

# 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 3 April 2014. The meeting will commence at 1.30pm.**

Further information on possible timings can be obtained from the Committee Officer, Jane Hindhaugh, by telephoning Northallerton (01609) 767016 before 9.00 am on the day of the meeting.

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

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

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

Mick Jewitt  
Director of Housing and Planning Services

# SITE VISIT CRITERIA

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

# **PLANNING COMMITTEE**

## **Thursday 3 April 2014**

Item No	Application Ref/ Officer/Parish	Proposal/Site Description
<b>1</b>	13/02631/FUL Miss A Peel Balk  Page no. 2	Construction of an agricultural livestock building as amended by plans received by Hambleton District Council 5 March 2014  For: Mr JA Swiers At: Land west of Mount Pleasant Farm, Balk  <b>RECOMMENDATION: GRANTED</b>
<b>2</b>	14/00230/OUT Mrs J Low Great & Little Broughton  Page no. 5	Outline application for an extension to existing business park for B1, B2 and B8 uses  For: Armstrong Richardson At: 1 Mount Pleasant Way, Stokesley Business Park, Stokesley  <b>RECOMMENDATION: GRANTED</b>
<b>3</b>	14/00009/FUL Mrs B Robinson Hutton Rudby  Page no. 20	Construction of agricultural workers dwelling  For: Mr & Mrs W S Cunningham & Mr & Mrs D Bell At: Embleton Farm, Garbutts Lane, Hutton Rudby  <b>RECOMMENDATION: REFUSE</b>
<b>4</b>	14/00134/FUL Mr J Howe Kirkby Fleetham with Fencote  Page no. 24	Revised application for a change of use of agricultural land to a caravan site (for 15 caravans) construction of an amenity building and improvement works to existing vehicular access  For: Mrs Jane Whiting At: Stonebridge Trout Lake, Little Fencote  <b>RECOMMENDATION: REFUSE</b>
<b>5</b>	14/00285/FUL & 14/00531/LBC Miss A Peel Sowerby  Page no. 28	Demolition of the Old Police Cells and construction of a building to form a dance studio  For: Butterfly School of Dance At: Rear of 2 Westgate, Thirsk  <b>RECOMMENDATION: GRANTED</b>
<b>6</b>	13/01252/FUL Mrs B Robinson Stokesley  Page no. 36	Alterations to existing garden centre to form cafe and store, formation of outside sales area and change of use of agricultural land to form part of garden centre  For: William Strike Ltd At: Strikes Garden Centre, Stokesley  <b>RECOMMENDATION: GRANTED</b>
<b>7</b>	13/01505/FUL Mr A Cunningham Tollerton  Page no. 44	Construction of a dwelling  For: Mr W Rylance At: Poppy Meadow, Sykes Lane, Tollerton  <b>RECOMMENDATION: GRANTED</b>

Parish: Balk  
Ward: Whitehorse

Committee Date: 3 April 2014

Officer dealing: Miss A J Peel

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Target Date: 7 March 2014

13/02631/FUL

**Construction of an agricultural livestock building as amended by plans received by Hambleton District Council 5 March 2014.  
at Land South East of The Grange and West of Mount Pleasant Farm, Balk, North Yorkshire  
for Mr JA Swiers**

## **1.0 PROPOSAL AND SITE DESCRIPTION**

1.1 The site is approximately 500 metres east of Balk, on the southern side of the road leading to Kilburn, adjacent to Hood Beck. The applicant occupies a dwelling at The Grange, Balk and rents some agricultural buildings which are sited 160 metres west of The Grange. These buildings will no longer be available to the applicant and it is therefore proposed that a new building is constructed for housing of cattle and agricultural storage.

1.2 The applicant considered siting the building closer to The Grange but this conflicted with the use of the nearby caravan park and would raise concerns regarding odour control. The applicant also considered siting the building on other nearby land which is controlled by the applicant but this land has limited screening so the building would be highly prominent in the landscape. The proposed location is sited adjacent to a belt of trees to the east and within 150 metres of the farm buildings at Mount Pleasant Farm, also to the east. The application has been amended to rotate the building 90 degrees so the length of the building lies parallel to the hedgerow.

1.3 The building measures approximately 32 metres x 12.2 metres with a height of 3.1 metres. It would be constructed of a steel portal frame, Yorkshire Boarding walls, with a fibre cement sheet roof.

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

2.1 No relevant history.

## **3.0 RELEVANT PLANNING POLICIES**

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

National Planning Policy Framework - published 27 March 2012

Core Strategy Policy CP15 - Rural Regeneration

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP26 - Agricultural issues

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

Development Policies DP32 - General design

## **4.0 CONSULTATIONS**

4.1 Bagby & Balk Parish Council - No objections, although they are aware of the objections raised by the neighbour. The plans and information were not very detailed.

4.2 NYCC Highways - Response awaited.

4.3 Environment Agency - Provided that the barn is constructed in such a manner that ground levels are not raised above existing levels, and that the barn is allowed to flood (so that the proposed

development does not push possible future flood flows elsewhere or onto others) then the Environment Agency has no objections.

4.4 Environmental Health Officer - No objection.

4.5 Neighbours were notified and a site notice has been posted - One response from a nearby neighbour who raised the following matters:

- i Location of building away from the applicant's dwelling;
- ii Spread of disease to stock at neighbouring farm;
- iii Visual impact on surroundings;
- iv Flooding issues;
- v Power supply;
- vi Highway safety matters;
- vii Odour from the building; and
- viii More details on the plans.

## 5.0 OBSERVATIONS

5.1 The main planning issues to be considered in relation to this application relate to the impact of the proposed building on the surrounding countryside, highway safety, flooding matters and neighbour amenity issues.

5.2 The applicant has considered the most appropriate location for the building having regard to the surroundings and any effects on neighbouring occupiers. Ideally the building would be sited close to the applicant's dwelling but given the proximity to the caravan park this was not pursued due to concerns that odours could cause a significant nuisance. The proposed location is adjacent to a belt of trees which offers screening in an easterly direction. The building would be visible from the west but it would be sited close to the corner of the field, parallel to the hedgerow, and would appear as a typical agricultural building in the rural landscape, constructed of appropriate materials and not overly large.

5.3 The neighbouring property to the west, Mount Pleasant Farm, is an agricultural unit and the occupier has confirmed they also have livestock at the site. Hence, odour nuisance would not be as significant to the occupiers and the Environmental Health Officer has not raised any concerns in this respect. It is considered that the proposed location is an appropriate site for the building and the proposal would not significantly harm the surrounding countryside or the amenities of the neighbouring occupiers.

5.4 The Highways Authority has not yet commented on the additional details supplied by the applicant regarding vehicle movements to and from the site and types of vehicles associated with the use. However, there is sufficient space for parking of vehicles within the site. Providing the Highway Authority confirms that the access is safe it is considered that the proposal would not cause significant harm to highway safety.

5.5 The Environment Agency has confirmed that it has no objection provided that ground levels are not raised and that the barn is allowed to flood to avoid diverting flood flows elsewhere. The applicant has confirmed that the building would be constructed in accordance with this and it is therefore considered that the proposal would not impact upon flood risk.

5.6 With regard to the other issues raised by the neighbour, the application shows the position of the building with the field, elevations of the building, materials to be used, flood risk assessment and the applicant has clarified matters raised by the neighbour, the Environment Agency and the Highway Authority. It is considered that the application provides sufficient detail for a decision to be made. The applicant has discussed power supply with Northern Electric Distribution Ltd who has confirmed that the overhead power line across the field can be used and there is sufficient power for the use.

5.7 Whilst the concern about possible spread of disease between herds is not a planning issue, the applicant has confirmed that the herd is a member of the BioBest HiHealth Herdcare Cattle Health Scheme which is run in accordance with the Cattle Health Certification Standards UK rules.

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

## 6.0 SUMMARY

6.1 It is considered that the proposal complies with the policies of the Local Development Framework in that the proposed agricultural building will not have a harmful impact upon the visual amenity of the surrounding countryside or the nearby neighbours.

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

## 7.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered Plan 1 received by Hambleton District Council on 5 March 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 CP16, DP30, CP17 and DP32.

## 2

14/00230/OUT

### **Outline application for an extension to existing business park for B1, B2 and B8 uses at Land Off Mount Pleasant Way Stokesley North Yorkshire TS9 5NZ for Armstrong Richardson**

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

- 1.1 The application site extends to approximately 3.26 hectares of vacant land located on the eastern side of the existing Stokesley Business Park and allocated for employment uses. The new Armstrong Richardson building stands immediately adjacent to the site to the west and to the south west the site also borders buildings and land on the existing Business Park. To the south lies Broughton Bridge Farm Cottage and Broughton Bridge Farm with associated farm buildings, whilst to the east lies Broughton Beck, which runs into Eller Beck located to the north and which runs parallel with the B1257.
- 1.2 A planted bund exists along the southern boundary separating the properties at Broughton Bridge Farm from the application site. This bund and landscaping also run along part of the eastern boundary of the site and follow the line of Broughton Beck and the footpath alongside Eller Beck to the north. The application site is well screened from the B1257 to the north by existing trees and shrubs, although there is a requirement in Policy SE1 of the LDF Allocations Document for the landscaping to be increased to 10 metres around the northern, eastern and southern boundaries.
- 1.3 Outline planning permission is sought for an extension to the existing Stokesley Business Park for 1500sq.m B1, 3,875 sq. m B2 and 9,132 sq. m B8 uses (light and general industry, research and development, offices and storage and distribution). All matters are reserved apart from access, but an indicative layout plan has been submitted with the application to show how the site could be developed. This takes into account flood risk issues, and shows that the red line site area for development would be outside of the functional flood plain. The land between the application site and Eller Beck, to the north, would remain undeveloped, as would a further part of the SE1 allocation to the south of the application site and to the west of Broughton Bridge Farm.
- 1.4 Vehicle access would be obtained by an extension of Mount Pleasant Way into the application site. The indicative layout shows an access road serving 22 individual plots of different sizes for development. There would be a balancing pond adjacent to the eastern boundary within indicative plot 11.
- 1.5 The application site is allocated for employment uses (B1, B2 and B8) within the adopted Allocations Development Plan Document (DPD) as Policy SE1 (East of Stokesley Business Park – 6.7ha), subject to:
- i) Development being of high quality in terms of business uses, design and landscape settings;
  - ii) Access being via the existing industrial estate;
  - iii) A 10m wide mixed plant landscaping strip being provided to screen this site from the B1257, the south and south east;
  - iv) Contributions from the developer towards providing improved footpath and cycle links to Stokesley town centre and to Great Ayton, improvements to public transport infrastructure and, if necessary, upgrading of the potable water network to enable a suitable supply to be made available to the new development; and
  - v) No development, other than essential infrastructure and water compatible uses, should take place within Flood Zone 3b, as defined by Environment Agency Flood Maps.

- 1.6 The application site is smaller than the area allocated in the Allocations Document being only 3.26 hectares in area. This is due to part of the site being within the functional flood plain and the land to the south not being within the applicant's ownership. The applicant has submitted a Design and Access Statement and a Transport Assessment in support of the application.

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

- 2.1 06/01236/FUL – Erection of three buildings to be used for offices, production and workshops on the site was granted permission in December 2006.
- 2.2 08/02840/OUT - Permission was granted on approximately 2ha in August 2013 for an extension to the existing business park. An indicative layout showed the mix of floor space at 6435m<sup>2</sup> for B1 and 600m<sup>2</sup> B2/B8. A section 106 agreement was signed providing a £30,000 contribution towards the Stokesley to Great Ayton cycle/footpath upon occupation of the first building. This permission has not been implemented to date.

