

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 21 August 2014. The meeting will commence at 1.30pm.

Further information on possible timings can be obtained from the Democratic Services Officer, Louise Hancock, by telephoning Northallerton (01609) 767015 before 9.00 am on the day of the meeting.

The background papers for each application may be inspected during office hours at the Civic Centre by making an appointment with the Director of Environmental and Planning Services. Background papers include the application form with relevant certificates and plans, correspondence from the applicant, statutory bodies, other interested parties and any other relevant documents.

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

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

Mick Jewitt
Director of Environmental and Planning Services

SITE VISIT CRITERIA

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

PLANNING COMMITTEE
Thursday 21st August 2014

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
1	14/00505/FUL Miss A Peel Borrowby Page no. 9	Revised application for the construction of a replacement dwellinghouse For: Mr Jared Clark At: Riverside View, Woundales Lane, Knayton RECOMMENDATION: REFUSED
2	14/00842/FUL Miss A Peel Brompton Page no. 17	Change of use from dwellinghouse to residential care home (Use Class C2) for up to six young persons and single storey rear extension For: Priory Group At: Fieldfare, Little Lane, Brompton RECOMMENDATION: GRANTED
3	14/01197/FUL Mrs S Leeming Northallerton Page no. 23	Alterations and first floor extension to day nursery For: Ms S Quincey At: Brambly Hedge Day Nursery, Richards House, Crosby Road, Northallerton RECOMMENDATION: REFUSED
4	14/01260/FUL Mrs S Leeming Northallerton Page no. 27	Change of use of industrial unit to dance studio For: Miss Toni Armstrong At: 1 Binks Close, Standard Way Business Park, Northallerton RECOMMENDATION: GRANTED
5	14/01338/FUL and 14/01339/LBC Mr A Cunningham West Tanfield Page no. 30	Two storey and single storey extensions, internal works and removal of structure For: Mr D Collier At: Village Farm, Nosterfield RECOMMENDATION: GRANTED
6	14/01298/FUL Mrs B Robinson Stokesley Page no. 35	Change of use of field to site for one gypsy family and erection of stables For: Mr Jonathan Stephenson At: Millies Paddock, Thirsk Road, Stokesley RECOMMENDATION: REFUSED
7	14/01148/OUT Mr A Cunningham Tollerton Page no. 43	Outline application for the construction of a two storey detached dwelling with attached garage and formation of vehicular access For: Mrs Margaret Hardy At: Land adjacent to The Croft, South Back Lane, Tollerton RECOMMENDATION: REFUSED

8	14/01372/FUL Mr J Howe Warlaby Page no. 47	Extension to an existing pig grower shed For: Mr Brian Phillips At: Hall Farm, Warlaby RECOMMENDATION GRANTED
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Parish: Borrowby
Ward: Whitestonecliffe
1

Committee Date: 21 August 2014
Officer dealing: Miss A J Peel
Target Date: 1 May 2014

14/00505/FUL

**Revised application for the construction of a replacement dwellinghouse.
at Riverside View, Woundales Lane, Knayton, North Yorkshire
for Mr Jared Clark**

1.0 Proposal and Site Description

1.1 The site lies a quarter of a mile to the east of Borrowby Village on a narrow country lane and adjacent to the Broad Beck. The site is located within the Woundales & Broadbeck Valleys Site of Importance for Nature Conservation (SINC) as defined by Policy DP31 of the Hambleton Local Development Framework. The majority of the site is also located within Flood Zones 2 and 3 although the existing dwelling and the site of the proposed dwelling are not within either Flood Zone. There are Tree Preservation Orders to protect trees in and around the boundaries of the site.

1.2 Planning permission was granted in November 2005 for the construction of a replacement single storey dwelling, however scheme was not implemented. An application to renew the permission was refused in 2009.

1.3 This application seeks consent for the construction of a replacement dwelling. The replacement unit would be sited further west to minimise the impact on the landscaping along the frontage of the site. The existing access would be used and a parking area provided to the west of the dwelling.

1.4 The dwelling reflects the appearance of a Dutch barn with a rounded roof form. It would have dark stained timber plank cladding walls, black profile sheet roof, timber doors and windows and would achieve a minimum of Code Level 4 for Sustainable Homes. The proposal includes solar panels, ground source heat pump and wood burning stove. Water supply would be provided by connection to an existing bore hole on the site and foul drainage would be connected to a new package treatment plant. The accommodation would be provided on two levels and includes 3 bedrooms at first floor level with living space below.

1.5 The agent has confirmed that the application will be amended to omit the proposed dry stone boundary wall to the north and west elevations of the dwelling.

2.0 RELEVANT PLANNING HISTORY

2.1 2/96/017/0025D - Application for a certificate of lawfulness in respect of the existing use of 2 existing buildings as a dwelling and as a fishing chalet (granted 17.07.1996)

2.2 2/96/017/0025E - Detached dwelling and domestic double garage (withdrawn 18.12.1996)

2.3 2/97/017/0025F - Detached dwelling and domestic double garage (refused 09.01.1998)

2.4 2/04/017/0025G - Detached dwelling and change of use of land from agricultural to domestic use (refused 20.04.2004)

2.5 2/05/017/0025H - Revised application for a replacement dwelling (granted 24.11.2005)

2.6 08/00734/CLP - Application for a certificate of lawfulness (proposed) for an outbuilding within the domestic curtilage - refused 29.07.2008 for the following reasons:

1. The existing building on the site does not meet the definition of "dwellinghouse" for the purposes of Schedule 2, Part 1, Class E of the General Permitted Development Order 1955 (as amended) because it does not have the attributes of a dwellinghouse and is not being used as such;
2. The proposed building is not required for a purpose "incidental" to the existing building because of its size relative to the existing building and the nature of the proposed uses of the building, particularly in relation to the use of the current building.

2.7 08/03720/FUL - Renewal application for the construction of a dwelling - refused for the following reasons:

1. In the opinion of the Local Planning Authority, approval to construct a replacement dwelling on this site without the existence of clearly identifiable and justified exceptional circumstances would be contrary to CP1, CP2, CP4 and CP6 of the Core Strategy. These policies seek to promote sustainable communities and maintain the open character of the countryside by resisting new development outside defined development limits.
2. The proposed replacement dwelling will fail to respect the appearance of the surrounding countryside due to its size and location contrary to Policies CP16, CP17, DP30 and DP32 of the Local Development Framework.
3. The application site is located within the Woundales and Broadbeck Valley Site of Importance for Nature Conservation (SINC) which contains rare flora and may currently be used as wildlife habitats by protected and other notable species. Insufficient information has been provided in order to demonstrate whether or not the development would have an adverse effect on species protected by law and as such the adequacy of any proposed mitigation measures could not be determined. The proposed development is therefore considered to be contrary to guidance contained within PPS9 and Policies CP1, CP16 and DP31 of the Hambleton Local Development Framework.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant national and local policies are:

National Planning Policy Framework - published 27 March 2012

National Planning Practice Guidance

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

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 Policy DP1 - Protecting amenity

Development Policy DP3 - Site accessibility

Development Policy DP9 - Development outside Development Limits

Development Policy DP30 - Protecting the character and appearance of the countryside
Development Policy DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policy DP32 - General design
Development Policy DP43 - Flooding and floodplains
Supplementary Planning Document - Open Space, Sport and Recreation, adopted 22 February 2011

4.0 CONSULTATIONS

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

1. The area regularly floods. The position of the new property is actually lower than the existing property and nothing has been done to stop the beck flooding which it still does.
2. The plans suggest new building rather than replacement and there appears to be an increased size of the building each time plans submitted.
3. Location of building - even more prone to flooding and suggests separate building rather than replacement.
4. The ecology report given with the plans seems to play down this aspect but any new development would surely have some detrimental effect. In the past the area has carried a status of importance for Nature Conservation (SINC); the area is a wildlife haven. Deer have been seen there, thus it is a link corridor to larger fauna, kingfishers have been spotted and there are abundant wild flowers.
5. One Parish Councillor said the design of the proposed building is not visually harmonious with its surroundings.

4.2 NYCC Highways - No concerns raised, standard conditions recommended.

4.3 NYCC Waste and Countryside Services - The ecological survey has been undertaken by a suitably experienced ecologist. The survey found that the majority of the application site does not support features for which the SINC was designated. Provided that the recommendation in section 4 of the report, regarding the protection of Broad Beck bankside habitat, is followed I would not have any significant concerns regarding the impacts of the proposal on the SINC.

4.4 Environment Agency - The proposed development will only meet the requirements of the National Planning Policy Framework if (a) the finished floor levels are set no lower than 300mm above existing ground levels (74.43m AOD on submitted drawing) and (b) the flood proof/resilience measures detailed within Section 8 of the Flood Risk Assessment GLNK, Dated 23 September 2013 are incorporated into the development. If possible the Agency would strongly recommend raising finished floor levels by 600mm above existing ground levels.

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Technical Guide to the National Planning Policy Framework (paragraph 9) states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

4.5 Yorkshire Water - This proposal is in an area not served by the public sewerage network, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities.

4.6 SABIC UK Petrochemicals - No observations other than to indicate that proposed development falls at approximately 160 m from Teesside to Saltend Ethylene Pipeline and the development would fall within the middle planning zone for PAHDI (planning advice for developments near hazardous installations).

4.7 Environmental Health - No objections or recommendations.

4.8 North Yorkshire Building Control Partnership - No response.

4.9 HDC Drainage Engineer - The planning application is for a replacement dwelling, as a replacement dwelling (and not a caravan, mobile home or park home for which there is different guidance) the application is not subject to the sequential test, though the exception test applies.

The applicant is not seeking to increase intensity of usage as it is a replacement of one residential property for another.

The applicant meets the requirements of the exception test as through the design of the new property is being made safer through design (two storey building and raised floor levels), the use of flood resilience measures and the new dwelling will have a flood response management plan. As a single replacement dwelling its footprint is slightly larger though not of a scale that will increase flood risk of significance elsewhere.

The Environment Agency has not maintained an objection to the proposed development.

I do not raise an objection to this development of flood risk grounds.

4.10 Neighbours were notified and a site notice posted - 22 objections and 1 expression of support received, making the following observations:

1. Flooding of site and adjacent road.
2. Two storey dwelling is too large.
3. Contamination of the beck.
4. Visual impact of this important valley.
5. There has never been a dwelling on the site so the word replacement is inappropriate.
6. Harmful impact on environment, trees, wildlife, erosion of the land.
7. Highways safety and increase in number and types of vehicles, e.g. HGVs, postal vans, utility companies, deliveries.
8. No justification for a dwelling in the open countryside.
9. Planning conditions attached to previous approvals should still be relevant.
10. The fence along the roadside should be removed.

