of service providers to plan effectively for the needs of the existing and future community. However, where a service provider can demonstrate that infrastructure cannot support a development and that development cannot provide or fund the necessary investment in infrastructure to address this, planning permission may be refused.
- 5.51 Responsibilities for health care provision have been transferred to the Clinical Commissioning Group (CCG). The CCG is not yet in a position to respond to planning application consultations. The formulae for calculating the majority of planning benefits are drawn from policy and Council priorities and therefore these take precedence. However, the contribution required for the local health care facilities is not prescribed and therefore no sum has been sought.

Community Engagement

- 5.52 Public consultation by developers of large sites at the pre-application stage should be a genuinely meaningful exercise and must be guided by the Council's Statement of Community Involvement and paragraph 66 of the NPPF.
- 5.53 Paragraph 66 of the NPPF sets an expectation that developers should work closely with those affected by their proposals to evolve designs that take account of the views of the community. This is reflected in the Council's Statement of Community Involvement (SCI), which requires that communities are offered genuine choice and a real opportunity to influence proposals in consultation exercises. The NPPF states that proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.
- 5.54 The Council's SCI makes clear that developers should discuss and agree the exact nature of

consultation in advance. In this case the applicant's agent did consult with the Council on the content and nature of the pre-application consultation. They acknowledge that most people who responded to the scheme are against the development, but nevertheless have analysed the comments submitted and responded to them. All of the comments made are listed as an appendix to the Statement of Community Involvement.

6.0 CONCLUSION

6.1 The surveys and consultations carried out by the applicant show that the site is capable of development and no objections have been raised by statutory consultees to the development of the site. The site is allocated for development in the LDF Allocations Document and the submitted scheme is in accordance with Policy SH1 of that document, in all respects, apart from:

- The number of dwellings is lower than anticipated, primarily due to a portion of the site being within Flood Zone 2 and therefore incapable of accommodating housing, along with a slightly lower density than envisaged in the allocation; and
- The affordable housing requirement which is lower than 50% but the applicant has submitted a viability assessment which has been verified by the Council's independent consultants. The applicant has agreed to the provision of 32% affordable housing to be of tenure and mix as agreed with the Housing Manager, together with a contribution towards off-site outdoor sports facilities and a contribution to the Stokesley/Great Ayton cycleway.

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

7.0 RECOMMENDATION

7.1 Planning permission is **GRANTED** subject to:

- (a) The consideration of the Highway Authority reply;
- (b) Further consideration of the applicant's proposals for the Public Open Space and further valuation advice as necessary, if this impacts upon viability;
- (c) The satisfactory prior completion of a planning obligation covering:
 - i. The provision of 32% affordable housing to be of tenure and mix as agreed with the Housing Manager;
 - ii. A contribution towards off-site outdoor sports facilities;
 - iii. A requirement to provide, equip and maintain site SC1 in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority;
 - iv. A contribution to the Stokesley/Great Ayton cycleway;
 - v. A contribution towards the upgrading of the potable water network if necessary, to enable a suitable supply to be made available to the new development and that if this is not required, the funding be made available for affordable housing provision; and
 - vi. A requirement that access through the application site to link with site SH2 shall not be unreasonably withheld; and
- (d) 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, the landscaping of the site, the layout and the scale of the development.

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 following drawings;

Site Plan - WD 13-185-09, dated March 2014

Site Location Plan - WD13-185-08, dated March 2014

Proposed Site Access Roundabout - Drawing no COO2, dated 25/03/14 received by Hambleton District Council on 22nd 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. Surface Water Run off Mitigation

Before each phase of development approved by this planning permission, no development shall take place until such time as a scheme to mitigate against surface water run-off has been submitted to, and approved in writing by, the local planning authority. This scheme should include:

- The design for a detailed surface water drainage scheme.
- Calculations for the site's current green field run-off rate. This rate should be applied to the impermeable area of the proposed development so sufficient surface water storage capacity can be identified

The scheme shall be fully implemented and subsequently maintained, in accordance with the *timing / phasing* arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.

8. Foul Water Disposal scheme

Development shall not be occupied until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

Note: A sewage pumping station which this development discharges to requires an upgrade before it can accept any further flows.

9. 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.

10. 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.

11. 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.

12. **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.

13. **Written Scheme of Archaeological Investigation**

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

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation and the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Scheme and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with Section 12 of the NPPF and Policies CP16 and DP29 of the adopted Hambleton Local Development Framework as the site is of archaeological interest.

14. **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.

15. 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.

16. 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.

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.