## **3.0 RELEVANT PLANNING POLICIES**

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

- 3.1 The National Planning Policy Framework (NPPF) was published in March 2012 and replaced all the previous national planning policy guidance notes and statements. The framework sets out the Government's planning policies for England and how these are expected to be applied.
- 3.2 The NPPF places emphasis on supporting a strong, competitive economy as part of its commitment to sustainable development and therefore provides broad support for development such as this.
- 3.3 The relevant policies of the Development Plan and any supplementary planning policy advice are as follows:

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

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP10 - The scale and distribution of new employment development  
Core Strategy Policy CP10A - The scale of new employment development by sub-area  
Core Strategy Policy CP11 - Distribution of new employment development  
Core Strategy Policy CP12 - Priorities for employment development  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP18 – Minimum impact on natural environment and potential for renewable resources maximised  
Core Strategy Policy CP20 - Design and the reduction of crime  
Core Strategy Policy CP21 – Safe response to nature and other forces

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

Development Policies DP1 - Protecting amenity  
Development Policies DP2 - Securing developer contributions  
Development Policies DP3 – Site accessibility  
Development Policies DP4 – Access for all  
Development Policies DP8 – Development Limits  
Development Policies DP16 – Measures to assist the economy and employment  
Development Policies DP30 – Protecting the character and appearance of the countryside  
Development Policies DP31 – Protecting natural resources  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP34 - Sustainable energy  
Development Policies DP43 - Flooding and floodplains



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

SE1 (East of Stokesley Business Park – 6.7ha)

### **Other Relevant Documents**

Council Plan  
Hambleton Biodiversity Action Plan  
Sustainable Development SPD

## **4.0 CONSULTATIONS**

### **Great & Little Broughton Parish Council**

- 4.1 Support the scheme but would request at least 10 metres of landscaping to be included in the plans to mitigate impact to the road.

### **NYCC Highways**

- 4.2 This application has identified that the junction of Ellerbeck Road and B1257 will not operate efficiently from the opening year of the development. It is noted that this application is likely to generate less traffic than the application permitted in August 2013. However the demand on the junction and the delay due to the existing capacity of the junction cannot be over looked. The most appropriate option is to reduce as much as possible the effects of traffic both from the development and the rest of the site.
- 4.3 The developer will need to investigate mitigation measures to reduce the impact of the site on the highway. These are likely to be footway improvements previously identified in connection with the last application as well as public transport schemes. The bus service will also need to be financed by the developer. The developer will need to promote its use and encourage sustainable modes of travel by establishing a travel plan. Recommend approval subject to conditions to reflect these concerns.

### **HDC Economic Development Officer**

- 4.4 It is good to see the mix of B1, B2 and B8 - the original application was predominantly for B1 accommodation of which there is still a surplus on the estate. The additional B2 and B8 should encourage business growth in the area. It is important that as the reserved matters are detailed, sites have sufficient parking provision in relation to their use and staff numbers. It is assumed that the site will be developed in line with growth in the economy to minimise the number of empty buildings on the estate.

### **HDC Environmental Health Officer**

- 4.5 Has some concerns about the potential for noise and odour impact on nearby residential property and therefore recommends the imposition of Grampian conditions to require:
- a) scheme to be submitted to specify provisions to be made for the control of noise emanating from the site
  - b) Scheme to be submitted to specify the provisions to be made for the control of odour emanating from the site.

### **HDC Sustainability Officer**

- 4.6 To be reported.

### **Environment Agency**

- 4.6 This development is mainly within flood zone 1. Those areas of the site at higher risk of flooding,

in Flood Zones 2 and 3, are to be left undeveloped apart from an area of access road which cannot be provided at a different location.

- 4.6 The proposed development will only meet the requirements of the National Planning Policy Framework if the measure(s) as detailed in the Flood Risk Assessment by BDN December 2013 submitted with this application are implemented and secured by way of a planning condition on any planning permission.
- 4.7 **Safe egress** - This site specific flood risk assessment submitted by BDN indicates that a safe point of egress by foot is available from the proposed development to an existing public footpath. In our opinion this must be in place for the life time of the development but as this relates to emergency planning procedures we feel it is for the County Council Emergency Planning Unit to assess if this is suitable and appropriate not us.
- 4.8 **Access** - We must raise our flood risk concerns to the access road and vehicular access. The access road lies within functional floodplain, which therefore will flood on a more regular basis than the site as a whole. This will mean that access and exit from the site may be difficult in lower flow events. In high flows, the emergency procedures should be acted upon at the earliest possible opportunity to ensure safe exit from the site prior to the onset of flooding. The hazard of this water on the road is Danger for All and up to 1 metre of flood water could be present. The FRA by BDN does not elaborate any more on how this is managed except for securing pedestrian access.

It will be up to the County Council Emergency Planning Unit, as the competent local authority on emergency planning to decide if this development is safe and appropriate in its current design.

- 4.9 **Flood warning** - It may also be prudent for the developer to install their own flood warning system rather than rely solely on warnings from the Environment Agency.
- 4.10 **Rivers consent** - Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 5 metres of the top of the bank of the main river (Eller Beck). Under the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any proposed works or structures within 5 metres and/or likely to affect the integrity of the flood defences.

#### **NYCC Emergency Planning Unit**

- 4.11 To be reported.

#### **Northumbrian Water**

- 4.11 The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for NWL to be able to assess our capacity to treat the flows from the development. We would therefore request a condition preventing development until a scheme for the management of foul and surface water drainage has been submitted and agreed.

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

- 4.12 Recommends that the development achieve Secured by Design and that adequate security be put in place during the construction period.

#### **Ramblers Association**

- 4.13 No objections. There are two Public Rights of Way immediately external to the site, one of which, Ellerbeck – Broughton, was diverted onto its present line at the time of the last estate extension. We would object to further diversion of the Public Right of Way. There was a successful programme of tree planting on that extension with good screening of the Public Rights of Way and giving good wild life corridors. We ask that this is included in this project.

## **NYCC Public Rights of Way**

- 4.14 Provided information on adjacent Public Rights of Way and request that an informative be added to the decision notice requiring that no works be undertaken, which would create an obstruction to the Public Rights of Way.

## **Publicity**

- 4.26 A site notice has been posted and neighbours were notified in writing. The latest publicity period expired on 14<sup>th</sup> March 2014. No replies have been received.

## **5.0 OBSERVATIONS**

- 5.1 In view of the LDF allocation, the principle of employment development of the site is accepted and supported by the NPPF. The issues to be considered when determining this application are identified in the policies within the Hambleton Local Development Framework, as set out above, and relate in this case to:

- Flood risk;
- Design and layout, including landscaping;
- Transport issues, including developer contributions; and
- Residential amenity.

## **Flood Risk**

- 5.2 Policy DP43 of the adopted Development Policies DPD details the Council's approach to development and flooding. The policy requires a demonstration that the sequential and exceptions tests required by national guidance (NPPF) have been undertaken. Sequential testing was carried out by the Council in making the allocation.
- 5.3 A Flood Risk Assessment (FRA) has been submitted with the application, which indicates that the majority of the site is within Flood Zone 1. Those areas of the site at higher risk of flooding, in Flood Zone 2 and 3, are to be left undeveloped apart from an area of access road which cannot be provided at a different location. The FRA highlights this as a risk and suggests that it be dealt with by way of the provision of a pedestrian link to an existing public footpath to the east of the application site, as this would enable anyone trapped at the site by flood water at the entrance to leave. The Environment Agency has not objected to this proposal but has raised concerns that vehicle access and exit from the site could be difficult in lower flow events. The Agency has also indicated that in high flows, emergency procedures should be acted upon at the earliest opportunity to ensure safe exit from the site prior to the onset of flooding. It is concerned that the FRA does not fully elaborate on how this situation would be managed apart from securing safe pedestrian access. It has therefore requested that the matter be referred to the County Council Emergency Planning Unit, as the competent authority to decide if the development is safe and appropriate in its current design. A response is currently awaited and will be reported at the meeting, (although Members should note that permission was granted in August 2013 for a smaller site area, using the same access, which could be implemented, so the principle of the development has already been established).
- 5.4 The FRA also proposes the following measures which would need to be conditioned –
- Provision of minimum Finished Floor Levels of 70.412m AOD, which includes climate change allowance above the 1in100 year defended flood level;
  - That all prospective business unit owners should sign up to the Environment Agency Flood Warning Service and the FRA also notes that it may be prudent for the developer to install their own flood warning system rather than rely solely on warnings from the Environment Agency. (The FRA with the previous scheme recommended that an Emergency Flood Plan be agreed with the Council and Environment Agency and implemented by a Management Company or similar to ensure safe evacuation is sustainable for the development in a flood emergency. This can be conditioned);

- That surface water on each plot be managed using as many source control methods as possible, e.g. green roofs, permeable pavements, rainwater harvesting etc.;
- That each plot should limit run off from its curtilage to the lowest practicable rate – at least 5 litres per second or lower and that adequate storage capacity either above or below ground needs to be provided to manage run-off from new impermeable areas; and
- That the surface water run-off generated by the development be limited to 9.9litres/s to ensure there is no increase the risk of flooding off-site.

5.5 The FRA for the scheme which was approved in August 2013 also recommended that flood resilience measures be integrated into the design of the new buildings and that dedicated and signposted pathways within the site should be provided to allow safe evacuation in a flood emergency. As the buildings would now all be located in Flood zone 1, outside of the flood plain area, a requirement for flood resilience measures has not been requested by the Environment Agency. The requirement for dedicated and sign posted pathways would be covered by suggested condition 7 which requires an Emergency Flood Plan to be submitted and agreed by the Local Planning Authority, in association with the County Emergency Planning Unit and the Environment Agency.

### **Design & Layout**

- 5.5 Whilst external appearance and layout remain reserved matters, the proposed units would be required to respond to the positive elements of urban design found on the more attractive sites within the Business Park.
- 5.6 The proposed development would have a strong physical relationship with neighbouring employment uses, which is to be expected for an expansion of the Business Park. Whilst the proposals maximise the available land, the development would be set within an established landscape framework which can be added to and improved. The development would be expected to achieve a good standard of design, creating a high quality business environment.
- 5.7 The location of any new buildings is unlikely to adversely affect the adjacent businesses located on the existing Business Park to the west. Care will need to be taken with the siting of new buildings in relation to the residential properties to the south, but these issues can be considered at reserved matters stage. There is sufficient space within the indicative plots for new buildings to be sited without causing undue loss of amenity, subject to a height restriction of no more than 2 storeys on plots 12-16.
- 5.8 As part of the allocation at SE1 (the application site and adjoining land to the south) a 10m wide mixed species landscaping strip is required to the east, south east and southern boundaries of the allocation site. Where a landscaping strip exists this should be made up to 10m. Whilst the agent for the application suggest that the full 10 metres may not be necessary in all areas, it is not possible to reach that conclusion in the context of an outline application. Pending further consideration of this at the reserved matters stage, and in line with policy SE1, a suitable landscaping condition should be imposed to safeguard this.

### **Transport Issues and Developer Contributions**

- 5.9 The applicant has submitted a Transport Assessment with the application which concludes that the B1257/Ellerbeck Way junction would operate considerably better in both weekday peak hours in 2019 with the traffic generated by the proposed extended site than with the traffic generated by the existing planning permission. The Highway Authority has no objections to the proposed development subject to the imposition of a number of conditions. One of the conditions requires the provision of a footway and crossing point to enable pedestrians to cross onto the existing footway on the northern verge of the B1257 County Road and the developer will be expected to provide improvements to the passenger transport network serving the site.
- 5.10 Both pedestrian and vehicular access would be taken from Mount Pleasant Way as shown on the indicative layout. The suitability of the proposed access has already been considered and deemed acceptable with the previously approved scheme.