5.0 OBSERVATIONS

The principle of development

5.1 Notwithstanding the neighbour comments, the grant of the certificate of lawfulness in respect of the use of the buildings as a dwelling and as a fishing chalet in 1996 indicates

that, in planning terms, there is a dwelling on the site and on that basis this application can legitimately be considered as a replacement. However, in view of the complex planning history reported in section 2, this issue merits closer consideration.

5.3 During consideration of the 2005 planning application (2/05/017/0025H) the Principal Building Control Officer (PBCO) undertook an assessment of the existing building's structural condition, concluding that it was structurally sound. The PBCO also observed that there was no internal finish to the timber studs and no thermal insulation between the studs, furthermore the building appeared to have no services other than a brick built flue. Consequently, considerable work and expense would be required to bring the building up to habitable standards. In addition, the structure has a limited floor space of approximately 30 sq. m and would consequently require significant extension in order to be suitable for permanent habitation. It is also understood from Council Tax records that whilst Council Tax was paid between 1993 and 1996 the Valuation Office removed the property from the list, concluded it was not a dwelling and refunded the full amount of Council Tax paid to that date. Nevertheless, an application for a certificate of lawfulness in respect of the existing use of two existing buildings as a dwelling and as a fishing chalet was granted in 1996.

5.4 However, regardless of whether the building has been occupied continually as such, the use of the land and building remains residential in accordance with the certificate of lawfulness granted in 1996. The building remains in reasonable condition and the use has not been abandoned entirely for an extended period of time therefore the residential use remains extant.

5.5 Policy DP9 of the Hambleton LDF allows for a replacement dwelling in the open countryside if the replacement would achieve a more acceptable and sustainable development than would be achieved by conversion. The existing building is a small single storey timber building which, when constructed, was not intended for use as a dwellinghouse. As such the dwelling is uninsulated and of poor quality in respect of current standards. The replacement dwelling would be constructed with high standards of sustainable design and would include renewable energy devices. The provision of a new dwelling in the first instance would have an impact in carbon usage but can be anticipated to be paid back over the lifetime of the replacement dwelling.

5.6 Considering all of the foregoing, a replacement dwelling is acceptable in principle and would comply with LDF policies CP1, CP4 and DP9. It then needs to be considered whether the particular proposed replacement dwelling would be acceptable in terms of (a) its impacts on the character and appearance of the area, (b) ecology, (c) nearby trees, (d), neighbour amenity (e) highway safety and (f) drainage and flood risk.

Impact on the character and appearance of the area

5.7 Policy DP32 of the LDF requires that the design of all developments must be of the highest quality and development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness. Paragraph 56 of the National Planning Policy Framework (NPPF) states "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". Policy DP30 of the Hambleton LDF states that "the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced....Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on any important long distance views."

5.8 The site is located on a narrow rural lane which is uninterrupted by buildings. It is isolated from any village and is in a tranquil setting in the open countryside. The existing building is very small in scale, with a floor area of only 30 sq. m (approx.) and a height of 3

metres. It is sited in the north east corner of the site; its timber materials and the extensive landscaping along the boundaries minimises the building's intrusion into the landscape when viewed from Woundales Lane. The existing gate and access track are informal but the fence along the lane boundary is unauthorised. The existing building could be extended under permitted development rights but this would only allow single storey additions and these would be limited due to the proximity to the beck and the protected trees within the site. Therefore the building, even if extended, would still remain in its current location and would remain discreet and unobtrusive. As such the fall-back available under permitted development rights is of limited weight when considering the impact of a two-storey building proposed in a different part of the site. The unauthorised fence is not part of this application, which includes a dry stone wall instead, but it serves to illustrate the potential visual impact of means of enclosure often associated with new dwellings and is considered unacceptable in scale and design. The access track could be improved under permitted development rights but the landscaping would offer screening and it would be inconspicuous from Woundales Lane.

5.9 The re-siting of the building and the creation of a two-storey structure would create a more visually prominent building within the landscape. The building has been designed to reflect a traditional Dutch barn with a rounded roof form. It would be constructed of timber cladding with a dark stain, and black profile sheeting roof. The building does not reflect the traditional character of dwellings seen throughout the Hambleton landscape. It has an innovative design, with its agricultural Dutch barn appearance, that the applicant believes takes account of the rural location. Nevertheless, the height of the dwelling is 5.5 metres, 0.5 metres higher than the previously approved dwelling (2/05/017/0025H), and it would be more prominent given its new position within the site. Furthermore, the varying levels at the site would result in a dwelling with an overall height of 5.8 metres to the east and 6.5 metres to the west. Even with additional landscaping the new building would be visible and prominent from Woundales Lane. Furthermore, the roof form is not traditional to the area and the proposed dwelling is overall of modern design, which is not expected in rural locations such as this. These factors would exacerbate the prominence of the building within the landscape. The proposed building would alter the character of the site from a quiet isolated woodland setting to a site with a built-up domestic character. It is considered that the positioning of the replacement dwelling and its two-storey form would be harmful to the character and appearance of the surroundings and would have an unacceptable detrimental impact on the immediate setting of this isolated rural location. Hence, it is considered that the proposal does not meet with paragraph 56 of the NPPF and Policies CP16, CP17, DP32 and DP30 of the LDF.

Impact on ecology

5.10 The site is within a designated Site of Importance for Nature Conservation (SINC). Policy DP31 of the LDF seeks to protect and enhance these areas as appropriate to their local importance. The application is supported by an ecological survey which has been carried out by a suitably qualified ecologist. The report concludes that there is a narrow strip along the beck bank which supports a modest woodland flora and provides continuity with the tree lined stream sides upstream and downstream. The report suggests that this area should be protected during any construction work; this can be controlled by condition. There is no evidence of protected species being found at the site. NYCC Waste and Countryside Services has assessed the survey and has no objections to the proposed work. It is considered that the proposed development would not cause unacceptable harm to the SINC.

Impact on nearby trees

5.10 The proposed replacement building is to be positioned further to the west to allow protection of the trees along the northern boundary, which are very close to the existing dwelling and which have Tree Preservation Orders.

Impact on neighbour amenity

5.11 There are no immediate neighbouring properties and residential amenity will remain unaffected as a consequence.

Impact on highway safety

5.12 The existing access would be utilised and a sufficient level of parking can be provided on site. The Highway Authority has raised no objection in terms of highway safety and appropriate conditions could be imposed if permission were granted.

Impact on drainage and flood risk

5.13 The design statement confirms the drainage arrangements stating "foul drainage is to be dealt with by the installation of a package treatment plant, the location of which is indicated on the site layout plan. The package treatment plant is a sealed system and necessary traps will be placed on any manholes and drainage pipes. There will be separate systems of foul and surface water drainage with appropriate discharges. Surface water will be collected in rain water collecting tanks for subsequent discharge as existing into the stream. The outfall from the package treatment plant will be similarly discharged into the stream. All the precise details of the drainage arrangements to serve the replacement dwelling will fully comply with the requirements of the Building Regulations." The Council's Environmental Health officer and the Environment Agency have raised no issues with regard to drainage arrangements.

5.14 Paragraph 100 of the NPPF states "inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere". Policy DP43 of the LDF states "development will only be permitted if it has acceptably low risk of being affected by flooding" and "to be considered for approval, development proposals advanced on land that has any risk of flooding will need to demonstrate that the sequential and exceptions tests required by national guidance have been undertaken".

5.15 Numerous objections to the application have been raised in respect of flooding. A flood risk assessment has been submitted by the applicant, which has subsequently been assessed by the Environment Agency (EA). The EA has not raised any objections and has suggested conditions to ensure the mitigation measures are implemented. The site is located in Flood Zones 2 and 3, the latter being an area of the highest flood risk as estimated by the EA. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. The Sequential Test would not normally be applied for a replacement dwelling and the EA has made its assessment on that basis. However, the EA "strongly recommend raising finished floor levels by 600mm above existing ground levels", which would increase the height of the building further, and the scale of the dwelling is already considered harmful to the surroundings. In addition, the EA has confirmed that it does not normally comment on or approve the adequacy of flood emergency response procedures and they advise that "in all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions".

5.16 The existing dwelling is a very small one-bedroom unit, reflecting the scale of bedsit accommodation rather than a dwellinghouse. Even if extended under permitted development rights it would be unlikely to exceed the scale of a one-bedroom unit (50 sq. m as quoted in the Affordable Housing SPD), given the constraints of the site. It is not therefore a family home but realistically only suitable for one person, possibly two. The proposed dwelling is much larger and would accommodate ground floor living accommodation as well as three good sized bedrooms. It would not be a dwelling which would attract a single person but

would be a family home which could comfortably accommodate two adults and three children. The dwelling would no longer put one, maybe two, adults at risk but an entire family. It is important to note that flooding does not just cause substantial damage to property but can threaten human life and given that the surrounding road network regularly floods this is a very real threat. Whilst a refuge maybe provided at first floor level the occupiers may still need rescuing by emergency services. The site is located in Flood Zone 3, an area of the highest flood risk, Woundales Lane floods regularly, and the proposal would allow additional people to occupy the site on a permanent basis. It is considered that the development would put additional people at risk, including the emergency services and this is not acceptable. It is considered that the development does not meet with the requirements of the NPPF and Policy DP43 of the LDF which seek to minimise the risk of flooding and direct development into areas of lowest risk.

6.0 **RECOMMENDATION**

6.1 That subject to any outstanding consultations the application is **REFUSED** for the following reasons:

1. The proposal is in an area of flood risk and the development, due to its increased scale, would expose additional users to unnecessary risk from flooding. The development does not therefore minimise flood risk and is therefore contrary to Local Development Framework Policies CP21 and DP42 and the National Planning Policy Framework.
2. Due to the scale, design and location of the building the proposal would fail to respect the character and appearance of this isolated countryside setting and it would therefore have a detrimental effect on the immediate environment. The application is therefore contrary to Local Development Framework Policies CP16, CP17, DP30 and DP32 and the National Planning Policy Framework.