24. Ecology

No development shall take place above foundation level until a detailed scheme for the implementation of the mitigation measures outlined in the ecological report prepared by E3 Ecology Limited, has been submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the agreed scheme and programme for implementation.

Reason: To ensure that proper regard is had to the mitigation of the proposed development on existing wild life species and habitat, in accordance with Policies CP16 and DP31 of the adopted Hambleton Local Development Framework.

25. Tree Protection

The development shall not be commenced until a plan has been submitted to and approved in writing by the Local Planning Authority, showing all existing trees and hedges which are to be felled or retained, together with the positions and height of protective fences, and the areas for the storage of materials and the stationing of machines and huts.

Reason: To ensure that existing trees which are of amenity value are retained and adequately protected during the construction period, in accordance with Policies CP16 and DP31 of the adopted Hambleton Local Development Framework.

26. Construction Management Plan

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

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

27. External Lighting

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

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

Informative

Your attention is drawn to the comments of the Police Architectural Liaison Officer, copy attached. It is recommended that particular care be given to site security during the construction phase.

Parish: Sutton-under-Whitstonecliffe
Ward: Thirsk

Committee Date : 26 June 2014
Officer dealing : Mrs H M Laws

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Target Date: 23 June 2014

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 North Yorkshire
for Evergreen Park Ltd.**

1.0 PROPOSAL & SITE DESCRIPTION

1.1 The application site is the curtilage of a former (horticultural) Nursery complex at Hollin Barn, which lies on the northern side of the A170 midway between Thirsk and Sutton-under-Whitstonecliffe. The site is rectangular in shape, has a frontage to the main road of 170m and is 105m in depth. There is an existing access which serves the (former) Nursery use. The White Horse Lodge Hotel lies immediately adjacent to the site to the east.

1.2 The application site has been vacant for approximately 4 years.

1.3 Planning permission was granted in December 2011 to change the use of the site to a caravan park. A condition was imposed restricting the number of caravans to 11. The current application is to vary this condition and allow up to 34 caravans on the site. The submitted application includes details that the approved scheme for just 11 units would not be a viable business plan, mainly due to the costs of providing the infrastructure and support costs of groundsmen and maintenance staff.

1.4 Much of the site has a generally level surface and lies at a slightly lower ground level than the adjacent A170. Existing mature hedgerows lie along all four of the boundaries of the site. Maturing trees lie along the front (south) of the site behind the hedge although these are to be removed (current approval shows these trees to be retained). The eastern boundary with the Hotel is partly fenced; a group of maturing trees lies along this boundary in the northern corner. There are also some trees within the site although some are only recently planted. Further tree planting is proposed to be undertaken to all boundaries and also within the site.

1.5 The proposed lodges are timber clad in muted colours with dark colour tiled roofs.

1.6 It is proposed to use the existing access, which previously served the Nursery, and utilise an existing hardstanding area as a site car park with a service road circling the site to serve the units. Visitors' car parking and a children's play area is proposed adjacent to the access.

1.7 A Transport Statement has been submitted with the application, which concludes that the existing visibility spays at the access are adequate following a speed survey undertaken on the A170 and that the increase in traffic generated by the site of 34 lodges compared to the previous use as a nursery, would be negligible.

1.8 Proposed drainage, within the original application, was to a septic tank for foul and to existing disposal systems for surface water. It is now proposed to use a private treatment plant.

1.9 It is intended to make the units available for outright sale or timeshare purchase and/or rental but the ownership of the units is not something that can be controlled by the Planning Authority. The occupancy of the units would be holidaymakers and this could be controlled by a planning condition.

1.10 Letters of support have been submitted with the application from Welcome to Yorkshire, the adjacent Hotel and the Nisa and Blythway stores in Long Street and Sutton Road in Thirsk.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 2/96/152/0537 - Formation of a vehicular access. Permission granted January 1997
- 2.2 2/00/152/0611 - Construction of a polytunnel. Permission refused April 2000.
- 2.3 2/00/152/0611A - Construction of a polytunnel for horticultural purposes. Permission granted August 2000.
- 2.4 2/01/152/0611B - Construction of a polytunnel. Permission granted August 2001.
- 2.5 2/01/152/0611C - Formation of a wildlife pond. Permission granted October 2001.
- 2.6 2/02/152/0611D - Construction of a polytunnel. Permission granted July 2002.
- 2.7 2/05/152/0611E - Construction of a farmshop and café. Application withdrawn.
- 2.8 2/05/152/0611F - Construction of a farmshop, café and sales outlet. Permission refused June 2005.
- 2.9 2/05/152/0611G - Construction of a polytunnel, alterations and extension to existing car park and change of use of land to allow the sale of garden accessories. Permission refused November 2005 for reasons relating to retail use in the countryside and highway safety.
An appeal against this decision was dismissed in October 2006. CHECK DECISION