- 5.11 The amount of car parking to be provided on site would be determined at Reserved Matters stage.
- 5.12 Criterion iv of Policy SE1 requires contributions from the developer towards providing improved footpath and cycle links to Stokesley town centre and to Great Ayton. The Applicant has previously agreed to make a contribution of £30,000 towards the footpath and cycleway which is currently being devised by Sustrans and the Stokesley and Villages Regeneration Group, when the previous permission for an extension to the Business Park was granted in August 2013. A Deed of Variation is in the process of being prepared which would link the section 106 agreement to the current application.

### **Residential Amenity**

- 5.13 There are two residential properties to the south of the site at Broughton Bridge Farm that could potentially be affected by noise and odour emanating from the application site. In order to protect their amenity, Environmental Health have requested that conditions be imposed requiring a scheme to be submitted to and agreed in writing with the Planning Authority detailing how these matters will be dealt with prior to commencement of work.

## **6.0 SUMMARY**

- 6.1 Subject to the signing of a Deed of Variation to link the the previously signed section 106 agreement to this application and therefore to secure the developer contributions detailed within this report, the proposed extension to Stokesley Business Park is considered to be acceptable in principle. The proposal accords with the aims and policies of the Hambleton Local Development Framework and is supported by 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 the satisfactory prior completion of a Deed of Variation to the planning obligation under S106 of the Town and Country Planning Act 1990 (as amended), which was completed in respect of application 08/02840/OUT to secure a suitable contribution towards improved footpath and cycle links to Stokesley and Great Ayton planning permission is **GRANTED** subject to the following conditions:

### **1. Reserved Matters - Time**

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

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

### **2. Reserved Matters - Details**

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

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

### 3. **Approved Plans**

The permission hereby granted shall not be undertaken other than in complete accordance with the drawing numbered 1323/001B received by Hambleton District Council on 3<sup>rd</sup> February 2014 unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Development Framework Policies CP17, DP32 and SE1.

### 4. **Foul & Surface Water Drainage - Details**

The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.

**Reason:** In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21

### 5. **Foul & Surface Water Drainage - Implementation**

The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 5 above.

**Reason:** In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21

### 6. **Flood Risk - Environment Agency**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) carried out by BDN December 2013 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the development to 9.9l/s for the 1in1year green field rate to ensure there is no increase the risk of flooding off-site.
2. Finished floor levels are set no lower than 70.412m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

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

**Informative:** Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 5 metres of the top of the bank of the main river (Eller Beck). Under the Water Resources Act 1991, the prior written consent of the Environment Agency is required for any proposed works or structures within 5 metres and/or likely to affect the integrity of the flood defences.

### 7. **Emergency Flood Strategy**

Prior to commencement of work on site, an Emergency Flood Plan shall be agreed with the Council, the County Council Emergency Planning Unit and the Environment Agency. The plan shall be implemented by a Management Company or similar to ensure safe evacuation is sustainable for the development in a flood emergency.

**Reason:** To ensure that an appropriate strategy is in place to enable people to leave the site safely at times of high flood risk.

## **7. Detailed Plans of Road and Footway Layout**

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

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

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

**Reason:** To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

**8. Construction of Roads and Footways**

No part of the development to which this permission relates shall be brought into use until the carriageway and any footway/footpath from which it gains access shall be constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before any part of the development is brought into use.

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

**9. Discharge of Surface Water**

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

**Reason:** In the interests of highway safety.

**10. Private Access/Verge Crossings: Construction Requirements**

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

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

**11. Permanent Site Construction Access**

There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access extending 15 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and/or the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

**Reason:** In the interests of highway safety.

**12. Visibility Splays**

Prior to the commencement of the development hereby permitted visibility splays providing clear visibility of 45 metres by 2.4 metres measured down the centre line of the access road and the nearside channel line of the major road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

**Reason:** In the interests of highway safety.



**13. Pedestrian Visibility Splays**

There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

**Reason:** In the interests of highway safety.

**14. Approval of Details for Works in the Highway**

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

- (i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority;
- (ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations; and
- (iii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

- a. Provision of tactile paving;
- b. Provide for a footway and crossing point to enable pedestrians to cross onto the existing footway on the northern verge of the B1257 County Road; and
- c. Proposals for improvements to passenger transport network serving the industrial estate.

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

**15. Completion of Works in the Highway**

Unless otherwise approved in writing by the Local Planning Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details to be submitted and approved in writing by the Local Planning Authority: 1) Provide for a footway and crossing point to enable pedestrians to cross onto the existing footway on the northern verge of the B1257 County Road and 2) provide for improvements to the passenger transport network serving the industrial estate.

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

**16. Details of Access, Turning and Parking**

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (i) Tactile paving;
- (ii) Vehicular, cycle, and pedestrian accesses;
- (iii) Vehicular and cycle parking;
- (iv) Vehicular turning arrangements;
- (v) Manoeuvring arrangements; and
- (vi) Loading and unloading arrangements.

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

**17. Provision of Approved Access, Turning and Parking Areas**

No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition 25 are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

**18. Precautions to Prevent Mud on the Highway**

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

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

**19. Glare from Site Lighting**

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

**Reason:** In the interests of highway safety and visual amenity.

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

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

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

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

**21. Travel Plans**

Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include:

- (i) The appointment of a travel co-ordinator;
- (ii) A partnership approach to influence travel behaviour;

- (iii) Measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site;
- (iv) Provision of up-to-date details of public transport services;
- (v) Continual appraisal of travel patterns and measures provided through the travel plan;
- (vi) Improved safety for vulnerable road users;
- (vii) A reduction in all vehicle trips and mileage;
- (viii) A programme for the implementation of such measures and any proposed physical works; and
- (ix) Procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

**Reason:** To establish measures to encourage more sustainable non-car modes of transport.

## **22. Use of Existing Access**

There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Ellerbeck Way. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.

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

## **23. Landscaping**

No development shall commence on site until a landscaping strategy for the site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the provision of a landscaped strip to the north, south and south eastern boundaries, except where planting already exists, the depth of the existing planting shall be increased to 10 metres. The scheme shall indicate the type, height, species and location of all new trees and shrubs. The approved scheme shall be implemented prior to first occupation of any new business units granted by this permission. Any trees or plants which, within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

**Reason:** In order to satisfactorily screen the new development and to accord with Policy SE1 of the adopted Local Development Framework Allocations Document.

**Informative:** Policy SE1 of the adopted Local Development Framework Allocations Document requires the provision of a 10 metre wide mixed plant landscaping strip to be provided to screen the site from the B1275, the south and south east. It is expected that the landscaping strategy will include provision for a mix of deciduous and evergreen planting to ensure the site is well screened from the surrounding countryside all year round. Where the landscaping exists to the boundary with the B1275, this should be increased to provide a 10m wide strip overall.

## **24. Crime Prevention**

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

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

## **25. Sustainable Construction**

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

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

## 26. **Alternative Permission**

This permission is an alternative to planning permission number 08/02840/OUT dated August 2013 and the implementation of one permission shall preclude the implementation of the other.

**Reason:** The Local Planning Authority considers that the implementation of both permissions would give rise to increased flood risk for prospective occupiers and not be in the interests of a good standard of design as required by Policies CP17 and DP32 of the adopted Local Development Framework.

## 27. **Noise**

Before the development hereby permitted commences a scheme shall be agreed with the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from this site. This may include the requirement to submit a noise assessment to determine the existing background noise levels, subsequent noise impact from proposed activities (as measured as a rating level) at the nearest noise sensitive premises and associated mitigation measures to reduce levels to an agreed level. The agreed level will vary between day time and night time hours.

The rating level of the noise (A)(B)(C) emitted from the site shall not exceed the existing background level (D)(E)(F) by more than 5dB. The noise levels shall be determined at the nearest noise sensitive premises.

- (A) The rating level measured as an LAeq 1hr 07:00 – 19:00
- (B) The rating level measured as an LAeq 5 min 19:00 – 23:00
- (C) The rating level measured as an LAeq 5 min 23:00 – 07:00
- (D) Background noise level expressed as L90, 1 hour 07:00 – 18:00
- (E) Background noise level expressed as L90, 1 hour 19:00 – 23:00
- (F) Background noise level expressed as L90, 5 min 23:00 – 07:00

**Reason:** In the interests of residential amenity and to ensure that the development complies with the requirements of Policy DP1 of the Hambleton Local Development Framework.

## 28. **Odour Control**

Before the development hereby permitted commences a scheme shall be agreed with the Local Planning Authority which specifies the provisions to be made for the control of odour emanating from the site. This may include the requirement to submit a scheme for approval by the Local Planning Authority for a suitable extract ventilation system to be installed to control odour. The scheme shall include full technical specification by a suitably qualified person, specifying the position of ventilation, fume or flue outlet points, type of filtration treatment and any noise attenuation structures to be incorporated. The approved scheme shall be operated throughout the life of the development.

**Reason:** In the interests of residential amenity and to ensure that the development complies with the requirements of Policy DP1 of the Hambleton Local Development Framework.

## **Informative – Adjacent Public Rights of Way**

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route

Parish: Hutton Rudby

Ward: Rudby

Committee Date: 3 April 2014

Officer dealing: Mrs B Robinson

**3**

Target Date: 6 March 2014

**14/00009/FUL**

**Construction of an agricultural worker's dwelling.  
at Embleton Farm, Garbutts Lane, Hutton Rudby, North Yorkshire  
for Mr & Mrs W S Cunningham & Mr & Mrs D Bell**

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

1.1 The site lies just beyond the outskirts of Hutton Rudby, and is accessed by a track approximately 200 metres long from Garbutts Lane. The site includes a farming enterprise with a modern two storey house, and ranges of modern farm buildings to the rear (north) of the house. A high pressure pipeline runs approximately 20 metres south of the site, and crosses the proposed access.

1.2 The main farming enterprise is stated to be free range egg production with 6,700 laying hens. There is also a sheep breeding flock with 150 ewes and a suckler herd of 12 Longhorn cows. The applicants also have an equine livery enterprise, with 8 horses, at the site.

1.3 The proposal is a new dwelling, in the form of a two-storey 4 bedroom house, located approximately 40 metres west of the existing, with a small paddock area between.

1.4 The application is accompanied by an agricultural appraisal setting out the agricultural need for there to be a dwelling on the land, to supervise the livestock and in particular to be on hand to deal with emergencies relating to the hens. Attached (confidential) accounts indicate the agricultural business is profitable, and that it is expected that, after a recent dip, profits will rise again as egg prices have increased and cost of feed decreased.

1.5 The application is submitted jointly by Mr Bell, who owns the land, and Mr Cunningham, his son-in-law, who owns the business and manages the enterprise. Mr Bell lives off-site, in a house within Hutton Rudby. Mr Bell intends to move back to the existing house, so the new dwelling is intended to accommodate Mr and Mrs Cunningham.

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

2.1 2/82/073/0207B Construction of an agricultural workers dwelling. Granted 25.2.1982

2.2 2/92/073/0207D Removal of agricultural occupancy condition. Refused 11.12.1992

2.3 2/94/073/0207E Construction of a building for general purpose use and the stabling of horses  
Granted 20.05.1994

2.4 2/99/073/0207F Variation of a condition 02 on planning reference 2/73/207B to permit the occupation of an agricultural workers dwelling by a person, or persons including dependants solely, or mainly working in agriculture. Granted 17.01.2000. As varied, the wording of the new restricted-occupancy condition included persons working mainly in the keeping and/or training of horses, as well as a worker in agriculture. It included persons last working in these occupations, and a widow or widower of such a person.

2.5 There is no planning history for the livery business, which is not agricultural. The applicants' supporting statement indicates it has recently been established, although the planning history shows that there has previously been a history of keeping and/or training horses on the site.