Parish: Brompton
Ward: Brompton

Committee Date: 21 August 2014
Officer dealing: Miss A J Peel

2

Target Date: 10 June 2014

14/00842/FUL

**Change of use from dwellinghouse to residential care home (Use Class C2) for up to six young persons and single storey rear extension.
at Fieldfare, Little Lane, Brompton, North Yorkshire
for Priory Group.**

1.0 Proposal and Site Description

1.1 The site is located at the eastern end of Brompton and is accessed from Little Lane, to the south of Water End. It is occupied by a detached dwelling which has a large garden projecting to the south and west, a hardstanding for parking and a small number of detached outbuildings. The very northern edge of the site is within Flood Zone 2.

1.2 The application proposes to change the use of the dwelling (Class C3) to a residential care home (Class C2). The application proposes that a maximum of six young people will reside at the site and will attend Hurworth House School, which lies to the south of Darlington. The application states "Hurworth House School is operated by the applicant and is a specialist school for boys and girls aged 7 to 19 with behavioural, emotional and social difficulties and autistic spectrum disorders who are unable to attend mainstream education". The agent has clarified further that: "the site will not accommodate young persons with drug or alcohol problems or those with acute psychiatric illnesses". The site would be registered with OFSTED where a suitable safety and security regime will need to be in place.

1.3 The application also proposes a single storey extension to the west elevation of the dwelling to create additional living space. The accommodation would consist of 6 bedrooms, 6 bathrooms, games room, staff room, kitchen, utility, dining room and manager's office.

2.0 Relevant Planning and Enforcement History

2.1 No relevant history.

3.0 Relevant Planning Policies

3.1 The relevant national and local policies are:

National Planning Policy Framework - published 27 March 2012
National Planning Practice Guidance
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP18 - Prudent use of natural resources
Development Policy DP1 - Protecting amenity
Development Policy DP3 - Site accessibility
Development Policy DP8 - Development Limits
Development Policy DP32 - General design
Development Policy DP43 - Flooding and floodplains

4.0 Consultations

4.1 Parish Council - Brompton Council decided at its meeting last night to object to the application, the reasons being as follows:

On highway safety grounds the Council is of the view that there will be an increase in traffic on Little Lane and the junction onto Stokesley Road through the necessity for support workers, professional staff, parents etc. to visit the accommodation with regard to the needs of the occupants. Such increased traffic movements will be far in excess of what could be expected to and from a normal dwelling unit in this location.

The Council is this very month petitioning the whole of the Parish for support for the reduction of the national speed limit on Stokesley Road at the junction onto Little lane to be reduced from 60mph to 40mph due to traffic movement problems at this junction.

Furthermore this highway is also causing concern at this location due to the continual movement of large agricultural vehicles throughout all hours of the day and into the night. Passing between other vehicles and these large agricultural tractors etc. is an on-going problem.

In addition the Council is extremely concerned that the village of Brompton does not possess the infrastructure to support the users of the proposed facility and has nothing in the immediate locality that would stimulate the users of the property to assist them in their rehabilitation or treatment that could perhaps be met in other communities.

The proposed facility is not in keeping with the existing community or its structure.

In considering any planning application regard must be had to the protection of the members of the respective community and the Council is of the view that to permit the granting of the current planning application would not be in the interests of the protection or safety of the residents of Brompton.

Section 17 of the Crime and Disorder Act comes to mind:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all it reasonably can prevent,

a) Crime and disorder in its area (including anti-social behaviour and other behaviour adversely affecting the local environment) and,

b) The misuse of drugs, alcohol and other substances in its area". Comments received 21 May 2014.

4.2 NYCC Highways - Given the information included in the Planning Statement in relation to the proposed staff numbers and the number of parking spaces that will be available on the site the Highway Authority has no objection to the proposal, received 9 May 2014.

4.3 NYCC Education Services - No response, expiry 8 May 2014.

4.4 NYCC Health and Adult Services - No response, expiry 8 May 2014.

4.5 Neighbourhood Policing Team - Objects to the proposal. The police cannot support this application located in this small village with the crime and the fear of crime that this Care Home would potentially bring to Brompton (the response provides full details), received 22 May 2014.

- 4.6 Swale and Ure Drainage Board - No response, expiry 8 May 2014.
- 4.7 Yorkshire Water Services - No comments required, received 24 April 2014.
- 4.8 Brompton Heritage Group - No response, expiry 8 May 2014.
- 4.9 Environmental Health officer - No objections, received 29 April 2014.
- 4.10 Neighbours consulted and site notice posted - responses from 9 neighbours who made the following observations:

- (a) Concerns regarding increase in size of property and the number of children;
- (b) Anti-social behaviour, noise, disturbance, harmful impact on village life;
- (c) Highway safety and increase in traffic movements;
- (d) Development could impact on flood risk;
- (e) May include residents with criminal convictions;
- (f) Not enough staff present on site; and
- (g) The police representative referred to his experience with other care homes in Northallerton where there had been a significant increase in criminal activity subsequent to the opening of the homes.

5.0 Observations

5.1 The issues for consideration include the principle of the use in this location, whether the proposal would impact upon the amenities of the nearby neighbours, particularly with regard to privacy, security, noise and disturbance, the scale, design and materials of the proposed extension, any effects the visual amenities of the surroundings, highway safety and flood risk.

5.2 It is apparent from the comments submitted by the Parish Council, local people and the Neighbourhood Policing Team that there is concern about criminality arising from the actions of occupiers of the proposed development. Fear of crime can be a material planning consideration and this will also need to be examined in the assessment of the application.

5.3 The National Planning Policy Framework (NPPF) aims to create more sustainable patterns of development by focusing housing development primarily in locations that are accessible by public transport to jobs, education, shopping, leisure and other services and facilities. The northern part of the site and the dwelling is inside the Development Limits of Brompton, which is defined as a Service Village in the Core Strategy. The site is within walking distance of the centre of the village and facilities such as a shop (1km), pubs (800 metres) and school (900 metres) and has easy access to public transport. The site is therefore considered to be within a sustainable location and the proposal is acceptable in principle. This assessment would apply to any form of residential use.

5.4 The proposed extension is a suitable scale and design and would be constructed of materials to match. It would not therefore have a harmful impact upon the character of the dwelling or the surroundings.

5.5 The northern most part of the site is located within Flood Zone 2. The access to the property and the proposed extension would not be sited within this zone, and therefore, the extension would not be at significant flood risk and is unlikely to increase flood risk elsewhere or cause health and safety issues for the occupiers or the emergency services.

5.6 The proposal would utilise the existing access and there is sufficient space within the site for staff and visitor parking. Considering these facts and the comments of the Highway Authority, it is therefore considered that the proposal will not impact on highway safety.

5.7 Policy DP1 of the Local Development Framework (LDF) requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight. The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. North Yorkshire Police (NYP) has expressed significant concerns regarding the development and the impact it would have with regards to security, noise and disturbance on the occupiers of the residential properties near to the site, and other residents within the village. The agent has confirmed that the site would be occupied by six young people between the ages of 7 to 19, they would have complex learning difficulties, including behavioural, emotional and social difficulties and autistic spectrum disorders and would attend Hurworth House School. The site would be registered with OFSTED where a suitable safety and security regime would need to be in place. The applicant proposes that there will be 4 members of staff during the day/evening shift and 2 members of staff overnight. CCTV would be located in isolated areas within the site. There would be no personal attack alarm system for the staff but if they required assistance the staff could call upon the duty manager and assistant manager who live 12 miles away from this home, or the Police. It has also been established that the occupiers could have past criminal convictions and/or registered sex offenders could also be admitted. Although there is a curfew at the site occupiers can stay out later with prior agreement but as there is a no 'hands on' policy, if someone wanted to leave the home then they could walk out of the premises without being stopped.

5.8 NYP has provided evidence of criminal activities they consider to be associated with the occupiers of a similar care home in Northallerton, which opened in 2005, and of Eastwood Grange School in Derbyshire, which is run by the applicant. With regards to Eastwood Grange, the NYP report states that "in the last two years there have been 140 calls for service of which 104 were missing persons. There were 13 crimes committed at the school, nearly all where assaults on the staff by the pupils, and others were damage. There were other crimes committed by the pupils in the local village which were shoplifting and cycle thefts, and there were others crimes committed at Chesterfield". With regards to the site in Northallerton, which opened in late 2005, NYP states "the total amount of incidents directly from this Care Home in Northallerton was to date 463, created by just 3 youths. Some of these crimes and incidents include anti-social behaviour, arson, criminal damage, violence, concern for safety and missing home reports."

5.9 NYP gives a breakdown of 351 of these crimes, 76% of the total, recorded over an 8½ year period. Just over half (177 incidents) are recorded as "Missing from Home reports", which are not crimes and would not appear to have any impact on other people. Another quarter (87 incidents) are recorded as "Concern for safety" and it is by no means clear that these are crimes or would affect anyone else, although it is acknowledged that they and the Missing from Home reports take up police time.

5.10 The remaining 25% of cases (87 incidents) comprise:

- Anti-social behaviour (32 incidents, 7% of the total);
- Violence (30 incidents, 7% of the total);
- Criminal damage (22 incidents, 5% of the total); and
- Arson (3 incidents, less than 1% of the total).

These are clearly criminal offences but it is not stated where and when during the 8½ year period they occurred, so it is difficult to understand what impact they may have had on the local community. However, NYP does say "At the other Care Home in Northallerton the neighbours were verbally abused in their front gardens, cars were damaged, and there was conflict". Elsewhere, NYP records that the majority of violent incidents at a comparable facility were assaults on staff.

5.11 The applicant has provided details of similar applications submitted outside of Hambleton district which have been granted permission and implemented. The details were sent to NYP for consideration but they confirmed that it would be difficult to obtain crime and anti-social statistics for these sites. But they did note that the sites were relatively new so any crime figures could be low and not a true reflection of a fully occupied and established home. Furthermore, that each proposal is site specific and needs to be considered under its own merits.

5.12 It would appear, from evidence supplied by NYP, that the occupiers of this type of accommodation can commit crimes and cause issues regarding anti-social behaviour and other police related problems such as "missing from home" reports. It is reasonable to conclude that, as a group, the young people the facility would cater for are more troubled than the majority of the population and therefore more likely to commit crime. This confirms that fear of crime is a material consideration in this case; however, it remains to be decided how much weight should be afforded to it in the planning judgement.