- 2.10 11/01989/FUL - Change of use of an agricultural nursery to a caravan park with associated hardstanding, parking and landscaping. Permission granted 12/12/2011 subject to the following condition: No more than 11 lodge style caravans shall be on the land at any time.
In order that the Local Planning Authority can control the development in the interests visual impact of the development on the landscape and the safety of the access to the highway in accordance with the Local Development Framework Policies CP1, CP2, CP4, CP16, DP3, DP4 and DP30.

RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP25 - Rural employment
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012
Good Practice Guide on Planning for Tourism - May 2006

4.0 CONSULTATIONS

- 4.1 Sutton under Whitestonecliffe Parish Council - wish to see the application refused.
The proposed application site is bound on the south side by the A170, a very busy and noisy road with fast moving traffic which may cause difficulties for people entering and exiting the site.
Contrary to evidence provided with the application there are no footpaths in the close vicinity and the roadside verges would not be a safe refuge for people wishing to walk from the site. Neither is there a bus service. This would suggest that all movement from the site will be vehicular.

There are concerns about drainage as the neighbouring land already suffers with overflow from the existing properties on the site.

4.2 Thirsk Town Council - wish to see the application refused. The Council has very serious objections to this application:

Access - this is a very busy road being the main road to Scarborough from a large area of North Yorkshire and Teesside and the access to the site is very poor.

Drainage - the original conditions asked for details of proposed drainage systems and works. There is no mains drainage in this area and the site would presumably have to have septic tanks. The tanks already in place at the Hollin Barn development frequently overflow and the liquid goes in the neighbouring fields and across into the stoll which runs towards Thirsk, becoming the Bar Beck through the Industrial Estate, behind the houses in Ingramgate and finally discharges in to the Cod Beck. This possible/probable pollution of the Beck and fields is not acceptable.

Planning statements - there is no bus passing the entrance to the site in any direction on any day. Anyone going to Thirsk from the site will use a vehicle as it would be very unpleasant to walk along the road, there is no footpath or cycle track and in the future NYCC will not be cutting the verges. Given that the site has been unmanned for the past 4 years or more, it is fairly likely that there have been no problems with the access arrangements. Utility services are not specified. Presumably this includes rubbish and recycling collecting vehicles, maintenance provision and outside contractors?

Public footpaths - the claim that public footpaths are accessible directly from the site is incorrect. The nearest is some distance away and to reach it, it is necessary to walk along the A170 to Bagby Moor Lane and then up this road for some distance (0.8 miles). In the other direction there is a footpath up the lane to Grizzlefield Farm and then on from there to Oxfield Farm. In order to reach this path it is necessary to walk towards Thirsk to Felixkirk Road (0.6 miles) then along that road. Again this is a dangerous area to be walking along. The dangerous nature of the A170 is emphasised by the frequent 'Think Bike' notices which draw drivers' attention to the fact that this is a road very much used by motorcycle enthusiasts.

To sum up, we feel that this site is not suitable for such a large development due to its situation on a very busy 'A' road and the lack of footpaths. The other important issues are the lack of thought about the possible pollution from drains and misinformation about bus services.

4.3 Bagby and Balk Parish Council - feel that the development will be too big, is open too long and will be an eyesore.

I disagree on the accountants expert figures; there are many developments in the area with less than 11 units that make a viable business. As an example the recent development at Ampleforth - (www.studfordluxurylodges.com) is a superb example of how developments should be done- only 6 units, each architecturally superb and virtually hidden year round. Does the developer think that these are not viable as a business?

This proposal, as it stands, will be an eyesore, is blatantly over developed and uses standard caravans. Furthermore, no attempt is made to reduce the environmental impact- LPG is the primary heating source, when solar or solid fuel or wind could be used.

It appears that the developer has no empathy with the surroundings; this is not a coastal site on old industrial land, but a roadside location visible from higher ground.

I have no objection to the land use as a caravan park; however, to overfill it as these plans show cannot be acceptable. How many of us have been to other areas of the UK and seen a sea of these holiday units?, to allow the same in this area cannot be allowed. The local Caravan parks at Thirkleby and Balk are all very well screened and invisible from local roads. In this case, with the amount of units wanted, I think that comprehensive screening will be impossible.