### **3.0 RELEVANT PLANNING POLICIES**

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

Core Strategy Policy CP1 - Sustainable development  
Development Policies DP1 - Protecting amenity  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
Core Strategy Policy CP19 - Recreational facilities and amenity open space  
Development Policies DP37 - Open space, sport and recreation

#### **4.0 CONSULTATIONS**

4.1 Hutton Rudby Parish Council - Query whether the original house has an agricultural occupancy condition and if it does, query whether there is a need for another dwelling.

4.2 Neighbours and site notice - last expiry 04.02.2014. No observations received.

4.3 NYCC highways - Condition requested.

4.4 Northumbrian Water - No comments.

4.5 Sabic (pipeline) – the site falls within 20 metres of the Trans-Pennine Ethylene Pipeline and is within the inner zone of the Major Accident Hazard Pipeline. Consultation with Sabic is required for any works within 50 metres.

5.6 Health & Safety Executive - Does not advise, on safety grounds, against the grant of planning permission in this case.

#### **5.0 OBSERVATIONS**

5.1 The site is outside of any sustainable settlement and under Policies CP1, CP2 and CP4 of the Local Development Framework and therefore there is a strong presumption against a further dwelling in this location. However, development with an essential need to locate in the countryside, which includes agriculture, may be considered as an exception under the provisions of Policy CP4, criterion i.

5.2 The NPPF notes (paragraph 55) that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances including where there is an essential need for a rural worker to live permanently at or near the place of work in the countryside. The Councils policy is therefore considered to be fully in accordance with the guidance of the NPPF.

5.3 The applicants have submitted a report by Ian Pick & Associates demonstrating a need for an agricultural workers dwelling on the site in relation to the current free range egg production operation. There is an existing dwelling on site, and the key issue for consideration is whether it has been satisfactorily demonstrated that a second dwelling is essential, as required by National and Hambleton District Council policies in relation to new dwellings in the countryside.

5.4 Other issues to be considered will be design (CP17 & DP32), landscape impact (CP16 & DP30), flooding and other serious hazards (CP21 & DP42), provision of public open space (CP19 & DP37) and highway safety.

##### The need for a second dwelling

5.5 None of the information submitted in support of the application indicates that two dwellings are needed to run the existing enterprise.

5.6 The report by Ian Pick & Associates wrongly states that Mr and Mrs Bell occupy the farmhouse whereas they live elsewhere in Hutton Rudby. However, there is no dispute that the egg production business requires a dwelling and that is currently the farmhouse, occupied by Mr and Mrs Cunningham, who run the business.

5.7 The report appears to conclude that the proposed second dwelling is required on the basis of a misconception that Mr and Mrs Cunningham, who work the land, do not live there because Mr and Mrs Bell, who are retired, live there instead. That is what Mr and Mrs Bell would do if permission were granted, in which event the second dwelling would be built for occupation by Mr and Mrs Cunningham.

5.8 The proposal for a second dwelling arises from the wish of Mr and Mrs Bell to move back into the farmhouse they left on retirement. The farmhouse presently fulfils the need for a dwelling in relation to the agricultural enterprise, and is the purpose for which it was approved in this location.

5.9 In common with standard practice where agricultural workers' dwellings are permitted, the permission for the farmhouse limits occupation to:

"A person(s) solely, or mainly working, or last working in agriculture and/or person(s) mainly working in the keeping and/or training horses or a widow, or widower, of such a person and to any resident dependants"

The reference to a person last working in agriculture is so that a retiring person does not have to leave their home against their will. It is acknowledged that Mr and Mrs Bell own the farmhouse and it is arguable that they would comply with the occupancy condition because of their status as retired agricultural workers. However, that is not considered to be the intention of the condition, which does not provide a policy exception for retired agricultural workers to move into the countryside but allows them to remain if they were already there.

5.10 It is recognised that Mr and Mrs Bell could have decided to stay put when they retired, but that was not the case. They chose to move elsewhere and whilst they own the land and may have a strong personal attachment to it, in planning terms they do not need to live there and national and local practice on agricultural workers' dwellings has never been intended to facilitate new accommodation for such workers once retired. Therefore the expectation of Mr and Mrs Bell that they might choose to occupy the farmhouse does not provide the necessary justification for a new dwelling as essential for agricultural purposes, which is the required test of CP4i, and therefore it cannot be considered as an exception to the principles of CP1 and CP2.

#### Other planning issues

5.11 With regard to design and landscape impact, the proposed house is of broadly traditional design, utilises brick materials, and if otherwise acceptable in planning terms, and subject to appropriate conditions, it would be an acceptable feature in the rural surroundings, viewed in the context of the existing house and buildings.

5.12 With regard to hazard, the presence of a hazardous pipeline nearby gives rise to a need for correct processes during construction activity, however the pipeline is not within the proposed house plot and if the house were acceptable in principle, the presence of the pipeline would not preclude approval.

5.13 The applicants have entered into a unilateral undertaking to pay the sum of £4,410.00 towards the provision of public open space, in accordance with the provisions of the Open Space Sport and Recreation Supplementary Planning Document.

5.14 The Highway Authority has not indicated that the proposal gives rise to highway safety concerns.

## **6.0 SUMMARY**

6.1 The proposal is an isolated house in the countryside and does not provide any justification, on agricultural grounds, for an exception to be made to the principles of CP1 and CP2 and is therefore not in accordance with the relevant adopted policies of the Local Development Framework and the NPPF.



## 7.0 RECOMMENDATION

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

1. The application fails to demonstrate that the proposed dwelling is essential for agricultural purposes, contrary to the NPPF and Local Development Framework Policies CP1, CP2 and CP4.

**4**

Officer dealing : Mr J E Howe

Target Date: 26 March 2014

**14/00134/FUL**

**Revised application for a change of use of agricultural land to a caravan site for 15 touring caravans, including four seasonal pitches, construction of an amenity building and improvement works to existing vehicular access.  
at Stonebridge Trout Lake Little Fencote North Yorkshire DL7 0RL  
for Mrs Jane Whiting.**

**1.0 PROPOSAL AND SITE DESCRIPTION**

- 1.1 This is a revised application for the use of land, within the confines of the existing Stonebridge Fishing Lake complex, for 15 touring caravans together with the construction of a shower and toilet block facility and improvements to the site access. Although it is proposed that the caravans will all be of touring van type and construction, it seeks a maximum of seven pitches to be used for short stay 'touring' purposes with the others on a long term basis with the caravans remaining at the site either throughout the year or seasonally (i.e. Easter until 31st October). The site currently has a five van Certificate of Exemption issued by The Caravan Club. The proposed development is additional to the land used as a Certificated site and would if approved result in a total of 20 caravans on the land.
- 1.2 The site is located to the west of the C-class road from Scruton to Great Fencote mid-way between those villages.
- 1.3 The applicant has submitted a supporting statement which indicates that: "Stonebridge Fishing Lakes is an established recreational and tourist attraction located on some 21ha of land situated to the south-west of Fleetham Lane between the rural villages of Scruton and Great Fencote. They note the facility is owned and operated as a successful family business by the Whiting Family.
- 1.4 The fishery part of the business is provided by three main fishing lakes, the Specimen Trout Lake, the Specimen Carp Lake and St Claudes Coarse Fishing Lake which affords a variety of challenges for both the enthusiast and casual angler. This side of the business has continued to expand with the venue becoming ever more popular with both competition and casual anglers.
- 1.5 The tourist side of the business is based on six existing letting holiday chalets and an established 5 pitch Caravan Club site. An amendment to the existing planning permission, which was originally granted for 10 holiday chalets has recently been granted for the relocation of the final four chalets and it is anticipated that construction of these four chalets to complete the development will commence in the near future.
- 1.6 The applicant advise that over the past four years the existing Caravan Club site has been extremely popular both for touring caravans and also anglers wishing to spend more time at the lakes, to the extent that the Whiting family have frequently, and reluctantly, had to turn clients away to avoid contravening their Caravan Club licence. It has therefore been decided that an enlarged touring van facility for both tourists and anglers is now urgently required in order to satisfy the demand and to ensure the long term viability of the Stonebridge Fishing Lakes leisure and tourist business. In applying for planning permission for a maximum of 15 touring/ seasonal caravan pitches, the Whiting family have indicated that they do not foresee a need for more than the 15 pitches. The area applied for will encompass the current 5 van site.
- 1.7 It is also stated that the development would provide improved/continued employment for two full-time and four part-time staff.

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

- 2.1 2/01/083/0155A Layout of land and construction of 10 chalets - Refused 6 November 2001. Allowed at appeal.
- 2.2 2/02/083/0155B Re-profiling of existing pond for use as a fishing lake with associated access track and turning area and construction of a lodge building (as amended). Granted 4 July 2002.
- 2.3 2/04/083/0155C Construction of 10 holiday chalets. Refused due to the scale and bulk of the amended chalets and the adverse impact upon the character and visual amenity of the open countryside.
- 2.4 13/01677/FUL Use of land as a touring caravan site for 25 units: Withdrawn Nov 2013.

## 3.0 **RELEVANT PLANNING POLICIES:**

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP15 - Rural Regeneration

Development Policies DP25 - Rural employment

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

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

National Planning Policy Framework - published 27 March 2012

## 4.0 **CONSULTATIONS**

- 4.1 Kirkby Fleetham with Fencote Parish Council: Wishes to see the application Refused on the grounds indicated by the Highways Authority.
- 4.2 North Yorkshire County Council (Highways Authority): Recommends that the application be refused on the grounds of inadequate site access visibility and the form of the local road network. The notes accompanying the recommendation of refusal advise:

This proposal is for a touring caravan site and caravans can be 2.4 metres in width and the length (with the towing vehicle) can be in the order of 12.5 metres. The road (C40) leading to the site from both directions is narrow (down to 3.6 metres in parts), with a number of blind bends and very limited forward visibility. The verges are minimal in width and large hedges predominate. The road has an existing mixed use including agricultural vehicles. There is limited opportunity to pass and vehicles are likely to have to reverse to find a place suitable for passing. The existing access has limited visibility in a south easterly direction and vehicles towing caravans using the access raises concern for highway safety.

- 4.3 Environmental Health Officer: No objections. A site Licence would be required.
- 4.4 Environment Agency: No objections. A permit may be required from the Agency to increase flows from the foul drainage system in the site.
- 4.5 The application was advertised at the entrance to the site and the three closest neighbours were consulted. Letters of support for the scheme were submitted with the application from the owners/operators of the Coore Arms in Scruton, The Black Horse Inn and the Post Office and Village Stores in Kirkby Fleetham.

## 5.0 **OBSERVATIONS**

- 5.1 The issues to be considered when determining this application are identified in the Policies within the Local Development Framework Core Strategy and Development Policies document as set out above and relate, in this case, to the sustainable nature of the site location outside the

development limits of a sustainable settlement (Policies CP1, CP2 and CP4), the potential benefits to the local economy as a result of increased visitors into the area and additional employment which would result (Policies CP15 and DP25) together with the impact, if any, on local visual amenity and landscape character (Policies CP16 and DP30). The contents of the National Planning Policy Framework (NPPF) paragraph 28 are also relevant in this case. Highway safety issues raised by the Highways Authority also merit consideration.