5.13 It is important to note that the occupiers of facilities such as this are not in custody and therefore must be accommodated within the community. Whilst there is greater scope to enforce school attendance, they cannot be forced to stay at home in the evenings or at weekends and during school holidays, and this is reflected in the frequency of missing from home reports at the similar facility in Northallerton. Therefore, wherever they live, it is to be expected that the residents would visit nearby town centres and other facilities as other young people do, indeed this is a recognised aspect of "care in the community", which has replaced the use of secure institutions for all but the most serious offenders.

5.14 NYP does not support this type of proposal due to the pressures placed on its services. However, occupiers of this unit need to be accommodated and facilities provided either in this location or somewhere more appropriate to their needs, if this location is not acceptable. It is already concluded that the site is acceptable in principle, access, parking and highway safety and all other planning related matters except for protecting amenity. Policy DP1 of the LDF requires that all development proposals must adequately protect amenity, particularly with regard to security, noise and disturbance. The applicant has provided details of their facilities, security measures and staff presence and this is reviewed by OFSTED, as with all their other homes.

5.15 Considering all of the foregoing, it would be necessary to identify reasons why a care home in this location would give rise to problems that would not be expected elsewhere. Whilst the proposal is not welcomed by NYP, and has caused genuine concern to local residents and the Parish Council, the applicant would put measures in place which would assist in controlling anti-social behaviour, noise and disturbance. The scale of the unit is relatively small and is unlikely to cause excessive levels of noise and disturbance above and beyond any other multiple occupancy home of this scale. The location itself would not impact on security, noise or disturbance and there is no evidence to suggest that it would be significantly different to any other site in the Northallerton area in terms of the behaviour of the occupiers or their impact on neighbours. The local community may not be supportive of this type of accommodation but that is not a reason in itself to refuse a proposal. It is considered that the issues of noise and disturbance have been adequately addressed by the applicant and it is noted that the unit would be monitored by OFSTED. These measures are considered sufficient to reasonably protect the amenities of the nearby residents in accordance with DP1 of the LDF and the requirements of the NPPF.

6.0 Summary

6.1 It is considered that the proposed development is in an appropriate location and will not impact on the visual amenities of the surroundings, highway safety and flood risk. The amenities of the neighbours will not be unacceptably affected and the risk of criminal or anti-social activity is considered to be within acceptable limits given the non-custodial nature of

the facility and the requirement to provide care in the community. The proposal therefore complies with the Hambleton Local Development Framework and the National Planning Policy Framework.

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 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 13:247:02B, 03A, 05 and 06 received by Hambleton District Council on 17 April 2014 unless otherwise approved in writing by the Local Planning Authority.
3. The residential occupation hereby permitted shall be limited to those between the ages of 7 and 19 and who are in attendance at Hurworth School, Hurworth-on-Tees, unless agreed in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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.
3. It is acknowledged in the assessment of the application that the occupiers would have a greater propensity to commit crime and anti-social behaviour than the majority of the population and the decision to grant planning permission has been taken in view of the specific details of the age and nature of the proposed occupiers and the security and care arrangements proposed for them. Any alternative occupier or form of care would require separate assessment in order to ensure that there would not be unreasonable impact on amenity, as required by Hambleton LDF policy DP1.

Parish: Northallerton
Ward: Northallerton Broomfield

Committee Date: 21 August 2014
Officer dealing: Mrs S Leeming
Target Date: 11 August 2014

3

14/01197/FUL

**Alterations and first floor extension to day nursery.
at Brambly Hedge Day Nursery, Richards House, Crosby Road, Northallerton
for Ms S Quincey.**

1.0 Proposal and Site Description

1.1 This application seeks permission to alter and extend a Children's' Day Nursery, Brambly Hedge Day Nursery, at Richards House, Crosby Road, Northallerton.

1.2 The proposal is to construct a first floor extension above a previously constructed single storey extension at the side of the original single storey building. The plans when submitted showed this new space to be an After School Club together with staff room and office. However following further information submitted by the agent this has now been amended to form a "2 year old Activity Space" with staff room and office. The extension is to enable the operator to access Local Authority Capital Funding to extend the number of funded places for 2 year olds. It is understood that NYCC is working to ensure that sufficient places are made available in day nurseries and this development would support that aim.

1.3 The proposal would allow an additional 20 children to be accommodated at the Nursery, increasing the total number of children to 70. The opening hours are proposed to be 07:30 - 18:00.

2.0 Relevant Planning and Enforcement History

2.1 2/00/110/0412D - extension to existing nursery, granted 25 April 2000.

2.2 2/05/110/0412E (05/00550/FUL) - alterations and extensions, granted 4 July 2005.

2.3 06/02013/FUL - retrospective application for the construction of a boundary fence and gates, granted 1 December 2006.

3.0 Relevant Planning Policies

3.1 The relevant national and local policies are:

Core Strategy Policy CP1 - Sustainable development
Development Policy DP1 - Protecting amenity
Core Strategy Policy CP17 - Promoting high quality design
Development Policy DP32 - General design
National Planning Policy Framework – published March 2012
National Planning Practice Guidance

4.0 Consultations

4.1 Northallerton Town Council - wish to see the application refused. "Comments of residents should be returned to HDC with the comment that the Town Council are extremely worried and feel that the current problems will be exacerbated and the application will be overdevelopment of the site."

4.2 Highway Authority - has requested further information regarding "peak times/days - when they are at their fullest capacity and how many children are in at this time. Also, how they manage the drop off/pick-ups on the highway". This information is awaited to enable the Highway Authority to comment further on the application.

4.3 Yorkshire Water - no observations.

4.4 Environmental Health Officer - no objections

4.5 Neighbours - 3 objections to the proposal have been received from residential neighbours. Their main issues of concern include:

- (a) The premises should not be extended any further "as this is a residential area" and there is already a conflict between the residential and commercial uses;
- (b) The external play area is not big enough for the number of children attending the nursery which will be a further concern as number of children is to be increased (it has led to children playing in the car park before now and may therefore be turned into an extended play area);
- (c) The extension is "not compatible with the form, scale and proportions of the existing property" and not subordinate to the original property;
- (d) The proposal "has little regard for the consideration of others" and will have an adverse impact upon the neighbours amenities "creating loss of daylight" (see RICS Right to Light document);
- (e) The previous application to construct the single storey extension was amended to reduce the ridge height and to form a hipped roof and as such "should this planning proposal be granted it would be in direct contradiction to the previous recommendations made by the Council";
- (f) The neighbours have suffered extensive noise and disturbance from the use of this property as a nursery with parents leaving engines running, car music systems playing loudly and vehicles "abandoned" on the highway verge and neighbour's driveway. It is likely that any further development of the site will "significantly add" to the noise and disturbance already experienced. It appears therefore that the nursery and its associated parking is "well beyond the limit of what is acceptable for the existing nursery business";
- (g) It is noted that no additional car parking is proposed within the site which means there is likely to be an increase in traffic congestion on the highway;
- (h) The hours of business are proposed to be increased again exacerbating the concerns outlined above and evidence that "the applicant has no regard for those neighbours who actually live beside their business in a designated residential area";
- (i) The neighbours will no longer be able to see the rear of Mill Hill School where on numerous occasions they have witnessed and reported to the Police anti-social behaviour;
- (j) Loss of sunlight to back gardens and view of a brick wall; and
- (k) Clarification that there are fire escapes and disabled access should be required and details of any security lights

4.6 One neighbour has stated she has no objections but "My only concern is with regard to the road access as it can be a problem, especially at busy times, i.e. school times. Maybe a radical solution would be to make the section from the roundabout at The Link to the roundabout just past Bramley Hedge at the junction with Greenhowsyke Road ONE WAY, thus eliminating the need for vehicles, vans, four-by-fours, lorries etc. trying to pass each other between the residents parked cars on one side of the road."

5.0 Observations

5.1 The main issues for consideration in this case relate to the overall design and appearance of the proposed extension together with any impact it may have upon highway safety and upon the neighbours' amenities.

5.2 The proposed construction of the first floor extension would result in this section of the property becoming two-storey with the other part (the original section) remaining single storey. The extension would not therefore be subservient to the original property and would visually be the most dominant element on the site, although some mitigation would be provided by the fact that it would be set back within the site. However, it is considered that this arrangement would not be subservient to the frontage building and would therefore fail to respect the scale and form of the original building, which is contrary to LDF policy DP32 which requires development to "result in built forms that contribute positively to the townscape or surrounding buildings, whilst respecting the scale of spaces and buildings in the area".

5.3 Regarding highway safety and the impact of the proposal upon the surrounding highways as it is now known that the number of children attending the Nursery would be increased and the hours of opening are also to increase, the Highway Authority has requested further information as reported in paragraph 4.2 above. This further information and its subsequent assessment by the Highway Authority are outstanding. This is a particular point of concern to neighbours but in the absence of further advice from the Highway Authority it is not currently known that a problem would exist. Any further advice received from the Highway Authority will be reported to the meeting.

5.4 Regarding the impact of the proposed development upon the amenities of the neighbours it is important to take the relevant points made by the Town Council and by the neighbours into consideration and assess the proposal against LDF policy DP1. The first point made by the neighbours relates to the potential for conflict between this commercial use and the adjoining residential area. It is noted that to the south and east of the site the area is predominantly residential but it must also be noted that Mill Hill Primary School and Northallerton College are adjacent to the site with the now vacant Rural Payments Agency building and Northallerton Prison to the north and the town centre to the north west. As such the site sits at the point of transition from commercial to residential areas where it has a significant number of residential neighbours whose amenities must be adequately protected.

5.5 The size of the outside play area and whether this is sufficient is not an issue to be considered under planning regulations but is for the licensing arrangements for the Nursery.

5.7 The loss of light and view of a solid brick wall mentioned by neighbours is an issue of concern. The proposed development is for the construction of an additional storey, which would bring the total ridge height to 7m. The south eastern elevation of this extension would consist of a solid brick wall with a hipped roof above. Whilst there are no windows proposed within this elevation, so there would not be any direct overlooking of the neighbours, it is noted that this side elevation would be positioned approximately 1.5m away from the boundary with the next door house at 140 Crosby Road and it would extend for a length of 12m, some way beyond the rear wall of the neighbouring house. The extension would be to the west/south west of the rear elevation of 140 Crosby Road, where it would be subsequently likely to result in a significant overbearing and dominant relationship and give rise to overshadowing of the adjacent properties and their rear gardens. The occupiers of 140 Crosby Road would be particularly affected by the extension due to its length, height and the proximity of the solid brick wall resulting in an unacceptable overbearing impact as well as the overshadowing affect that this would have upon the property and its garden. There is a coniferous hedge along this boundary which provides some screening but it would not eliminate the harm outlined above and at some stage the hedge would need to be removed or replaced, thus exposing the full scale of the extension. It must be noted that the planning application for the current single storey extension (which it is now proposed to build

over) was amended through alterations to its roof design and height at the request of the planning officer in order to reduce its impact upon the neighbour.