4.4 Hillside Parish Council - we are aware that this development is outside of our area; however it will impact on a resident of Felixkirk. We are concerned about the impact of the development on drainage as there is no mains drainage in the area, about access to a busy road and the lack of recreational opportunities in a very dense site.

4.5 NYCC Highways - When assessing the earlier application 11/01989FUL for 11 lodge style units, the Highway Authority considered that the level of traffic likely to be generated by the proposal represented a reasonable "trade-off" for the previous use of the site as a small-scale horticultural nursery. Prior to this, the Highway Authority had recommended refusal of an application that would have intensified that use. The

application was refused and the subsequent appeal was dismissed. The A170 Sutton Road is a major distributor road for the area where traffic speeds are generally high. A recent speed survey carried out at the site showed an 85th percentile wet weather speed of 57.6 mph in an easterly direction and 55.6 mph in a westerly direction. The maximum recorded speeds were 79 mph (easterly) and 69 mph (westerly). Visibility is restricted in an easterly direction by the road's alignment and this also restricts the forward visibility of a driver approaching the site from the east. It is recommended that the application is refused for the following reason:

The proposed development would give rise to additional vehicles waiting in the carriageway and leaving and re-joining the traffic stream on an open stretch of road where vehicle speeds are high, and would thus cause interference with the free flow of traffic and consequent danger to highway users.

4.6 Yorkshire Water - no comments

4.7 Environment Agency - no objection. As our records show that the water environment is of a low sensitivity, we have no specific comments about this development.

4.8 HDC Environmental Health Officer - no objections to the above planning application. However, the use of land as a caravan site requires a site licence from the local authority for the land, under the provisions of the Caravan Sites Control of Development Act 1960. Should the planning application be successful a Caravan Site Licence will be required.

4.9 Site notice/local residents - two letters of support have been received from the adjacent hotel and holiday cottage businesses, which are summarised as follows:

1. The business would work very well alongside the adjacent holiday cottage letting;
2. The businesses in Thirsk and the surrounding area will benefit greatly from Hollin Barn Park.
3. the development will be an asset to the area and also generate employment and will add to the local economy

Two letters of objection have been received, as follows:

1. object to the siting of Chalets or Log cabins in a prominent position in open countryside and adjacent to the A170.
2. The site will create a lot of extra traffic, the entrance to the site is on a fast part of the A170 between two dangerous junctions at Bagby and Felixkirk road turn off
3. Any water from the 4 acre area can only cross our land to get to the nearest ditch. We have had issues with foul water into our ditch from the adjacent hotel and also surface water run-off from tarmac car parking area.
4. The A170 is very busy with fast traffic. As there are no recreational activities within walking distance (the A170 is definitely not suitable for walking), traffic to and from the site would add to the danger around the site entrance.
5. The open countryside is very attractive in this area and would be spoilt with a very large intensive holiday park
6. There are a number of existing holiday parks within 10 miles that cannot find any customers to buy the cabins.

A letter has been received from York House Leisure (Boroughbridge) which makes the following comments:

1. Agree generally with appropriate expansion of tourism facilities in the area to support and enhance the local economy, however there are 2 static caravan/lodges within one mile of the proposed site. In total the site provide circa 230 units, most owner/occupied
2. The owner/occupier lodge market is currently at saturation point, consequently the projected increased tourism spend will not be achieved
3. The market for static caravans/lodges for hire generally contributes more tourism income by visiting tourist attractions than owner/occupiers
4. The provision of camping pods and other types of rental units would be a more appropriate development creating a wider choice of accommodation to complement the available mix in the locale.

5.0 OBSERVATIONS

5.1 The issues to be considered relate to the proposed increase in the number of units from 11 to 34, particularly in respect of the sustainability of the operation on the scale proposed; the effect on the local economy; the visual impact of such a change on the surrounding rural landscape; the impact on residential

amenity and the impact of the increased number on highway safety.

5.2 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 location of the site in relation to the Service Centre of Thirsk and other tourist attractions (Policies CP1 and CP2) the impact of the increased number on local visual amenity and landscape character (Policies CP16 and DP30) together with the potential economic benefits to the local economy, particularly the adjoining hotel complex (Policies CP15 and DP25). The principle of the development has been established with the grant of the permission in 2011.

5.3 The Government's 'Good Practice Guide on Planning for Tourism' advises that new sites for tourist accommodation of the kind proposed will generally be more sustainable when located close to existing settlements and other services as some local services may be accessed by means other than the car. The information submitted with the application suggests there is a bus route along Sutton Road but the Moorsbus service that travelled this route no longer operates.