- 5.2 Policy CP4 states that developments or activities should normally take place within the defined development limits of settlements within the hierarchy set out in that Policy. However, the Policy goes on to say that development within other locations may be supported where an exceptional case can be made and then sets out a list of six exception criteria. Criteria i) comprises where "it is necessary to meet the needs of farming, recreation, forestry, tourism or other enterprises with an essential requirement to locate in a smaller settlement or the countryside and will help to support a sustainable rural economy." It has been noted above that the current proposal is part of an existing well established recreation complex and that the caravan visitors who are attracted to the site are likely to support the other associated activities and would also be likely to support other local services and facilities including shops, restaurants/public houses and tourist attractions. Letters of support from businesses in the two closest villages are referred to in paragraph 4.5 above.
- 5.3 The site employs, in addition to the applicant's family, four part-time and one full-time person and the current proposal would mean another 1/2 full-time and four part-time posts. The applicant has stated that he has, very recently, taken on a full-time grounds man/maintenance worker in any event.
- 5.4 The applicant has carried out regular planting on the site boundaries and within the site over the past few years. The area to be used for the additional vans is set well back from the highway and will have no significant additional visual impact from local viewpoints. The use of part of the site for the year round siting of four units would have no significant adverse visual impact.
- 5.5 Paragraph 28 of the NPPF states that "Planning Policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It goes on to say that support should be given to "sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not being met by existing facilities..." It is considered that the current proposal is fully in accordance with this paragraph.
- 5.6 The observations of the Highways Authority are set out in paragraph 4.2 above. The comments are noted and it is important that the overall activities within the site are understood prior to a decision being made on this basis. The site has a valid permission for 10 letting chalet units (of which six are operational and a further four are to be commenced in the near future). In addition the number of 'casual' users of the fishing lakes is not restricted by conditions and the facility is available to 'day' visitors throughout the season. Furthermore, the site, as already mentioned, has the benefit of a 5-van Certificate of Exemption issued by the Caravan Club for touring units. The submitted plan at present shows this '5 van area' separate from the application site. The site has the potential and indeed does generate a significant amount of traffic. With the exception of the 5 touring caravans on the Certificated Site all movements to the site are expected to be car size vehicles.
- 5.7 The objections raised by the Highways Authority relate to the use on the local road network of car plus caravan units. The concern relates to the limited scope for passing and restricted manoeuvrability of towed vehicles. Members of the Committee will have the opportunity to study this aspect during the site visit.
- 5.8 The applicant has stated that the number of vehicle movements comprising cars plus caravans will be less in practice than the numbers indicate due to the proportion of seasonal caravans and those in winter storage. However, it would not be possible to control by planning condition the number of caravan movements. As a condition cannot be used to achieve control over the

number of caravan movements on the local highway network the appropriate recommendation is that the application should be refused.

## **6.0 RECOMMENDATION:**

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

1. The roads leading to the site are not of a sufficient width or suitable geometry to cater for the type of traffic (towed caravans) which would be generated by this proposal and would lead to a loss of highway safety contrary to the Local Development Framework Policies CP1, CP2 and DP3
2. The existing access, by which vehicles associated with this proposal would leave and re-join the County Highway is unsatisfactory since the required visibility of 2 metres x 90 metres cannot be achieved at the junction with the County Highway in a south easterly direction and therefore, the use by vehicles towing caravans which would result from the proposed development is unacceptable in terms of highway safety and would be contrary to the Local Development Framework Policies CP1, CP2 and DP3.

## 5

Officer dealing: Miss A J Peel  
Target Dates: (a) 8 April 2014; (b) 2 May 2014

### (a) 14/00285/FUL

**Demolition of the Old Police Cells and construction of a building to form a dance studio as amended by plans received by Hambleton District Council on 25 March 2014.**

### (b) 14/00531/LBC

**Listed Building Consent for the demolition of the Old Police Cells and construction of a building to form a dance studio as amended by plans received by Hambleton District Council on 25 March 2014**

**at Rear of 2 Westgate, Thirsk, North Yorkshire YO7 1QS  
for Butterfly School of Dance.**

## 1.0 PROPOSAL AND SITE DESCRIPTION

1.1 The site is located to the rear of the Old Courthouse, Westgate, Thirsk. To the west of the site, along Westgate frontage, is the former Police Station and the application site accommodates the old police cells. The two sites are now in separate ownership. The access to the site is located between the Old Courthouse and the former Police Station. There are several parking spaces within the site, two of which are allocated to the old police cells. The site is located within the Thirsk Conservation Area. The buildings are not listed however the Old Courthouse is and as the proposal includes demolition of a building which are within the historic curtilage of the Old Courthouse, listed building consent is also sought.

1.2 Planning permission was granted in 2007 (ref: 07/00702/FUL) for alterations and extensions to the buildings to form a dance studio. An application to extend the time limit for implementation was submitted and approved in 2010 (ref: 10/00992/FUL), that decision has since lapsed.

1.3 This application seeks consent for the demolition of the old police cells and for the construction of a new building to form a dance studio. The accommodation is provided on two levels and includes studio space, changing facilities, costume store and WC.

## 2.0 RELEVANT PLANNING & ENFORCEMENT HISTORY

2.1 06/00357/FUL - Alterations and extensions to former police station to form office, studio and first floor flat. Construction of a two storey building to be used as a day nursery and dance studio (as amended). Granted 29 June 2006.

2.2 07/00702/FUL - Revised application for alterations and extension to existing cell block and outbuildings to form a dance studio. Granted 30 April 2007.

2.3 10/00992/FUL - Application to replace extant permission in order to extend the time limit for implementation for revised application for alterations and extensions to existing cell block and outbuildings of former Police station to form a dance studio (07/00702/FUL). Granted 14 June 2010.

## 3.0 RELEVANT PLANNING POLICIES

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

National Planning Policy Framework - published 27 March 2012  
Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP4 - Access for all  
Development Policies DP28 - Conservation  
Development Policies DP32 - General design

#### **4.0 CONSULTATIONS**

4.1 Thirsk Town Council - is against this proposal as we consider it will exacerbate the congestion in Westgate. This is already a very difficult area and with the prospect of the extra traffic when Sowerby Gateway becomes occupied, this development is not appropriate to the area, received 18 March 2014.

4.2 Sowerby Parish Council - The Councillors ask that the application be considered by the Planning Committee and that a site visit is undertaken. In light of the written objections from the four neighbouring property owners, highlighting numerous issues about parking, disturbance, traffic congestion and safety issues both on Westgate and around the property, Councillors ask that due regard be taken of their comments about an inappropriate application for an already busy site. The work done by Butterfly School of Dance is appreciated by the Community but it is felt that this proposal is not suitable.

4.3 NYCC Highways - No objections, conditions recommended.

4.4 Yorkshire Water Services - No response.

4.5 North Yorkshire Building Control - No response.

4.6 Environmental Health Officer - No objections but do have concerns that noise from the studio could adversely affect the nearby residential properties especially in the summer if doors and windows are left open to help keep the studio cool. I have discussed this with the agent who has stated that the high construction of the studio will allow use of the studio all year without air conditioning being necessary and having the south east elevation high level windows fixed would prevent noise nuisance. However, I would still be concerned that light through these windows could affect residents in the bedrooms on Sowerby Road. In addition light of the car park should also be arranged so as not to affect the residential properties.

Opening hours in the application are far longer than those in the design and access statement and I believe the hours requested could affect residential properties and would look to limit these further.

To protect the amenity of nearby residential properties I would recommend the following conditions:

1. Noise from the Dance Studio shall not be discernable at the boundary of adjacent residential properties. Doors and windows shall be kept closed where necessary when the Dance Studio is in use.
2. There shall be no glazed area in the south west facing elevation.  
Note: Any requirement for additional glazing could be incorporated in to the North East elevation that faces onto the car park.
3. External lighting shall be arranged so as not to shine directly towards any residential property.
4. Hours of opening shall be restricted to: 9:00hrs to 21:00hrs Monday to Friday  
9:00hrs to 13:00hrs Saturdays, Sundays and Bank Holidays.

4.7 The Council for British Archaeology - No response.

4.8 Neighbours consulted and site notice posted - 5 neighbours objections to the proposal and 7 in support. The following observations were made:

- (a) Improvement to the building.
- (b) Better dance school facilities.
- (c) Safe and easy access to the site.
- (d) Customers walk to the site so parking will not be an issue.
- (e) Exit will be onto a car park rather than busy road so safer.
- (f) Rural arts café would benefit from customers.
- (g) The dance school reduces anti-social behaviour.
- (h) Current building in a poor state of repair.
- (i) Previously approved at this site.
- (j) Good use of an important and historic building within the town.
- (k) Blocking of a window of an outbuilding at 1 Bribery Terrace.
- (l) The new building/boundary wall will be higher than the existing and will be overbearing/effect daylight levels.
- (m) Long opening hours, impact from noise and disturbance from people and vehicles.
- (n) Noise and disturbance from the use proposed.
- (o) Highway safety, limited parking, narrow passageway to parking area, congestion, pedestrian safety, use of drop off zones as parking areas, no facilities for additional parking, disabled parking
- (p) Other sites would be suitable.
- (q) Impact on Conservation Area.
- (r) Light pollution from external lighting.
- (s) Drainage and ventilation from the building.
- (t) Clarification on opening hours.
- (u) Owners of the Police Cells must maintain the boundary wall.
- (v) Drop off zones would block the fire exits and rights of way at the Rural Arts Centre.
- (w) Insufficient fire exits in the proposed building.
- (x) Increased use of the site when the Sowerby housing development is complete.
- (y) Impact on value of neighbouring properties.
- (z) The site is not located within the Town Centre Boundaries as noted within the previous application.

## 5.0 OBSERVATIONS

5.1 The main issue for consideration in determining application 14/00285/FUL relate to (i) the principle of the proposed dance studio use in this location; (ii) the impact of the demolition of the police cells and the proposed building on the setting of the adjacent listed building and the character and appearance of the Conservation Area; (iii) neighbour amenities; and (iv) highway safety.

5.2 For application 14/00531/LBC, the relevant issues are limited to the impact of the proposed works on the setting of the Listed Building (the Rural Arts Centre) and any harmful impact of the loss of the listed boundary treatment.

### Principle of Location

5.2 Paragraph 26 of the National Planning Policy Framework (NPPF) supports the growth and expansion of all types of business appropriate to town centre areas, subject to a sequential test that favours town centre locations over edge of centre locations and edge of centre locations over out of centre locations. The site is located just outside the town centre boundary as detailed in the Allocation DPD but accessed from within the town centre. It is however inside the Development Limits of Thirsk and is therefore potentially a suitable location for new development such as this. Policy DP5 of the Local Development Framework (LDF) supports the provision and enhancement of community facilities such as sports and recreation facilities where these constitute important contributions to the quality of local community life.

5.3 The Applicant has not provided evidence of a search for premises within the town centre, in line with the sequential approach set out in the NPPF, although a number of properties have been considered in the past, including units on Thirsk Industrial Park, and shops and houses within Thirsk and the immediate hinterland. The School of Dance is currently located on Castlegate, within the town centre, but the Design and Access Statement explains that these premises are not ideal and the



business is looking to improve the quality and comfort for its users, including greater accessibility (the current floor space is on the first floor with a stepped approach). However, it is relevant to consider the previous approvals for a dance studio at this site in 2007 and 2010, which were made within a similar policy framework, including former Planning Policy Statement 4 “Planning for Sustainable Economic Growth” which included a similar sequential approach to the NPPF. Taking all of these factors into account, it is considered that the principle of forming a dance studio facility in this location is supported by current local and national policies.

#### Impact on the Listed Building and the Conservation Area

5.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. Section 72 of the same Act makes a similar requirement that the Council pays “special attention ... to the desirability of preserving or enhancing the character or appearance” of the Conservation Area.

5.5 Paragraph 29 of the NPPF requires that Local planning authorities identify the significance of a heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. Consideration should be given to the impact of a proposal on the heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Policy DP28 of the LDF seeks to protect and enhance Conservation Areas. The buildings are located to the rear of the Rural Arts Centre and are not prominent within the surroundings. The buildings are not listed, although they may be considered to stand within the historic curtilage of the Court House, now occupied by the Rural Arts Centre, which is listed. However, the buildings are not considered to be significantly important to be retained in their current form and therefore demolition is considered acceptable. The scale and design of the proposed building is considered to be appropriate to the site and surroundings and would not cause harm to the character or appearance of the Conservation Area or the setting of the Listed Building. The proposal is therefore in accordance with the NPPF and DP28 of the LDF.