5.8 The neighbours report noise and disturbance from vehicles dropping off and picking up children at the nursery and this could become more pronounced if there more cars were to visit the site as a result of the extension. However, it is noted that the Environmental Health officer has not identified a problem in this regard.

5.9 The neighbour concerns relating to anti-social behaviour, emergency access and disabled access are not planning matters but the access issues can be considered separately under the building regulations if the development goes ahead.

5.10 Whilst the development would support wider aims to increase nursery provision, and is therefore in principle in the public interest, it is concluded that the proposed development would have an unacceptable and significant detrimental impact upon the amenities of the neighbours due to its size, height and position of the extension relative to the common boundary with potential for subsequent loss of daylight. This is contrary to the requirements of LDF policy DP1.

7.0 Recommendation

6.1 That subject to any outstanding consultation responses the application is **REFUSED** for the following reason:

1. The proposed development would have a significant harmful impact upon the amenities of the neighbours due to the scale, height and position of the extension, contrary to Hambleton Local Development Framework Policies CP1 and DP1.

Parish: Northallerton
Ward: Northallerton North

Committee Date : 21 August 2014
Officer dealing : S Leeming
Target Date: 7 August 2014

4

14/01260/FUL

**Change of use of industrial unit to dance studio.
at 1 Binks Close Standard Way Business Park Northallerton North Yorkshire
for Miss Toni Armstrong.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks permission to change the use of an industrial unit at 1 Binks Close, Standard Way Business Park to a dance studio.

1.2 The unit is semi-detached and constructed of green panel sheeting with a total size of 14.356m x 13.258m. It is proposed to utilise the main internal space as a dance studio with the smaller rooms as a reception/waiting area with kitchen and toilet. The unit has 5 allocated car parking spaces to the front.

1.3 The unit is presently empty having previously been occupied by Walls Brewing Company. The applicants run "Planet Dance" which was established 15 years ago and they teach dance from hired venues such as The Forum and school halls but now require a more permanent base. They have provided details of other premises they have considered together with explanations of why these have not proved appropriate for their needs. Their intended hours of opening for the dance studio are 5pm until 9pm on Tuesdays, Wednesdays, and Thursdays and 10am until 5pm Saturdays. The studio would be closed on Mondays, Fridays and Sundays, apart from occasional rehearsals prior to shows and competitions. They currently have approximately 100 pupils in total, who would attend in small classes and groups.

2.0 RELEVANT PLANNING HISTORY

2.1 None relevant

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP12 - Priorities for employment development
Development Policies DP17 - Retention of employment sites
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Town Council - no observations

4.2 NYCC Highways - no objections

4.3 Yorkshire water - no comments required

4.4 Economic Development Officer - supports the proposal and comments that." In terms of the application we would wish to support the proposal as it will bring an empty workspace into viable use and give Planet Dance a permanent place of operation. In time this will give them the opportunity to grow their business. As the applicant has demonstrated, the other available properties on the market have various issues such as insufficient parking, possible conflict with neighbours, etc. Planet Dance's hours of operation are such that they should not conflict with neighbours and they have been pro-active in establishing positive relationships with the other tenants in the development. The Council, in conjunction with the tenant, would ensure that visitors to the development use the parking that is allocated"

4.5 Environmental Health Officer- No objections.

4.6 Neighbours/site notice - expired 18 July. No comments received.

5.0 OBSERVATIONS

5.1 The main issues for consideration in this case relate to the principle of allowing the proposed change of use in this location, together with any impact this may have upon highway safety or neighbours' amenities.

5.2 Policy DP17 states that "Sites and premises used and/or allocated for employment purposes will be safeguarded for that use". The Policy then states the criteria for permitting such a change of use, of which the following are relevant : criteria i) being that the supply and variety of alternative employment land is sufficient to meet local requirements, criteria ii) that evidence can be provided that no suitable and viable alternative employment use can be found in the foreseeable future and criteria iv) that amongst other things it would permit the retention of a business use in the area. In this case it is considered in consultation with the Council's Economic Development Officer that the applicants have acceptably demonstrated that there are no other available properties on the market that would be suitable for this use. Also it is noted that this property is currently empty (and has been since December 2012 with no real interest.) Bringing it back into use would result in economic benefits to the area through the retention of an existing business. It is also noted that there are currently other units that remain available for employment uses nearby including Units 6 and 7 Binks Close which are presently vacant.

5.3 In light of the above it is considered that the proposed change of use would satisfactorily comply with the relevant policies.

5.4 The location of the unit is such that it benefits from 5 dedicated car parking spaces with others available nearby. Further information has been sought from the applicants in order to determine class sizes and expected drop off/collection points. It is likely that there may be more than 5 people attending classes at any one time but due to the location of the unit, the availability of parking nearby, and the intended hours of operation which are generally outside of normal working hours, the Highways Authority have no objections to the proposed use in terms of highway safety.

5.5 The applicants have already contacted their neighbours in order to advise them of the proposal and they have been able to identify that of the 8 nearby units 2 are currently vacant and with the exception of "Dyno Centre" (who may work into the evenings during summer months) the neighbouring businesses will be likely to be closed by 5pm when the Dance Studio will open. No response has been received from neighbours regarding this application and it is considered that due to the nature of the use proposed, the proposed siting away from residential neighbours is welcomed. In addition due to the nature of the neighbouring businesses and their opening hours this proposal will have no significant detrimental impact upon the neighbours' amenities. Approval is therefore recommended.

SUMMARY

The proposed change of use is considered acceptable in this location and it would not result in any harmful impact upon highway safety or neighbours' amenities.

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.

8.0 RECOMMENDATION:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and supporting statement received by Hambleton District Council on 13 June 2014 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies) DP1 and DP17.

Parish: West Tanfield

Ward: Tanfield

5

Committee Date: 21 August 2014

Officer dealing: Mr A J Cunningham

Target Dates: 21 August 2014

14/01338/FUL:

Two storey and single storey extensions, internal works and removal of structure as amended by plans and emails received on 4 August 2014

14/01339/LBC:

Listed Building Consent for two storey and single storey extensions, internal works and removal of structure as amended by plans and emails received on 4 August 2014

**at Village Farm, Nosterfield, North Yorkshire
for Mr D Collier**

1.0 Proposal and Site Description

1.1 These applications seek planning permission (14/01338/FUL) and listed building consent (14/01339/LBC) for the construction of two storey extension to the side (eastern) elevation of the detached dwelling of Village Farm, Nosterfield. An existing single storey structure would be demolished to accommodate the proposed two storey extension. The dwelling is a Grade II Listed structure.

1.2 The scheme has been amended on the advice of the Council's Conservation Officer, resulting in the reduction in the height of the two storey extension, alterations to the eaves heights, introduction of an additional window to the northern elevation, alignment of the porch with the extent of the two storey extension, reduction of the width of the extension, and additional window detail.

1.3 The proposed two storey extension, as amended, would provide for a kitchen, snug, hall, stair, utility, w/c and porch area at ground level, and at first floor level two bedrooms, a dressing room and en-suite, and at second floor level a storage area. It would measure approximately 7.5m x 7.1m, with a total ridge height of approximately 7.6m. The attached porch would measure approximately 2.5m x 3.7m, with a total height of approximately 4.1m.

1.4 Materials for the proposed structure would comprise rubble stone, cut stone heads, sills and copings below a slate tiled roof.

1.5 The two storey extension would be approximately 10m from the northern boundary of the domestic curtilage to Quoits Garth and approximately 18m from the southern boundary of the domestic curtilage to Orchard House.

2.0 Relevant Planning and Enforcement History

2.1 2/91/170/0091 - conversion of disused agricultural buildings to 3 dwellings; withdrawn 1 July 1991.

2.2 2/92/170/0091A - outline application for 3 detached dwellings with domestic garages; granted 8 June 1992.

2.3 2/93/170/0105 - application for listed building consent for alterations to dwelling; granted 23 June 1993.

2.4 2/95/170/0091B - 3 detached dwellinghouses and domestic garages; granted 1 June

1995.

2.5 2/97/170/0091D - revised application for a detached dwellinghouse at plot 1; granted 24 September 1997.

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 CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policy DP1 - Protecting amenity

Development Policy DP28 - Conservation

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

Development Policy DP32 - General design

Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

National Planning Policy Framework - published 27 March 2012

4.0 Consultations

4.1 Parish Council - objects to the planning application for a number of reasons:

- It considers that the proposed extension is unduly dominant in comparison to the retained and primary section of building.
- It considers that the privacy and visual amenity of the neighbouring property, Orchard House, will be compromised. The proposed second floor windows will overlook the garden of Orchard House.
- The Parish Council also has concerns about the ability of the local sewerage system to cope with the additional load that 3 bathrooms could generate.

No objections to the listed building application.

4.2 NYCC Archaeology - response awaited.

4.3 The Council for British Archaeology - response awaited.

4.4 Conservation Officer - supports the general approach of the applications. Comments regarding the design of the extensions and window detail resulted in the amendments, which are supported.

4.5 Neighbours notified and site notice posted; expires 18.08.14 - Two responses received (one response has not been published by the Council due to its content and cannot therefore be referred to). The remaining response objects to the scheme on the basis of: overlooking impact to Orchard House, previous restrictions regarding the construction of Orchard House, and stating that the design would be out of character with Village Farm and other adjacent property.

5.0 Observations

5.1 The main planning issues to take into account when considering the planning application relate to the impact of the proposed extension and associated alterations on the visual amenity of the surrounding area, any impact on neighbour amenity, and any impact on the setting of the Listed Building. The final issue is also relevant to the consideration of the listed building application.

5.2 The development as amended is a sizeable addition to the property but is on and not

beyond the limit of what is an acceptable alteration to the existing structure. The amendments have assisted the subservience of the structure and its blending with the character and appearance of the existing dwelling. From a visual amenity perspective the extension, as amended, would comply with policy DP1.

5.3 Village Farm is set on a sizeable plot. The positioning of the two storey extension on site and the separation distances to the nearest dwellings at Quoits Garth and Orchard House are acceptable and would not result in a harmful overlooking impact. The proposed development would not erode neighbour amenity and would comply with policy DP1 in this regard.