5.4 Paragraph 28 of the NPPF requires planning policies to support the sustainable growth and expansion of all types of business and enterprise in rural areas; to promote the development and diversification of agricultural and other land based rural business and to support rural tourism that benefits businesses in rural areas, communities and visitors.

It has been noted above that the site is located directly off the A170 midway between Thirsk and Sutton-under-Whitestonecliffe and is well located for access via the main road network to a significant number of tourist facilities and attractions including, in addition to Thirsk itself, York and the North York Moors National Park.

5.5 The 34 units would help to support the local rural economy in the area and in principle is supported. It is not the role of the Local Planning Authority to address the business viability of the scheme as proposed or competition locally as commented upon by the nearby business operator.

5.6 It would appear that there is a limited choice of options to reach any facilities and attractions (other than the adjacent Hotel) except by private car. The applicant has submitted a Travel Plan to illustrate the options that may be available to holidaymakers.

5.7 The detail of the caravan lodge structures was the subject of a condition attached to the previous planning permission requiring details to be submitted for approval. The details now submitted propose a timber clad lodge to be finished in 'muted colours' with a dark roof therefore making the units less prominent in the landscape. The proposed units, in respect of design, are considered to be in accordance with LDF Policy CP17.

5.8 The approved layout for 11 units within the same site area is obviously much lower in density with greater spacing between units and a greater amenity area for each of the occupants. The proposed layout is much denser with units positioned closer together. The application justification is for the provision of 'luxury accommodation' on a scale that would make it a viable business although the specific type of business or its viability are not directly relevant to the planning issues.

5.9 The landscape within which the application site is set is relatively open with wide ranging views. The site is not low lying, nor is it set within an undulating landscape; the existing field pattern is of large fields with hedgerow boundaries and occasional trees. The site is immediately adjacent to the road and the site would be clearly visible when viewed through the access by passers-by. The existing landscaping at the site is well established but is not significant in volume or height. There is minimal tree planting that would have the ability to provide a mature and effective screen to protect the character and appearance of the surrounding countryside.

5.10 It is appreciated that permission has been granted for 11 units within the site but an increase of an additional 23 units would result in the site becoming much more developed and therefore much more prominent. The closer proximity of the units to the boundaries and the fewer opportunities for landscaping

within the site, due to the increased density, would make the site more prominent. In addition, the number of units and associated paraphernalia, including cars and garden furniture for example, would significantly increase the amount of features that could detract from the rural environment without already established landscape features to help assimilate such development within the landscape. A mature well established hedgerow, which lies along the roadside provides an element of screening, but the tree planting that has taken place to the rear of this hedge is to be removed to allow the siting of the lodges closer to the front boundary. Tree and hedgerow planting to replace and bolster the existing landscaping would take many years to become effective and overcome the harm that would occur in the immediate future.

5.11 The neighbouring properties include the Hotel and two holiday cottages; it is not considered that the amenity of these properties would be seriously affected by the proposed use as they also accommodate holidaymakers. Illumination may however be an issue that affects the surrounding landscape, and, although is a matter that could be controlled by planning condition, there would be some impact on the darkness of the sky and the prominence of the site in the landscape is inevitable. It is not considered that there would be any significant noise nuisance arising from the use of the site that would adversely affect local residents.

5.12 The site is accessed from the A170 and it is proposed to use the existing access that served the previous nursery. Permission was granted to use this access to serve the 11 units as approved in 2011. Vehicles along this stretch of road are generally fast moving and the Highway Authority has undertaken a speed survey on which to base their recommendation. The recommendation is to refuse planning permission.

5.13 The proposal to drain the foul water to a package treatment plant is in accordance with the recommendations of the Environment Agency.

5.14 The proposed increase in the number of units to 34 would detract from the visual appearance of the existing rural landscape and as a result is contrary to LDF Policies CP16 and DP30; refusal is therefore recommended.

SUMMARY

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. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

6.0 RECOMMENDATION:

Permission is **REFUSED** for the following reasons

1. The proposed development is contrary to LDF Policies CP16 and DP30 where it is important to respect the openness, intrinsic character and quality of the landscape. An increase in the number of caravan lodges from 11 to 34 would have an unacceptable visual impact on the surrounding rural landscape particularly due to the increased prominence of units closer to the boundaries and reduced opportunities for landscaping within the site, contrary to these policies.
2. The proposed development is contrary to LDF Policies CP2 and DP4, which require all developments to have a safe access. The proposed increase in the number of caravans would give rise to additional vehicles waiting in the carriageway and leaving and re-joining the traffic stream on an open stretch of road where vehicle speeds are high, and would thus cause interference with the free flow of traffic and consequent danger to highway users.