#### Neighbour Amenity

5.6 Paragraph 109 of the NPPF states that the planning system should prevent 14/00630/FUL new and existing development from contributing to noise pollution and Policy DP1 of the LDF seeks to protect amenity having regard to privacy, noise and disturbance. Site visits have been carried out to the neighbouring properties most likely to be affected by the proposal, namely the Rural Arts Centre, the Old Police House, 17 Sowerby Road and 1 Bribery Terrace, and the likely impact on these properties assessed. The existing building is a single storey structure with a height of approximately 5 metres. The new building would have a single storey flat roof section at its south east end 14/00630/FUL, a two storey section with a hipped roof at the north west end and two storey section with a pitched roof at the north east end. The building at the highest point would be approximately 8.3 metres, 3.3 metres higher than the existing building. However, it is noted that the highest part of the building would not be directly adjacent to the boundaries of the site and it is considered that it would be a sufficient distance from habitable room windows and gardens. The proposal also includes the increase in the height of the boundary wall along the south west and south east boundaries. The overall height of the boundary wall is similar to that of a single storey extension and whilst it may diminish some light from No. 17 Sowerby Road it would not be so significant as to warrant the refusal of the application. The windows in the south east elevation would be obscurely glazed and not capable of opening so overlooking of neighbouring dwellings need not be an issue. The window in the outbuilding belonging to 1 Bribery Terrace is not to a habitable room, hence their amenities would not be significantly affected. It is considered that the building itself would not cause unacceptable harm to the amenities of the nearby neighbours.

5.7 It is understood that when the previous applications were considered in 2007 and 2010 the Old Police Station and the Old Police Cells were under the same ownership, since then the site has been separated, the Old Police Station converted into a dwelling known as the Old Police House which is now occupied. The Old Police Cell building is currently used as storage for the dance school. It is considered that the number of movements to and from the building would be greatly increased from that as a storage building for the dance school and the dwelling most affected by these movements is likely to be the Old Police House, given its proximity to the access. However, all of the dwellings surrounding this

site are in a location close to the town centre and surrounded by residential and commercial development. The busy A61 highway runs along the frontage of the Old Police House and the dwelling is located within close proximity to shops, a hot food take away, the Rural Arts Centre and the Ritz Cinema. It is therefore already in a busy location where there is a reasonably high level of background noise from vehicle and pedestrian movements. Whilst the main services within the Rural Arts Centre are only open during normal office hours there are performances on weekends and evenings which will attract a number of visitors, as does the Ritz Cinema. The location therefore remains busy after normal office hours. Further details of expected class sizes, number of movements and regularity of classes have been requested for consideration. However, given the restrictive size of the building it is felt that the number and sizes of the classes would not be so large and excessive as to cause unacceptable levels of disturbance from movements to and from the building. Furthermore, the travel patterns are likely to be staggered rather than continuous throughout the opening times.

5.8 There are some habitable room windows within the Old Police House which overlook the access drive to the site. There is already a reasonable level of activity outside the Old Police House and the windows are covered with curtains to prevent overlooking into the dwelling. Given that that the Old Police House already experiences a high level of overlooking from the access drive, as this area is not private, it is considered that overlooking increased to an unacceptable degree. The windows within the building that face onto residential properties would be fixed and obscurely glazed and sound insulation can be provided. A scheme for external lighting can be controlled by condition to ensure this does not impact upon the neighbours or cause excessive light pollution. The hours of operation can be controlled by condition and the hours suggested by the Environmental Health Officer are being considered by the applicant. It is considered that the proposal complies with the relevant requirements of the NPPF and Policy DP1 of the LDF.

#### Highway Safety

5.9 Paragraph 32 of the NPPF requires that safe and suitable access to the site can be achieved for all people, this is supported by Policies DP4 and DP3 of the LDF. There are currently two parking spaces for the Police Cells, these would be retained and areas left available for drop off zones. One drop off zone is shown to be close to the fire exit of the Rural Arts Centre but as this would not be available for parking, stopping for short periods of time is unlikely to cause an issue with safety. It is noted that there are no customer parking facilities at the Rural Arts Centre or the Ritz Cinema and it is understood from local knowledge that visitors park either within Thirsk Town Centre or the Tesco's supermarket and walk to the facilities. It is considered that some users of the dance studio would do the same. It is also understood that many of the users of the current dance studio, where there is no parking and drop off facilities, walk rather than drive to the site. NYCC Highways have assessed the proposal and consider that the application would not impact upon highway safety. It is considered that the access at the site is acceptable and any intensified use would not impact upon highway safety. It is considered that the lack of parking at the cinema and the arts centre serves to illustrate that this does not impinge on highway safety and customers make use of other parking facilities within the vicinity. It is considered that the proposal is acceptable in terms of the NPPF and Policies DP3 and DP4 of the LDF.

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

## **6.0 SUMMARY**

6.1 The proposed use is considered to be appropriate in this location and in view of the planning history. The design and materials of the building is acceptable, the proposal would not significantly impact upon residential amenity and there are no highway safety concerns. The proposal therefore satisfactorily complies with the above policies.

6.2 In terms of the listed building application, the proposal would not harm the historic fabric or setting of the listed building and the proposal therefore satisfactorily complies with the relevant national and local policies.

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

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

## **7.0 RECOMMENDATION**

### **(a) 14/00285/FUL**

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. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The dance studio and associated facilities shall not be open to customers outside the hours of 09:00 to 21:00 Mondays to Friday and 09:00 to 13:00 on Saturdays, Sundays and Bank Holidays
4. Prior to the use of the dance studio hereby approved, the premises shall be fitted with sound insulation materials in accordance with a scheme which has been approved by the Local Planning Authority. The sound insulation materials shall thereafter be kept in place at all times.
5. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.
6. The site shall be developed with separate systems of drainage for foul and surface water.
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.
8. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on 3597-03 for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
9. Prior to the development being brought into use 'Keep Clear' road markings shall be provided on Westgate adjacent to the point of access/egress. The road marking shall conform to the Traffic Signs Regulations.
10. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and

be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

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

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

12. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 3597-03 and Location Plan received by Hambleton District Council on 14 February 2014 and drawing numbered 2597-02B received by Hambleton District Council on 25 March 2014 unless otherwise approved in writing by the Local Planning Authority.

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

14. The windows on the south east elevation of the building shall at all times be glazed with obscured glass and shall not be capable of opening.

The reasons for the above conditions are:

- 1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
- 3. To safeguard the amenity of the locality in accordance with LDF Policies CP1 and DP1
- 4. To safeguard the amenity of the locality in accordance with LDF Policies CP1 and DP1
- 5. To ensure that the development can be properly drained to prevent pollution of the water environment
- 6. To ensure that the development can be properly drained to prevent pollution of the water environment
- 7. To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal to prevent pollution of the water environment or flooding
- 8. To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.
- 9. In the interests of highway safety.
- 10. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

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

12. 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, CP17 and DP32.

13. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution.

14. To safeguard the amenities of occupiers of adjoining residential property in accordance with Local Development Framework Core Strategy and Development Policies CP1 and DP1.

**(b) 14/00531/LBC**

7.2 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. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 3597-03 and Location Plan received by Hambleton District Council on 14 February 2014 and drawing numbered 2597-02B received by Hambleton District Council on 25 March 2014 unless otherwise approved in writing by the Local Planning Authority.

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. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order 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 and DP28.

Parish: Stokesley  
Ward: Stokesley

Committee Date: 3 April 2014

Officer dealing: Mrs B Robinson

6

Target Date: 12 August 2013

13/01252/FUL

**Alterations to existing garden centre to form cafe and store, formation of outside sales area and change of use of agricultural land to form part of garden centre as per amended plans received by Hambleton District Council on 6th February 2014.  
at Strikes Garden Centre, Strikes Roundabout, Stokesley, North Yorkshire  
for William Strike Ltd**

## 1.0 SITE DESCRIPTION AND PROPOSAL

1.1 The site is a garden centre of longstanding on the north-east outskirts of Stokesley. It includes a series of linked sheds and canopies of polycarbonate construction, and a number of ancillary buildings. On the south side of the site there is an open area of display including plants and bulky garden-related goods. Inside sales include plant and garden related goods, aquatic sales, general household goods, clothing, and craft materials. There is a cafe with seating for 122 customers together with outdoor cafe seating for 24 customers.

1.2 There is a car parking area on the (east) front of the site, and along the north side of the buildings.

1.3 The site is on the east side of the A172/B1365/Meadowfield traffic island, and the entrance to the site is off the island. On the opposite side of the traffic island there is grassed open space. To the south of the developed site there is a field with hedged boundaries and some mature trees towards the road side end of the northern boundary of the field. The field has a farm-style gate on the roadside boundary. To the south of the field, there is a residential property, behind tall and solid coniferous hedges.

1.4 The proposal is an extension on the south side of the existing building, to accommodate a cafe, and also an extension to the outdoor sales area into the existing field.

1.5 As amended, the cafe building would be 25.5 x 16.6 metres (total 423 sq. m), and is shown as having seating for 192. Outdoor seating would be provided under parasol canopies for a further 40. The design of the building would be a twin ridged structure with grey composite cladding on the east (rear) elevation and timber cladding to the south and west.

1.6 As amended, the outdoor sales area would be 20 (average) x 95 metres (total 1,900 sq. m). Details are submitted of landscape planting including field-species hedgerow and intermittent trees (field maple and sessile oak) along the boundary of the sales area, together with additional shrub planting at the east and west corners, and retained trees on the existing boundary.

1.7 The scheme also provides new timber cladding for the existing buildings on the western frontage, including an existing detached store building

1.8 The application includes an amended car parking layout which includes a clear access for pedestrians to the main building, a pedestrian path from the roadside and a new pedestrian gate into the site. The parking scheme includes new overflow parking spaces in the north east corner of the site (weekends only) and directional markings to channel traffic.

## 2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 These premises have a longstanding use as a garden centre and since 1974 have had successive approvals for additional buildings.
- 2.2 2/01/142/0111G - Construction of extension to existing glass house. Granted 18.04.2001.
- 2.3 2/02/142/0111J - Construction of a glass house for the display and sale of aquatic livestock plants and horticultural equipment. Granted 04.11.2002 (this building was in the same position as that occupied by 2/01/142/0111G and was slightly larger).
- 2.4 02/02280/FUL - Construction of a storage building Granted 03.02.2003 (12.3m x 16.3m x 5m high East end of main building) Granted 03.02.2003.
- 2.5 03/01634/FUL - Construction of a storage building Granted 25.10.2003 (larger version of the above at east end of main building) Granted 25.10.2003.
- 2.6 04/01521/FUL - Retention of portable building used as office in conjunction with existing garden centre. Granted 20.09.2004.
- 2.7 12/00509/FUL Canopy extension to existing sales area at existing garden centre. Granted 15.05.2012.