5.4 The works as amended are not considered to harm the setting of the Grade II Listed building.

5.5 The Parish Council and neighbour responses are noted. In response to observations raised that have not already been addressed it is highlighted that the amendments have aligned the proposed extensions and alterations with the design and scale of the existing property. It is considered that the extent of alterations would not have a material impact on the local sewerage system.

5.6 Taking the above into account the scheme is in accordance with the policies of the Hambleton Local Development Framework and both applications are recommended for approval.

6.0 Summary

6.1 14/01338/FUL: The proposed development would not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area. The proposal is in accordance with the policies set out in the Local Development Framework and is therefore considered acceptable. 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.

6.2 14/01339/LBC: The works are in keeping with the character of the building and would not have any significant adverse impact upon the character and appearance of the Grade II Listed structure. It is also considered that the scheme is in accordance with the policies set out in the Local Development Framework, and is therefore considered acceptable. 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 consent in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

7.0 Recommendations

(a) 14/01338/FUL: planning permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 25 June 2014, 26 June 2014 as amended by drawings received by Hambleton District Council on 4

August 2014 unless otherwise approved in writing by the Local Planning Authority.

3. 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.

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 CP1, CP16, CP17, DP1, DP28, DP30 and DP32.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

(b) 14/01339/LBC: listed building consent is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings and details received by Hambleton District Council on 25 June 2014, 26 June 2014 as amended by drawings received by Hambleton District Council on 4 August 2014 unless otherwise approved in writing by the Local Planning Authority.
3. 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.

The reasons for the above conditions are:

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by 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 CP16, DP28 and DP32.

3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

Parish: Stokesley

Ward: Stokesley

6

Committee Date: 21 August 2014

Officer dealing: Mrs B Robinson

Target Date: 25 August 2014

14/01298/FUL

**Change of use of field to site for one gypsy family and erection of stables.
at Millies Paddock, Thirsk Road, Stokesley, North Yorkshire
for Mr Jonathan Stephenson.**

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site includes an area 110 metres (along the road frontage) x 30 metres (average) to the River Leven running north-south through the site. There is an additional strip, average width 10 metres along the east bank. The southern end of the site abuts flood embankments alongside the Broughton Bridge Beck.

1.2 The front boundary to the road is hedged. Inside the roadside hedge and on the north boundary there is a 2 metre high close boarded fence and there is a lower close boarded fence to the west bank of the water course, and enclosing the field at the south end of the site. On the east boundary of the site with the adjacent field there is diagonal pattern post and rail fence. The road frontage has ornamental gates approximately 2 metres high. There is an ornamental name sign on the roadside verge.

1.3 Within the site, the northern third is surfaced, the remainder grass. There is an existing static caravan just to the north of the entrance, close to the boundary hedge with the road, and a timber stable building 10 x 3.5 metres located to the south of the entrance. Also within the site is a garden shed approximately 4 x 2 metres north of the static caravan and a steel fenced dog enclosure along the north boundary. On the east side of the river there is an animal shelter in the form of a cubic metal container, approximately 2 metres square, and a child's tree house erected in a tree on the river bank.

1.4 The site lies approximately 350 metres south of the built up extent of Stokesley, on Thirsk Road. There is an informal footpath along the verge into Stokesley. The development is served by a previously existing vehicle access from Thirsk Road, which extends southwards through the site and is noted by the applicant as having been provided by the Environment Agency to serve screen equipment located in the water course.

1.5 The nearest dwelling is Beggar Me Neighbour Farm, approximately 150 metres to the south. The nearest parts of the Riverslea development lie approximately 185 metres to the north.

1.6 The proposal is to change the use of the field to use as a site for one gypsy family and erection of stables. The stables are located immediately to the south of the entrance and are in situ. The proposed position of the static caravan is approximately 20 metres south of the entrance. The submitted details show a hardstanding area retained as parking and turning space and a dog enclosure is also proposed to be retained. The applicant has been asked to confirm whether it is intended that this application includes retention of the animal shelter and tree house on the east side of the river.

1.7 The applicant has submitted a Flood Risk Assessment with the application which sets out that the caravan would be set to a floor level of 66.6 AOD, which is above the defended and undefended flood levels which are modelled as 66.071 AOD and 64.755 respectively. The caravan would be fixed to a concrete pad to prevent displacement, including a low wall at the front to stabilise the caravan in the event of a flood. The caravan

would have a raised deck on the west side and is intended to have an exit via steps and a door through the adjacent hedge towards the road, where the roadway is shown as having a level of 66.49, and rises towards the bridge. This is considered by the applicant to provide a secure refuge. The stables would have a finished floor level of 65.690 AOD.

1.8 In addition, it would be intended to have a gap under the stable doors to allow any flood waters to easily enter and leave the building. Fences inside the site would have close boarding removed and cross timber rails substituted, and the fence and gates enclosing the existing compound would be removed. The bottom edge of the fence on the roadside boundary would be raised to 66.10. Flood alarms and the EA Flood Warning Direct would be utilised.

2.0 PLANNING AND ENFORCEMENT HISTORY

2.1 2/83/142/0398 - Use of land as a Bicycle Moto Cross Track. Granted.

2.2 12/02650/FUL - Construction of a stable building and retrospective application for change of use of field to site for one gypsy family including siting of a residential caravan, formation of hardstanding, construction of dog kennels, tree house and 2 storage sheds. Refused 28.05.2013

2.3 13/01553/FUL - Revised application for the construction of a stable building and retrospective application for change of use of field to site for one gypsy family including siting of a residential caravan, formation of hardstanding, construction of dog kennels, tree house and 2 storage sheds. Refused 20.09.2013

2.3 Enforcement Notices were issued on 18 July 2013, against unauthorised use of the land as a gypsy site, and against related operational development. An appeal against the enforcement notices was dismissed on 27 March 2014, following a hearing. The enforcement notices were amended by the Inspector to require:

- i) Cessation of the use of the land as a site for one gypsy family and removal of the residential caravan from the land; and
- ii) Removal of the concrete base, dog kennels, sheds, hardstanding (within the residential compound), septic tank, and return the land (within the residential compound) to its original condition including levelling with topsoil and reseed with native field grasses.

A compliance period of 6 months was imposed.

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 CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP14 - Gypsies and travellers' sites
Development Policies DP30 - Protecting the character and appearance of the countryside
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP43 - Flooding and floodplains
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

Parish Council - expiry 1.8.2014.

4.1. No comments received at the time of writing the report, Any comments received will be reported to the meeting.

NYCC Highways

4.2 No objections subject to conditions.

Northumbrian Water

4.3 No comments.

Environment Agency

4.4 "We are aware that this development has had a complex and lengthy planning history. As we understand it, the existing caravan, stables and dog kennels do not have planning permission and this has been the case for over 2 years. We are now being asked to comment on an application to site the caravan and the stable block in the neighbouring field. For reasons explained below, we do not object to this application (subject to our recommended conditions). We do, however, highlight the importance of ensuring the sequential test has been undertaken in a rigorous manner. Our comments are made on the assumption that there are no other suitable sites available.

4.5 On 8 July 2014 we met with the applicant's consultant to discuss the proposals and ascertain what exactly was on site as we had concerns that the existing fences could restrict our access to maintain the River Leven and the nearby trash screen. The caravan is currently in flood zone 3 and is simply raised up on bricks. Surrounded by a closed boarded fence, it only has one access point out of the caravan in a flood, which would mean walking through flood water to the main road (which is also at flood risk).

4.6 Relocating the caravan to the field offers some advantages, but it is important to note that it will remain within flood zone 3 and is therefore still at a high risk of flooding. Nevertheless, the FRA outlines a number of mitigation measures which will reduce the caravan's flood risk, and the small wall round the front of the caravan will not displace flood water as it does not fully circle the caravan. The development should therefore not displace any future flood flows.

4.7 After discussing our concerns with the consultant and applicant in relation to the boarded fences, the new proposals shown on drawing NDS141-SD2-Rev A show changes to fences which reduce the existing flood risk. The existing roadside fencing is closed boarded but now the bottom edge will be raised to allow flood flows through. Similarly, the close boarded fence near the channel will become post and wire, allowing flood flows through.

4.8 Assuming you are satisfied that there are no other suitable sites available, and that your emergency planners have been consulted on and are happy with the emergency planning aspects of the development, we recommend the following condition:

The development shall be carried out in accordance with the submitted flood risk assessment and the following mitigation measures it details:

1. The caravan must be tethered down and sited no lower than 66.6mAOD
2. There shall be NO ground raising as part of the development.
3. All fences to be modified in accordance with drawing NDS141-SD2-REV A

These measures shall be fully implemented prior to occupation, and according to the scheme's phasing arrangements (or with any other period, as agreed in writing, by the local planning authority)

HDC Drainage Engineer

4.9 On the basis of the level of flood risk associated with the proposed development, this type of development is not appropriate in this location. The applicant has provided a Flood Risk Assessment and historic flood plans and predicted flood level flood information. Under the National Planning Policy Framework, para 100:

“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas of highest flood risk”.

4.10 The proposed development is located within Flood Zone Three; this is the highest level of Flood Risk as assessed by the Environment Agency. All land in England is categorised in one of three flood zones, one - low risk, two - medium risk and three - high risk. Areas of land in flood zone three are estimated to be at risk of flooding with a 1% or greater probability in any given year (1 in 100).

4.11 The proposed development of a residential caravan falls into the highly vulnerable classification of development (table 2 - Flood Risk Vulnerability classification - NPPF - Technical Guidance). In table 3 - Flood Risk Vulnerability and flood zone compatibility - NPPF - Technical Guidance the highly vulnerable development is not permitted within flood zone 3a or 3b. The caveat is if the proposal involves change of use to that involving caravan/mobile home/park home, then the sequential and exception test should be applied.

4.12 The sequential test seeks to allocate development to the lowest area of flood risk i.e. flood zone one, in the absence of land in the lowest flood risk zone, then land in areas of increasing flood risk can be considered for development. Where land is not available for this type of development in lower flood risk zones i.e. flood zones one and two, then the proposed development in flood zone 3a is subject to the exception test. There are three elements to the exception test that must be passed:

- The development provides wider sustainability benefits to the community that outweigh the flood risk.
- The development should be on developable previously developed land or if not, then there are no reasonable alternative sites on developable previously developed land, and
- An FRA must demonstrate that the development will be safe (for the lifetime of the development), without increasing flood risk elsewhere and where possible will reduce flood risk overall.