### **3.0 RELEVANT PLANNING POLICIES**

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

National Planning Policy Framework

Core Strategy Policies adopted 3 April 2007

Core Strategy Policy CP1 – Sustainable Development

Core Strategy Policy CP2 – Access

Core Strategy Policy CP4 – Settlement Hierarchy

Core Strategy Policy CP15 – Rural regeneration

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

Core Strategy Policy CP 17 – Promoting high quality design

Development Policies adopted 26 February 2008

Development Policies DP1 - Protecting amenity

Development Policies DP4 - Access for all

Development Policies DP23 - Major out of centre shopping and leisure proposals

Development Policies DP 24 – Other retail issues

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

Development Policies DP32 – General Design

### **4.0 CONSULTATIONS**

- 4.1 Stokesley Parish Council – (As amended) “Previous comments still stand. Issues previously raised, of abstraction of trade from the High Street are still of concern. Improved vehicular access and pedestrian access are now provided but still no cycle storage. Also improved parking. Key issue remains, change of use and development of an out of town site. Retail statement is out of date – (former) Spar shop now empty and West Green Deli is now an additional coffee shop.”

4.2 NYCC Highways – Further information was requested from the applicant’s agent in relation to the increase in traffic that the proposal would generate and also consideration to the levels of parking that would be attributable to the proposed extension. The Transport Consultants that were appointed to prepare the information modelled the parking accumulation and impact based on background traffic figures on an August Bank Holiday. The Transport Assessment showed that there were no capacity issues with regard to the operation of the roundabout. The parking study identified a period where the car park may be at capacity however this was indicated to be for a short duration and given that the whole study was modelled on one of the garden centres busiest days the application could not be refused on highway grounds. In terms of a highway improvement the Highway Authority would recommend that a condition is attached to any permission granted that will improve the pedestrian access to the site. At present the pedestrian access is via a footway from Meadowfield however there are no dropped kerbs at the splitter island or where the footway from Meadowfield meets the A172. Pedestrians then have to use the vehicular access to gain access to and from the site. This situation should be improved should the application be approved. Conditions recommended.

4.3 Environmental Health Officer – Due to the proximity of residential premises, recommend a condition regarding time limits for construction work.

4.4 Retail Consultant Comments – To be reported. Verbal confirmation received that the development should not adversely affect the town centre.

4.5 Neighbours and site notice -

i. Concerns about the future use of the intervening land between the site and neighbouring property. The land is outside development limits. Precedent for development at Mill Riggs. Expansion and additional staff employment highlights that an increase in traffic can be expected. At weekends and bank holidays the car park is often very busy and no increase in car parking is provided. Similarly during peak activity there is often confusion at the entrance with exiting vehicles blocking the route entering the site from the roundabout.

ii. With regard to the transport statement - Concerns about pedestrian access - only by crossing the A172 and no separate footpath into the site and across the car park. No cycle provision. Bus services do not run on Sunday or Bank Holidays, when demand at the Garden Centre is greatest. Traffic levels discounted for the display (storage) areas should also apply to existing outside display (storage) and should be corrected. Additional traffic flows will exacerbate problems at the roundabout. Use of 'hatched' areas for additional parking as indicated in the traffic report will potentially compromise safety at times of peak activity.

## **5.0 OBSERVATIONS**

### Policy Considerations

5.1 The NPPF includes, in section 2, (Developing sustainable development, paragraphs 23 to 27) requires that Local Planning Authorities ensure the vitality of town centres, and apply sequential testing to proposals for town centre uses that are not in an existing centre and are not in accordance with an up to date local plan, and also a town centre impact assessment for developments above a locally set threshold. The Local Development Framework Policies are in accordance with the National Planning Framework in this case.

5.2 The proposal is outside of the Development Limits of Stokesley and therefore needs to be considered against the requirements of Policy CP4. In addition the proposal is for an extension to a garden centre and policy DP24 allows for specialist retailing, including garden centres, to be permitted outside development limits where they could not reasonably be located in a primary retail area. The applicants have referred to Policy DP 24 in their Design and Access Statement, although this policy is not entirely relevant as it relates to development below a threshold of 500m. sq. m gross. The type of garden centre involved is a retail use and the main issue to be considered here, is the expansion of a shopping development of over 500sq metres in a location outside development limits, under policy DP23.



5.3 The proposal is also a business use and needs to be considered against Policy CP15, which indicates that support will be given to the social and economic needs of rural communities by encouraging, (amongst other things) the retention or expansion of appropriate businesses outside of the Service Centres and Service Villages, subject to compliance with other LDF Policies.. However, in view of the location adjacent to Stokesley it is not expected that the development would address the social and economic needs of rural communities. Design is considered under policies CP17 and DP32, and impact on the rural surroundings and the setting of the town of Stokesley under CP16 and DP30. Residential amenity and highway safety issues also need to be taken into consideration.

#### Development Outside of the Development Limits

5.4 Policy CP4 states that development in locations outside of the settlements in the hierarchy will only be supported where an exceptional case can be made in terms of Policies CP1 and CP2 and where it meets a number of listed criteria. It is considered that the application meets these criteria, in the sense that there is already an established business at the site and the evidence submitted by the applicant that there are no sites elsewhere within the development limits that would be large enough to accommodate the development is considered correct. The proposal does not conflict with nature conservation policies, though it is important to consider what the overall impact would be in retail terms upon Stokesley Town Centre. (This is looked at in the next paragraph). With regard to Policy CP2 and sustainable modes of travel, the site can be accessed by pedestrians and cyclists as well as the private car and there are bus stops within 420m of the site where a number of bus services can be accessed,

#### Retail Issues and Impact on Stokesley Town Centre

5.5 The proposed extension to the building is a total of 423 sq. metres, and the additional outdoor display/sales area would be 1,900 sq. metres. Together they fall to be considered as a shopping proposal of over 500 sq. metres outside the primary retail area, in accordance with the following criteria of Policy DP23 (Major out of town shopping proposals):

##### i. The need for the proposal in qualitative and quantitative terms

5.6 In qualitative terms the applicants have explained their existing cafe area is too small to adequately cater for high customer demands particularly peak demands such as weekend and school holidays, and give an example of a (wet) weekday inspection when 80% of the seats were occupied.

5.7 An ancillary cafe is a commonly accepted (and expected) feature of garden centres of this type, and expected by customers and the principle of an addition for this purpose, to further the commercial aims of the business is acceptable, subject to the other criteria of DP23 and other relevant policies of the LDF.

5.8 In quantitative terms, the size of the new building is just under 19% of the existing indoor sales area, and on this measure can be considered ancillary to the main garden centre use. Figures supplied by the applicants indicate that projected catering sales after the development has taken place, would continue to contribute a similar proportion of the turnover, and support this point.

##### ii. Suitable viable and available sites within or on the edge of the existing primary retail area

5.9 The garden centre is understood to have had its origins in a plant nursery and its location at the edge of the town is part of the history of its development. The applicants have supplied an additional assessment considering sequential shopping issues, which demonstrates that a suitable site capable of supporting the full business is not available in the town centre.

5.10 Taking into account the established nature of the garden centre, there is considerably less flexibility to consider alternative sites than might be experienced by a new business. The space demand is large compared with shop sites within the primary retail area that might become available. As an extension to an existing use, alternatives within the primary retail area are not a viable option.

##### iii. No adverse impact upon the vitality and viability of the town centre

5.11 With regard to the outdoor sales area, the type of goods that can be accommodated in the open air are specialist in nature and are not of the type commonly available in the primary retail area and on this basis they would not compromise the viability of the town centre. The additional support document submitted by the applicants suggests the effect of the development is likely to be felt by other garden centres, rather than the local town centre. The goods to be sold in the outdoor sales area are as follows and can be controlled by condition:

- Plants and trees of all kinds
- Plant supports
- Pots, containers and troughs
- Terracotta ware
- Compost, peat, top soil, mulches
- Stoneware and ornaments
- Fencing, gates and trellises
- Decking and accessories
- Stone, sand, grit and gravel
- Paving
- Garden watering equipment
- Rockery
- Christmas Trees

5.12 This would be consistent with restrictions placed on other extensions to the garden centre.

5.13 With regard to the café, this is large compared with the equivalent facilities in the town centre. As discussed above however, it forms an integral part of the commercial attractiveness of the garden centre, and provided it remains ancillary to the garden centre use and does not facilitate an expansion of retailing involving goods that would be more appropriately sold in the town centre, it would not conflict with policy.

5.14 Alongside analysis of the neighbouring proposal for a supermarket and petrol station the Councils independent consultant, England & Lyle, has reviewed this application and is of the view that it would not affect the vitality and viability of the town centre.

#### iv. Accessible by a choice of transport

5.15 The site is close to the built up area of Stokesley and is within potential walking and cycling distance. Whilst it lies on the far side of a main road, there is a relatively safe crossing point from Meadowfield, where a 'splitter island' opposite the site entrance, would link the proposed pedestrian route into the site. The east side of the A172 does not have a footpath and it is therefore unlikely that pedestrians would approach the site from this direction.

5.16 The proposal is therefore considered to meet the criteria specified by Policy DP23.

#### Expansion of a Business Use Outside of the Service Centre of Stokesley

5.17 In terms of Policy CP15, as noted in the above paragraphs the business is already established at the site and it is accepted that there are no other suitable locations within Stokesley town centre. The policy requires proposals to be consistent with the requirements of Policies CP1 and CP17 and that it is also consistent with other LDF Policies. Policy CP1 states that development that would significantly harm the natural or built environment or that would generate an adverse traffic impact will not be permitted. The proposals involve the expansion of the site into an adjacent agricultural field and consideration of the impact upon the rural setting and highways issues are considered in the paragraphs below. Policy CP17 requires development to achieve a high quality of design and this is considered in the next paragraph.

#### Design

5.18 The design of the extension and alterations features timber cladding which is considered suitable in this location within a rural area at the edge of town, and would improve the appearance of the existing building in the public view from the road. The cladding materials on the east elevation are similar to the

existing buildings on the site and would not be unacceptably prominent or obtrusive. Overall the design is considered appropriate to this location and compliant with Policies CP17 and DP32.

### Rural setting

5.19 The impact on the rural surroundings is limited, due to the close proximity of the proposal to the existing development. The new development in the field is proposed to be screened by natural landscaping and there would not be significant adverse effects on the wider landscape. The proposal is considered to accord with the requirements of Policy CP1.

### Residential Amenity

5.20 With regard to amenity, nearby residents on the east side of the A172, to the south of the application site, are thoroughly screened from the development by existing hedging. The development penetrates nearer to the house concerned but the coffee shop and outdoor display area would not be inherently noisy and would not add unacceptably to the existing background noise level. Although the extended coffee shop would have some outdoor seating this would still be located over 20 metres away from the boundary with the neighbour. Environmental Health Officers have not objected to the proposals other than to require a condition on time limits for construction work. The proposals are therefore considered to comply with Policy DP 1 regarding the protection of amenity.

### Highway issues

5.21 With regard to highway safety, the submitted Transport Statement has been accepted by the Highway Authority and its findings show that the capacity of the (existing) car park is sufficient for all but short periods at the highest peak times (bank holidays). The scheme as amended includes additional overflow parking to be made available at weekends, and therefore overall parking capacity is acceptable. Additional changes to parking provision include widening the paved area of the access to help incoming and outgoing traffic to pass, and providing clear directional marking to improve traffic flow. Overall therefore highway safety is not compromised by the proposals.

5.22 With regard to neighbour observations, the location outside development limits and the traffic implications are dealt with above. The proposal for a new supermarket nearby at Mill Riggs Farm will be dealt with on its merits, and an application there carries its own opportunity to make observations. The potential to increase traffic is dealt with above, and additional parking space for peak times has been provided. The access is widened to improve movement in and out and in this respect the proposal is not expected to impede traffic flow. There is scope to improve the pedestrian access across the road by the use of dropped kerbs, as recommended by the Highway Authority, and this would represent a beneficial improvement to the garden centre as a whole. Additional overflow parking would be provided to assist at times of peak attendance. Due to the nature of the business, use of bicycles by customers is less likely than other shopping development; however an amended plan includes bicycle parking for staff at the rear of the existing buildings.

## **6.0 SUMMARY**

6.1 The proposal is considered appropriate in this location and would not have a harmful effect on the appearance of the surrounding countryside or the amenities of neighbouring occupiers and would be able to comply with Policies CP1 and DP1. Although the development would be outside of the development limits, it comprises an extension to an existing business and there are no other sites available within Stokesley town centre that would accommodate a development of this size, The proposal is therefore considered to meet the criteria listed in CP4 for an exceptional case. The proposal complies with Policies CP15 and DP23 of the adopted LDF Framework and is unlikely to adversely affect the vitality and viability of Stokesley Town Centre due to the nature of the use being an outside sales area for the sale of a range of goods which can be controlled by condition. The design is considered acceptable and in accordance with Policies CP17 and DP32.

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

with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## 7.0 RECOMMENDATION

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered P009 0; P007 0; P006 D; P004 A; P001 C; M11.136.D010 Rev A received by Hambleton District Council on 6 February 2014 and 24 February 2014 unless otherwise approved in writing by the Local Planning Authority.
3. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan ref M11.136.D010 Revision A received by Hambleton District Council on 6 February 2014 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.
4. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the building hereby approved shall not be used other than as a cafe ancillary to the use of the overall site as a garden centre nor shall it be open at any time other than the general opening times of the garden centre.
5. Goods offered for sale or stored in the outdoor sales area hereby approved shall be restricted to those listed on the schedule received by Hambleton District Council 14 February 2014, unless otherwise agreed in writing by the Local Planning Authority.
6. No external lighting shall be brought into use unless full details, including layout plan with beam orientation and schedule of equipment, have been submitted to and approved in writing by the Local Planning Authority.
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

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

- (ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.
- (iii) A programme for the completion of the proposed works has been submitted. The required highway improvements shall include improvements to the pedestrian access to the site to include the construction of dropped kerbs along the route from Meadowfield and the provision of a separate pedestrian access.

8. Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 7.
9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary

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

10. The café shall be implemented strictly in accordance with the submitted details and at no time shall the floor area be increased in size by extending into the existing internal sales area.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP17, DP32.
3. To enable the Local Planning Authority to consider any alternative use under all relevant policies of the Local Plan.
4. To enable the Local Planning Authority to assess the suitability of any other goods to be sold, under all relevant policies of the Local Plan.
5. In the interests of the amenities of the surroundings and neighbouring occupiers, in accordance with Local Development Framework Policies CP1, DP1, CP16 and DP30.
6. In accordance with policy number CP2 and DP4 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
7. In accordance with policy number CP2 and DP4 and in the interests of the safety and convenience of highway users.
8. In accordance with policy number CP2 and DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
9. In accordance with policy number DP4 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
10. To ensure that the café remains ancillary to the use as a garden centre and to ensure that it does not undermine the vitality and viability of Stokesley Town Centre, in accordance with Policy DP24 of the Hambleton Local Development Framework

Parish: Tollerton  
Ward: Tollerton

Committee Date: 3 April 2014

Officer dealing: Mr A Cunningham

7

Target Date: 25 October 2013

13/01505/FUL

**Construction of a dwelling as amended by plans and details received by Hambleton District Council on 11 February 2014 and 20 March 2014.  
at Poppy Meadow, Sykes Lane, Tollerton North, Yorkshire  
for Mr W Rylance**

## **1.0 PROPOSAL AND SITE DESCRIPTION**

1.1 This application seeks planning consent for the construction of a detached dwelling at Poppy Meadow, Sykes Lane, Tollerton. The proposed dwelling would be positioned to the south-east of a barn which has been previously been occupied as a residential unit.

1.2 A Certificate of Lawfulness was issued on 7 November 2013 for the use of the barn as a single dwellinghouse. The applicant is currently residing in a caravan immediately to the south-east of the barn instead. He states that the caravan would be removed on completion of the dwelling and that the barn would no longer be occupied for residential purposes and has confirmed that a planning condition to ensure this would be accepted.

1.3 Amended details have been received altering the appearance of the front (south-eastern) elevation of the dwelling and providing a floor plan of the barn previously occupied as a dwelling. The revised submission also included a supporting statement including an energy assessment.

1.4 The proposed dwelling would provide accommodation for a lounge, utility room, kitchen/dining area, cloak room, lobby, bathroom and two bedrooms. The dwelling would be formed in a 'T' shape with maximum dimensions of 15m x 12m. Materials would comprise facing brickwork and interlocking roof tiles with UPVC windows and doors.

1.5 The site and surrounding area is relatively flat and within Flood Zone 1. A post and rail fence separates Poppy Meadow from Poppy Croft, the dwelling to the immediate north east, and there is tree and shrub vegetation to the side (south-western) elevation of Poppy Croft. A distance of approximately 17m would exist between the side (north-eastern) elevation of Poppy Meadow and the side (south-western) elevation of Poppy Croft.

1.6 The site is accessed by an existing track surfaced with hardcore which passes adjacent the north-eastern boundary of the plot.

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

2.1 12/02615/CLE - Application for certificate of lawfulness to use a barn as a dwellinghouse; Granted 02.05.2013.

2.2 12/00213/CAT3 - Occupation of barn as a dwelling (also new access formed and new static caravan on site); Case closed 2013.

## **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 CP18 - Prudent use of natural resources  
Core Strategy Policy CP19 - Recreational facilities and amenity open space  
Core Strategy Policy CP21 - Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP33 - Landscaping  
Development Policies DP34 - Sustainable energy  
Development Policies DP37 - Open space, sport and recreation  
Development Policies DP43 - Flooding and floodplains  
National Planning Policy Framework - published 27 March 2012

#### **4.0 CONSULTATIONS**

- 4.1 Tollerton Parish Council - wish to see application refused as the findings of the Parish Plan are that residents do not wish to see further development within the Parish.
- 4.2 Yorkshire Water - Based on information submitted, no comments are required from Yorkshire Water (noted from details that foul drainage from dwelling is being connected to an existing septic tank, with surface water to soakaway).
- 4.3 NYCC Highways - Conditions recommended regarding construction of the private access/verge crossings, ditch to be piped (detailed plans), parking for the dwelling, precautions to prevent mud on the highway and on-site parking, on-site storage and construction traffic during development.
- 4.4 Kyle and Upper Ouse Internal Drainage Board - No observations.
- 4.5 Neighbours notified and site notice posted; expired 11.10.2013 - One objection received in summary concerning: new access and track constructed without consent, development is out of village boundary in Green Belt Area, drainage to septic tank, inaccurate drawings and size of dwelling.

#### **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, its design, any impact on neighbour amenity, any impact on the visual amenity of the surrounding area and any highway safety issues that may arise.
- 5.2 It is clear when assessing the principle of the proposed dwelling in terms of the Council's Local Development Framework policies that normally only new dwellings with an essential requirement to be located within the countryside should be permitted. Policy CP4 usually assesses schemes of this nature in terms of their sustainable location, how they meet an exceptional circumstance and how they support a sustainable rural economy. An exceptional circumstance does not exist in this case, and therefore the scheme is not compliant with policy CP4 and should be refused planning permission in normal circumstances.
- 5.3 However, the lawful residential use of the site is a material planning consideration that must be taken into account in determining this application. Occupation of the caravan is ongoing and prior to this the applicant occupied the adjacent barn. There is therefore an existing residential occupation of the site, which provides a fallback for the applicant. The proposed dwelling is larger than the accommodation that was the subject of the Certificate of Lawfulness but it nonetheless still relates to a single residential unit, therefore trip generation and other forms of activity are unlikely to change. Therefore the proposed dwelling would not be less sustainable than the lawful use of the barn.
- 5.4 Turning to the sustainability credentials of the structures themselves it is clear from the energy assessment submitted with the application that the proposed dwelling can be made more energy-efficient than the caravan or the barn. As such the proposed dwelling would have a neutral impact on

sustainability grounds when compared to the lawful residential fallback use, and in terms of its construction.

5.5 The site frontage is relatively exposed but the south-western and north-western boundaries are well screened. The boundary between Poppy Meadow and Poppy Croft is open but the relationship between these properties is interrupted by but tree and shrub vegetation. The scale and overall design of the dwelling are not considered to harm the visual amenity of the locality. It is considered reasonable to ensure that any increase in the size of the property in future is assessed as to its justification and visual impact. Consequently a planning condition removing permitted development rights is recommended.

5.6 The overall design of the dwelling, due to the separation distance of 17m to Poppy Croft and the use of the rooms with facing windows, is not considered to give rise to a detrimental impact on neighbour amenity.

5.7 The Highway Authority has assessed the access arrangements and has not raised an objection. The works are considered not to be prejudicial to highway safety subject to the recommended conditions.

5.8 The comments of the Parish Council are noted. However, the Local Planning Authority must consider the lawful fallback use which exists for the site, which provided justification for a replacement dwelling. The neighbour's comments are also noted. In response to those not already addressed, the access would need to be upgraded if permission is granted, the site is not within the York Green Belt area, and the drawings supplied are considered to accurately represent the extent of the site.

5.9 A financial contribution towards open space, sport and recreation facilities throughout the Hambleton District as normally required under policy DP37 has not been sought in this instance as, subject to recommended condition 12, the scheme would not involve a net increase in dwelling units.

5.10 Having taken the above into account it is considered that due to the circumstances of the site, in particular the certified lawful residential use, the proposed dwelling is acceptable in principle. The proposed dwelling's merits in regard to neighbour and visual amenity and highway safety accord with the policies of the Local Development Framework.

## 6.0 SUMMARY

6.1 The principle of the proposal in this isolated location accords with the ethos of the spatial principles set out in the Core Strategy of the Hambleton Local Development Framework when considered in the context of the lawful dwelling, which would be sacrificed for the new one. The proposed development would also not be detrimental to the residential and visual amenities of the neighbouring properties and the surrounding area, and would not raise any adverse highway safety issues, and would comply with the policies set out in the Hambleton Local Development Framework. The scheme is therefore considered acceptable.

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

## 7.0 RECOMMENDATION

7.1 Planning permission is **GRANTED** subject to 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 WRPM/01/A, WRPM/03/A and WRPM/04/C received by Hambleton District Council on 20 March 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.

4. The development hereby permitted shall be constructed in accordance with the details outlined in the energy assessment received by Hambleton District Council on 11 February 2014 and shall thereafter be retained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

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

(i) The crossing of the highway verge shall be improved by construction in accordance with Standard Detail number E9 ; and

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

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

6. There shall be no access or egress by any vehicles between the highway and the application site until:

(i) full technical details relating to the bridging/culverting of the watercourse adjacent to the site have been submitted to, and approved in writing by, the Local Planning Authority; and

(ii) The surface water ditch has been piped in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

7. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing marked "PROPOSED SITE PLAN WRPM/01/A". Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

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

10. The dwelling hereby approved shall be developed with separate systems for foul sewerage and surface water.

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

12. The existing barn positioned to the south-western boundary of the site shall cease to be used as a dwelling from the date of first occupation of the dwelling hereby approved, from which date there shall not be more than one unit of residential accommodation on the site and the barn shall at all times remain ancillary to the residential occupation of the dwelling hereby permitted.

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, CP17, DP1, 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.

4. In order to comply with the requirements of policy DP9 of the Local Development Framework.

5. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

6. To ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.

7. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

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

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

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

11. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.

12. In the interests of neighbour amenity in accordance with policy DP1 of the Hambleton Local Development Framework.

Attention is drawn to the following Informatives:

1. It is recommended that the applicant consult with the Internal Drainage Board, the Environment Agency and/or other drainage body as defined under the Land Drainage Act 1991. Details of the consultations shall be included in the submission to the Local Planning Authority as part of condition 6. The structure may be subject to the Highway Authority's structural approval procedures.

2. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing

and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in condition 5.