4.13 The applicant has provided a Flood Risk Assessment, this recognises that the site is located within Flood Zone 3, and then provides details of the mitigation measures to prevent flooding of the caravan and emergency procedures in the event of a flood. The introduction of mitigation measures to allow development is considered as the last resort and would only be permitted subject to the sequential and exception tests.

4.14 There is significant land in the vicinity of Stokesley which is located in Flood Zone one, it may not be owned by the applicant, but it may be appropriate for the proposed development.

Publicity

Site notice posted and neighbours consulted - expiry 19 August 2014

Responses received - 19 at time of writing. The concerns raised can be summarised as follows:

- (a) No change from the previous applications;
- (b) Flood risk;
- (c) Detrimental to the surroundings – visual impact from the south, and due to raised floor levels and arising from proposed access through the hedge;
- (d) Precedent for further development;
- (e) Other accommodation is available;
- (f) Query about non mains drainage;
- (g) Distance from nearest houses is 200 metres not 300 metres; and
- (h) Comment that the streams referred to are River Leven and Eller Beck, which includes flood relief for Stokesley.

5.0 OBSERVATIONS

Policy

5.1 National Guidance is provided by Planning Policy for Traveller Sites (March 2012) which sits alongside the NPPF. Policy H of Planning Policy for Traveller Sites (determining applications) requires the LPA to consider these factors:

- The existing level of local provision and need for sites;
- The availability (or lack) of alternative accommodation for applicants;
- Other personal circumstances;
- Locally specific criteria used to guide the allocation of sites or which form the policy to assess applications that may come on unallocated sites; and
- To determine applications for sites from any travellers and not just those with local connections.

The policy also states new traveller site development in open country should be strictly limited and should not dominate the nearest settled community.

Provision of Traveller Sites

5.2 With regard to existing provision, the Hambleton District Council Traveller Housing Needs Study (September 2012) has been updated (June 2014). The supply of sites has gone up, principally through planning permission being granted for 8 pitches at Goose Lane, Sutton on the Forest, whilst need has come down as household growth estimates have fallen, following Government clarification on the this matter. As a consequence, the overall target has reduced from 26 (by 2025) to 10 (by 2027) and the need in the next 5 years is reduced from 11, as shown in the previous study, to nil. Therefore it is not considered that this site is critical to the provision of traveller and gypsy sites in Hambleton. There is an approved traveller site local to the application site, at Seamer.

5.3 Locally specific criteria with regard to Gypsy and Traveller sites are set out in Local Development Framework Policy DP14, and the proposal can therefore proceed to be considered against this and other relevant policies of the Local Development Framework.

5.4 The site is outside the development limits where the LDF only permits development in exceptional circumstances. Policy CP8 points to the need to make appropriate provision for the particular need for gypsies and travellers. There being no allocated land within

development limits, the proposal will be considered on its merits against the criteria of Policy DP14. Specifically, whether it is:

- i. Located within reasonable distance of service and community facilities within or close to a Service Centre or Service Village;
- ii. Provides an acceptable living environment;
- iii. Is of an appropriate size;
- iv. Has a safe and convenient access to the road network;
- v. Avoids creating demonstrable harm to the amenity of existing communities and surrounding environment; and
- vi. Is not located on contaminated land.

5.5 In addition to Policy DP14, other relevant policies in this case are the impact of the development on the surroundings, including the open character of the countryside (CP16 and DP30) and on the character of the settlement (CP4 and DP10) and flood risk issues (CP21 and DP43).

5.6 The requirements of Policy DP14 in relation to the principle of the use of the site for a single gypsy family are considered in this and the following paragraphs. It is not necessary to consider precedent because any further expansion would require a separate permission and would therefore be considered on its merits.

Location

5.7 The site is within comfortable walking distance from the centre of Stokesley, a market town with a good range of facilities. There is an informal surfaced footpath between the site and the town which would facilitate walking in most weather conditions. On this basis the site is in an acceptably sustainable location.

Living environment

5.8 Concerns have been raised over sewage and rubbish disposal; however these could be arranged in some form, and secured by condition, if the site was otherwise suitable.

Suitability and size

5.9 The site is a small field and can accommodate the living requirements of a gypsy family, with adequate space for parking vehicles, domestic activities and an area for play for children, and the site is generally suitable in type and size.

Access to the road network

5.10 The site is adjacent to Thirsk Road (B1365). It utilises an existing access, and subject to the views of the Highway Authority, and the expectation of a normal standard of careful driving, it is suitably linked to the road network. With regard to the footpath, it is not to the standard of a built up area, however it remains a feasible option to encourage walking.

Amenity of existing communities and surrounding environment

5.11 The site is relatively discreet when viewed from Thirsk Road due to the screening provided by hedges. There are glimpses of the site from the south, on the nearby bridge over the Leven, and also more distant views from nearby housing estates. The impact of more distant views of the site in general could potentially be dealt with by appropriate landscaping, if the scheme was otherwise acceptable.

Individual developments within the site

5.12 The static caravan in its proposed position is sited relatively discretely and would benefit from the screening effect of the hedge, and if otherwise acceptable would not have a harmful effect on the surroundings. The raising of the level of the caravan to accommodate the finished floor levels suggested has the potential to bring it more into view above the hedge. This aspect could potentially be dealt with by a suitable condition regarding the height of the hedge. Any distant views of the unit could satisfactorily be addressed by appropriate landscape screening. However, these measures would take some years to become effective.

5.13 The stable building has timber materials to the upper parts and is generally suited to the rural location. In the position now proposed it would be visible over the adjacent hedge, but due to its materials would be an acceptable feature in the surroundings.

5.14 The development on the east side of the beck is detached from the other parts of the site, and the shed is not consistent with the general characteristics of rural buildings and in this detached position on the east bank of the beck it is a discordant feature.

5.15 The tree house is not very obtrusive when the tree is in leaf, however it is a feature more typical of a suburban garden and is incongruous in this countryside location, although limited in impact.

5.16 The garden shed and dog enclosures are minor developments, relatively discretely located, that would be appropriate if the proposal were acceptable in other respects.

5.17 The proposed hard standing by itself is not intrusive and if there was a justified need for such a surface, it would be acceptable in the surroundings.

5.18 In dismissing the Enforcement Appeal, the Inspector noted that concerns about the visual impact of the development could be addressed by means of conditions relating for example to landscaping, boundary treatment, the removal of the tree house, and the relocation of the shed currently sited on land east of the River Leven.

Flood risk

5.19 The application site is within Flood Zone 3 and the Environment Agency preface their flood risk comments with a statement about the importance of ensuring the sequential test has been undertaken in a rigorous manner and their comments are offered on the assumption that there are no other suitable sites available. With that proviso it does not object to the proposal, subject to additional measures including tethering the caravan.

5.20 The NPPF sets out (paragraph 100) that the aim is to direct development to areas of the lowest flood risk. As set out by the Council's Drainage Engineer (see consultation response above), the sequential and exception tests are applicable in this case. It is apparent from publically available flood maps that there is land around Stokesley that is not within Flood Zones 2 and 3. The use of the application site in preference to other land which is not in a flood zone is contrary to the principles of the sequential test, and also not in accordance with the Government's aim to ensure development is directed to the areas of lowest flood risk.

5.21 This being the case, the 'exception test' which would follow, if no land with low flood risk were available, is not applicable, and while the additional mitigation measures proposed by the applicant may reduce risk of harm to occupiers, they do not override the Government's clearly set out principles on flood risk issues.

5.22 In addition to the above, approval of the scheme subject to the mitigation measures would not overcome emergency planning issues likely to arise in the event of a major flood event. Escape to an isolated stretch of road that is in effect an island within flooded land

would expose rescue services to additional risk and make avoidable and unnecessary demand on resources during flood events when the services will be likely to already be under a high degree of pressure.

5.23 In dismissing the previous Enforcement Appeals, the Inspector took into account material considerations including the appellant's personal circumstances, the best interests of the children and the (then) unmet need for traveller sites and the fact that the Council did not (then) have a 5 year supply of pitches. However it was considered that these matters did not outweigh the harm identified by reason of the significant flood risk to the appeal development. The information submitted in the applicant's Flood Risk Assessment has not overcome these concerns.

6.0 CONCLUSION

6.1 Although the site is suitable, in some respects, for the proposed use as a single family gypsy site, the flood risk is a very significant and overriding concern. Whilst the proposal improves on the current situation in terms of the occupiers' vulnerability to flooding, and taking account of the Environment Agency's decision not to recommend refusal, it still remains that the site is unsuitable when considered in the context of the sequential approach to flood risk management set out in the NPPF.

6.2 Furthermore, with the evidence of the most recent update of the Traveller Housing Needs Study, it is not considered that this site is critical to the provision of traveller and gypsy sites in Hambleton. There is existing provision for gypsies and travellers in the locality and additional provision is expected to be forthcoming elsewhere in the District, in the short to medium term. Furthermore, current need within the District is lower than previously estimated. In his appeal decision, the Inspector took into account the circumstances of the applicant and the worst case scenario that the family might be forced into a roadside existence, and nevertheless was of the view that this (and other) matters did not outweigh the harm identified by reason of the significant flood risk to the development.

The proposal is therefore recommended for refusal.

7.0 RECOMMENDATION:

7.1 That the application is **REFUSED** for the following reasons:

1. The use proposed introduces vulnerable users to an area with a known high risk of flooding, and thus is inappropriate development, contrary to the sequential approach advocated by the NPPF, and Local Development Framework Policies CP21 and DP43. Consideration has been given to the availability of alternative sites and the applicant's circumstances but these factors are not considered to outweigh this harm.
2. The Hambleton District Council Traveller Housing Needs Study (September 2012, updated June 2014) confirms that there is no current shortage in the supply of traveller pitches to meet local need. Therefore it is not considered that this site is critical to the provision of traveller and gypsy sites in Hambleton and no exception to NPPF and LDF policies is justified.

Parish: Tollerton

Ward: Tollerton

7

Committee Date : 21 August 2014

Officer dealing : Mr A J Cunningham

Target Date: 29 July 2014

14/01148/OUT

Outline application for the construction of a two storey detached dwelling with attached garage and formation of vehicular access

**at The Croft, South Back Lane, Tollerton, North Yorkshire
for Mrs Margaret Hardy**

2.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks outline planning consent for the construction of a detached dwelling with an attached garage at land adjacent to the north-east of The Croft, South Back Lane, Tollerton. This application is to consider the matters of the proposed access and the layout of the site.

1.2 The site is formed of a concrete base of a former agricultural building. Established shrubs form the south-western boundary of the application site. The front (south-eastern) boundary is formed of a mature hedge. The north-east and north-west boundaries of the site are delineated by a 2m high close boarded timber fence.

1.3 The site is positioned outside of the development limits of Tollerton which is a secondary village in the Hambleton Sustainable Settlement Hierarchy. The development limit boundaries wrap around the periphery of the site.

1.4 A vehicular access to the site is proposed to the northern end of the south-eastern boundary. To achieve visibility splays along South Back Lane the hedge to the front of the application site and along three quarters of the front boundary of the The Croft would need to be removed.

1.5 A draft Unilateral Undertaking and Certificate of Title has been received by Hambleton District Council on 17 June 2014 and 25 June 2014 in reference to the required contribution towards off site open space, sport and recreation provision of £2613.16 calculated by applying the District's average household size of 2.37 multiplied by the contribution of £1102.60 per bedroom in the Easingwold Sub Area. The draft legal documents have yet to be completed.

1.6 The site is within the Tollerton Conservation Area.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 There is no relevant planning and enforcement history.

3.0 RELEVANT PLANNING POLICIES:

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

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP9 - Development outside Development Limits
Development Policies DP10 - Form and character of settlements
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP37 - Open space, sport and recreation
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Tollerton Parish Council - wish to see the application refused as do not wish to see any further development on South Back Lane.

4.2 NYCC Highways - In the submitted design and access statement the applicant has made reference to condition number 10 of planning consent 2/00/162/0233 as the site was included within this. Condition number 4 of the same consent states that "there shall be no means of vehicular access to or from the application site other than from Main Street.....No access shall be to or from South Back Lane". The reason for this condition is because South Back Lane is narrow, has substandard alignment and visibility at the junction with Newton Road. It is recommended that the application is refused for the following reason: The Highway Authority considers that the road leading to the site is substandard in terms of its width, alignment and visibility at the junction with Newton Road and is therefore unsuitable to cater for the traffic which would be likely to be generated by this proposal.

4.3 Environmental Health - no objections or recommendations to make.

4.4 Yorkshire Water – No comments.

4.5 Neighbours notified and site notice posted; expired 04.07.2014 - Seven responses (6 objecting, 1 supporting) received in summary mainly concerning: traffic impact, highway safety, access to site, principle of development, impact on neighbour amenity, impact on visual amenity, impact on Conservation Area, covenant on adjacent property, impact on outlook, overlooking, impact on light, and alternative options for development at The Croft and the application site.

4.6 Press Advert; Published: 26.07.2014; Expires: 18.08.14 - Response awaited.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the principle of the proposed dwelling in this location, any impact on neighbour amenity, any impact on the visual amenity of the surrounding area, any highway safety issues that may arise, any impact on protected species, and the required contribution towards off site open space, sport and recreation provision.

5.2 Policy CP4 of the Hambleton Local Development Framework (LDF) allows development in principle if the site lies within the Development Limits of settlements that are defined in the

Settlement Hierarchy. The village of Tollerton is included within the Settlement Hierarchy defined within CP4 however the proposed site is located outside the Development Limits of the village. Policy CP4 sets out 6 circumstances where exceptions may be made. In this case no exceptional case has been made and under normal circumstances in principle the proposed scheme would not be satisfactory. However the recent appeal decision for a dwelling to the rear of Westfield as part of 13/00803/FUL needs to be considered. The Council refused the scheme on grounds of principle and the Inspector allowed the appeal concluding: "that the conversion scheme proposed would represent sustainable development in terms of all three dimensions of the term, in accordance with the objectives of the development plan and the more recent national policies". This recent appeal decision is a material consideration for the determination of the principle of this application. The sustainability credentials of the application site are better than those of the site which was the subject of the appeal decision as it is closer to the centre of Tollerton. Taking the Inspectors reasons for allowing the appeal into account and the merits of the proximity of the application site to Tollerton the principle of the dwelling is acceptable.

5.3 The site would be positioned adjacent a residential area to the north, west and south-west. The proposed dwelling would therefore be compatible with surrounding land use. The site is of sufficient size to accommodate a detached dwelling and garage without the erosion of neighbour amenity. Subject to final overall design which would be appraised as part of a reserved matters application the works safeguard neighbour and visual amenity.

5.4 The visibility splays required for the proposed access would necessitate a large amount of hedge removal to the front of the application site and to the front of The Croft. Whilst the existing hedge is established and positively contributes to local visual amenity it is not historic. It is noted that boundaries to the north-west of South Back Lane are mixed and therefore the loss of this hedgerow would not harm the character of the locality, and in any event could be mitigated by the replanting of a replacement hedgerow behind the visibility splays. The traffic generation on South Back Lane is a significant area of concern given its overall alignment and visibility. This is reinforced by the comments of the local highway authority. Whilst the impact of the hedge removal to achieve the required visibility splays would not represent a significant harm to the character of the area, the overall traffic generation and the highway context as a whole of South Back Lane is substandard and would introduce a harmful impact on highway safety.

5.5 A draft Unilateral Undertaking (UU) and Certificate of Title (CoT) have been submitted to the Council as is set out in paragraph 1 of this report. The UU and CoT have not been completed and therefore a mechanism for the contribution to comply with policy DP37 of the Hambleton Local Development Framework does not exist and therefore proposal fails in this regard.

5.6 In response to the neighbour comments not already addressed:

- it is highlighted that NYCC Highways have assessed the impact of the proposed access and associated traffic on South Back Lane and conclude the road leading to the site is substandard in terms of its width, alignment and visibility at the junction with Newton Road and is therefore unsuitable to cater for the traffic which would be likely to be generated by this proposal;

- covenants are a civil and not a planning matter and cannot form a material consideration in the determination of this application;

- impact on outlook and overlooking would be a matter best considered in the determination of any future reserved matters application;

- right to light is not a material planning consideration and cannot be taken into account when considering this application, however impact on light is reviewed as part of an

assessment of the impact of the development on neighbour amenity, and;

- regarding alternative proposals it is up to the Local Planning Authority to determine the submitted scheme on its own merits.

5.7 Whilst the works are acceptable in terms of principle, and visual and neighbour amenity, they are not satisfactory from a highway safety perspective and the applicant has failed to make the required contribution towards off-site open space, sport and recreation provision. This application is therefore recommended for refusal.

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 reason(s) for the refusal, approval has not been possible.

6.0 RECOMMENDATION:

That the application be **REFUSED** planning permission for the following reasons:

1. The proposed development would be contrary to policy DP3 of the Hambleton Local Development Framework in that it would have a harmful impact on highway safety as the road leading to the site is substandard in terms of its width, alignment and visibility at the junction with Newton Road and is therefore unsuitable to cater for the traffic which would be likely to be generated by this proposal.
2. The scheme fails to provide a mechanism to secure a contribution to achieve the standards set out for open space, sport and recreation in Local Development Framework Policies CP19 and DP37.

Parish: Warlaby
Ward: Morton On Swale

Committee Date : 21 August 2014
Officer dealing : Mr J E Howe

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Target Date: 26 August 2014

14/01372/FUL

**Extension to an existing pig grower shed.
at Hall Farm Warlaby North Yorkshire DL7 9JS
for Mr Brian Phillips.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application is for the construction of a two-bay extension to an existing pig finishing building at Hall Farm, Warlaby which lies immediately to the east of the C-class road to Newby Wiske, 600m south of its junction with the A684.

1.2 The proposed extension would measure 10m in width x 8.6m in length and 3.7m to the pitched ridge. The building would be constructed in olive green GRP panelling to the walls with grey fibre cement sheeting to the pitched roof. These materials are sympathetic to the rest of the steading. Slurry from the pigs within the extended area would be collected in extended underground storage areas and used on the rest of the holding. The two bays would provide capacity for four pens which could accommodate up to 35 pigs per pen. However, the main purpose of the scheme is to provide space for washing down when batches of pigs leave the site prior to additional pigs to be fattened arriving.

1.3 The extension is to an existing building which was permitted in 2002. There are three dwellings within 80m of the site, Warlaby Hall, Warlaby House and Warlaby Home Farm, although these are all screened by either their own, or other agricultural buildings on the holding. The extended building will not be visible from the highway.

1.4 The application is reported to the Planning Committee for a decision as the applicant is a member of the Council.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 The building to which the extended structure will be added was permitted in 2002 (02/01165/FUL) whilst a similar, larger unit immediately to the north was permitted in 2013 (13/00120/FUL).

3.0 RELEVANT PLANNING POLICIES:

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

- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Core Strategy Policy CP15 - Rural Regeneration
- Development Policies DP26 - Agricultural issues
- Development Policies DP1 - Protecting amenity

National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Warlaby Parish Council: No comments.
- 4.2 North Yorkshire County Council (Highways Authority): No objections.
- 4.3 Environmental Health Officer: No adverse comments.
- 4.4 Yorkshire Water: No comments.
- 4.5 Swale and Ure IDB: No adverse comments.
- 4.6 The application was advertised by site notice at the entrance to the site and the five closest neighbours were consulted. No representations were received.

5.0 OBSERVATIONS

5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the scale, design and materials proposed (Policies CP17 and DP32), together with the impact on local visual amenity and landscape character (Policies CP16 and DP30), the agricultural need for the building (Policies CP15 and DP26) and the impact, if any, on adjacent residential amenity (Policy DP1).

5.2 The proposed extension is modest in scale, required for a bona fide agricultural purpose and to be constructed in materials to match adjoining/adjacent buildings within the farm group. The scheme will improve both the viability and, more importantly, the efficiency of the business as described in paragraph 1.2 above.

5.3 The orientation of the extension in relation to the neighbouring properties is such that there will be no demonstrable adverse impact on amenity, nor on local visual amenity and landscape character. No adverse comments have been raised by any of the statutory consultees in respect of amenity or drainage issues.

5.4 It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy and Development Policies document in that the scale, design and materials proposed are appropriate to the site location and there will be no adverse impact on local visual, or adjacent residential, amenity.

5.5 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.

6.0 RECOMMENDATION:

GRANTED subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing (Ref 6370) attached to planning

application 14/01372/FUL received by Hambleton District Council on 1st July 2014 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies DP1, CP16 and DP30.